

**TOWN OF CAPE ELIZABETH**

**TOWN COUNCIL MEETING MINUTES**

**MEETING #7-96/97  
SEPTEMBER 9, 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***

***MOMENT OF SILENCE IN MEMORY OF ENGINE ONE ASSOCIATE MEMBER  
ROBERT WALLINGFORD, JR.***

***PRESENTATIONS***

CEHS Boys' Lacrosse Champions  
CEHS Girls' Tennis Champions

***REPORTS AND CORRESPONDENCE***

Councilor Linnell congratulated the Boys' lacrosse Team. The Cape Coalition is soliciting ideas for a building/room to be utilized by Cape Elizabeth youth.

Councilor Reid reminded organizations that applications for the Returnable Container Program are due in the Town Manager's office no later than October 1. The CE Pool Study Committee will be interviewing architects/engineering firms on September 12.

Councilor Coggeshall continues to serve on the South Portland/Portland Bridge Opening Ceremony committee.

Manager McGovern reported that the Transfer Station project continues - the site is currently being paved.

Chairman McLaughlin reported:

- 9/18 Town Council/Planning Board Workshop re: ZORC report
- 9/23 Town Council Workshop re: Library 5 Year Plan, Public Safety Space Needs Report, Paper Street Report
- 10/16(Wednesday) Town Council Meeting (10/14 is a holiday)
- 9/17 Community Services Registration

End of September - arrival of the Manager from Australia - ICMA exchange program

Moved by W. Linnell and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #5-96/97 held August 12, 1996 and Meeting #6-96/97 held August 28, 1996 as written.

(7 yes) (0 no)

***CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA***

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***PUBLIC HEARING ROAD, BIKE , SIDEWALK AND PATH ISSUES***

7:45 p.m.

Chairman McLaughlin opened the hearing to public comments.

Gary Beckwith, 10 Oakwood Road, P2 Committee Member-  
Mr. Beckwith encouraged the Town Council to accept the federal grant for the Shore Road project. For bicyclists, a 2 foot paved way is inadequate.

David Wing, 80 Oakhurst Road - Mr. Wing told the Town Council that experienced bicyclists don't need a bikeway, however children, beginners and intermediate bikers do. Take advantage of the funds for Shore Road. Two Lights Road has a shoulder.

Michael Roy, 51 Hillcrest Road - Dr. Roy favors Two Lights Road project. He also favors an incremental approach to Shore Road. Suggestion - lower Shore Road speed limit.

Kit Liller, 17 Littlejohn Road - Mrs. Liller suggests that Shore Road is a "gift." "Can't envision taking four feet" - would not have "the same charm." There are other places to bike.

Mary Ann Lynch, 1115 Shore Road - Shore Road is not safe for biker or pedestrians. Favors Option B.

Ann Chapman, 77 Hillcrest Road - It is a "matter of time until someone gets killed on Shore Road." Mrs. Chapman said "we have an opportunity for funds for a project that we will need eventually."

Henry Berry, 110 Two Lights Road - Mr. Berry polled property owners of Two Lights Road and submitted a petition to the Town Council urging the Town Council to not accept the funds for Two Lights Road. A "majority who live there," do not favor the project.

Erik Messerschmidt, 39 Longfellow Drive - Mr. Messerschmidt favors Shore Road.

Howard Littlefield, 6 Lawson Road - Mr. Littlefield asked the Town Council to "put safety ahead of beauty."

Richard Berman, 1021 Shore Road - Mr. Berman favors a bikeway on Shore Road for children however a 2 or 4 foot widening is "not appropriate" - speed will increase. Favors lowering the speed limit. Keep trying to find an alternate solution.

Carole Haas, 6 Locksley Road - Ms Haas favors bike paths - doesn't think Shore Road will be safe with a widening. Look at alternate easements and paths off the road.

Fran Haywood, 1221 Shore Road - Increasing the width ,will increase speed, which will increase the danger - don't accept the federal funds.

Sophie Kourakos, 72 Stonybrook Road - Mrs. Kourakos favors Option A. Increased width is detrimental and dangerous.

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Frank Potenzo, 8 Ivie Road - Mr. Potenzo told the Town Council it is "ridiculous" to widen Shore Road by 4 feet on each side. Doesn't favor the sidewalk on Shore Road from Fort Williams Park to Dyer Pond Road. Make a decision, no more public hearings.

After hearing no further comments, the public hearing was closed at 8:24 p.m.

***ITEM #58 - ROLL CALL VOTE***

**OPTION B**

**ITEM #58-96/97      Moved by W. Linnell and Seconded by R. Reid**

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to notify the Maine Department of Transportation of the Town's desire to move forward with design of a bikeway/pedestrian shoulder on Shore Road from Fort Williams Park to Route 77 subject to the following guidelines:

1. The shoulders may not exceed four feet in width on either side.
2. The shoulders may be narrower at Pond Cove to avoid wetland filling.
3. Stonewalls in the right of way shall be relocated as a project expense if in the way of the project.
4. Design is to be completed by a firm hired by the Town of Cape Elizabeth.
5. A local design review committee consisting of seven citizens with the Town Manager and the Director of Public Works serving as ex-officio members shall be appointed by the Town Council to work with the consultant.
6. A final design shall be approved by the Cape Elizabeth Town Council.

7. This project shall be coordinated with a local project to improve drainage near Tide's Edge Road.

8. There shall be no taking of land for the project.

9. Proper drainage patterns and snow storage areas shall be maintained.

(3 yes ) (4 no Coggeshall, Groff, Jordan and McGinty)

#### OPTION A

Moved by P. Coggeshall and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council:

a) The Town Council directs the Town Manager to inform the Maine Department of Transportation in writing that the Town will not be moving forward with the proposed Shore Road Bikeway Project and that the state and federal share of the project will not be used for the proposed project by the Town of Cape Elizabeth.

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b) The Town Council directs the Town Manager to work with the Director of Public Works to plan for the installation of two foot shoulders, in a particular test area to be chosen by the Town Manager in consultation with the Chief of Police and Public Works Director, wherever practicable along both sides of Shore Road from Fort Williams Park to Pond Cove. The shoulders shall not cause the relocation of any stonewall nor the removal of any tree over three inches in diameter at its base. There shall be no taking of land and proper drainage shall be maintained. The scheduling of the project may be done as part of an overall roadway/drainage plan to be presented and then voted upon by the Town Council. The plan will provide cost estimates sufficient to ensure completion of the work.

c) The Town Council directs the Town Manger, in consultation with the Chief of Police and Public Works Director, to report back to the Town Council a comprehensive proposal of Shore Road regarding advisory signage, enforcement of speed, and accident statistics.

(5 yes) (2 no W. Linnell, R. Reid)

9:45 p.m.

**ITEM #59 - ROLL CALL VOTE**

ITEM #59-96/97      Moved by P. Coggeshall and Seconded by W. Jordan  
OPTION A

Ordered the Cape Elizabeth Town Council:

- a) Directs the Town Manager to inform the Maine Department of Transportation in writing that the Town will not be moving forward with the proposed Two Lights Road Bikeway Project and that the state and federal share of the project will not be used for the proposed project by the Town of Cape Elizabeth.
  
- b) Directs the Town Manager to work with the Director of Public Works to provide a comprehensive plan for a proposed installation or fortification of two foot shoulders wherever practicable along both sides of Two Lights Road from Route 77 to Two Lights State Park. The shoulders shall not cause the relocation of any stonewall in the right of way nor the removal of any tree over three inches in diameter at its base. There shall be no taking of land and proper drainage shall be maintained. The scheduling of the project, unless it is necessary to be moved up on the priority list, shall be done as part of an overall roadway/drainage plan to be presented and then voted upon by the Town Council. The plan will provide cost estimates sufficient to ensure completion of the work.

(3 yes) (4 no Groff, Linnell, Reid, McLaughlin)

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OPTION B

Moved by R. Reid and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council:

Authorizes the Town Manager to notify the Maine Department of Transportation of the Town's desire to move forward with a design of a bikeway/pedestrian shoulder on Two Lights Road from Route 77 to Two Lights State Park subject to the following guidelines:

1. The shoulders may not exceed four feet in width on either side, except five feet in areas to be curbed.

2. The shoulders may be narrower at locations to avoid wetland filling and other areas to be determined particularly unique.

3. Stonewalls in the right of way shall be relocated as a project expense if in the way of the project.

4. Design is to be completed by a firm hired by the Town of Cape Elizabeth.

5. A local design review committee consisting of seven citizens with the Town Manager and the Director of Public Works serving as ex-officio members shall be appointed by the Town Council to work with the consultant.

6. A final design shall be approved by the Cape Elizabeth Town Council.

7. There shall be no taking of land for the project.

8. Proper drainage patterns and snow storage areas shall be maintained.

(4 yes) (3 no Coggeshall, Jordan, McGinty)

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ITEM #60-96/97      Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council hereby accepts the recommendation of the Pedals and Pedestrian Committee to maintain the existing trail along the Spurwink Estuary from the Cape Elizabeth High School property to Starboard Drive. A trail in this area on

any municipally controlled property shall be maintained in a natural state including grass mowing and selective pruning.

(7 yes) (0 no)

ITEM #61-96/97      Moved by J. Groff and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council tables ITEM #61-96/97 regarding the recommendation of the Pedals and Pedestrian Committee to place a sidewalk on Shore Road from Fort Williams Park to Dyer Pond Road until a future Town Council Meeting.

(7 yes) (0 no)

ITEM #62-96/97      Intro - Manager McGovern

Moved by P. Coggeshall and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council hereby requests the Maine Department of Transportation to reinstitute funds for the design and installation of traffic signals and walk lights at the intersection of Shore Road, Scott Dyer Road and Ocean House Road. No lights are to be installed until approval of the final design by the Cape Elizabeth Town Council.

(7 yes) (0 no)

ITEM #63-96/97      Moved by R. Reid and Seconded by J. McGinty

**Resolved:**

**Whereas**, by vote of the Cape Elizabeth Town Council the Town of Cape Elizabeth will not move forward with the state approved bikeway project on Shore Road, and

**Whereas**, by vote of the Cape Elizabeth Town Council voted on September 9, 1996 to move forward with the proposed bike facility on Two Lights Road, and

**Whereas**, the estimated budget amount for the approved project on Two Lights Road is \$45,000 less than budgeted, and

**Whereas**, the Town of Cape Elizabeth plans to continually address pedestrian and bike safety issues within the Town of Cape Elizabeth, now

**Therefore** the Cape Elizabeth Town Council hereby requests the Maine Department of Transportation to increase the grant amount for the Two Lights project to the August 1995 estimated amount of \$165,000 plus 10% contingency to a total of \$181,500.

(7 yes) (0 no)

ITEM #64-96/97      Moved by P. Coggeshall and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council hereby requests the Town Manager and Town Council Chairman to request the Maine Department of Transportation to transfer all remaining funds allocated to Cape Elizabeth for projects not approved by the Town to the Town Center drainage and sidewalk project.

Priority for the Town Center project is for sidewalks and drainage improvements on Scott Dyer Road and then on Ocean House Road from Scott Dyer Road to Fowler Road on the southwesterly side of Ocean House Road. Next priority is the northeasterly side of Ocean House Road from Shore Road to the Town Hall.

(7 yes) (0 no)

ITEM #65-96/97      Moved by P. Coggeshall and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council tables ITEM #65-96/97 regarding a recommendation of the Pedals and Pedestrians Committee to install sidewalks on certain collector roads until the October 16, 1996 Town Council Meeting.

(7 yes) (0 no)

ITEM #66-96/97      Moved by J. Groff and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council tables ITEM #66-96/97 regarding a recommendation of the Pedals and Pedestrians Committee to provide paved shoulders on various collector roads until the October 16, 1996 Town Council Meeting.

(7 yes) (0 no)

ITEM ##67 & 68-96/97

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council tables ITEM ##67 & 68-96/97 regarding Pedals and Pedestrians Committee recommendation on paved shoulders on the entire length of Wells Road and recommendation on greenbelt facilities until a future Town Council Meeting.

(7 yes) (0 no)

ITEM #69-96/97      Intro - Manager McGovern

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council hereby allocates a sum not to exceed \$10,000 from the Roadway/Drainage account for engineering design for the reconstruction of Pleasant Avenue.

(7 yes) (0 no)

ITEM #70-96/97      Intro - Manager McGovern

Moved by R. Reid and Seconded by W. Linnell



Ordered the Cape Elizabeth Town Council hereby allocate a sum not to exceed \$10,000 from the Roadway/Drainage account for engineering design for drainage improvements near the intersection of Shore Road and Tides Edge Road.

(7 yes) (0 no)

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ITEM #71-96/97 Intro - Manager McGovern

Moved by P. Coggeshall and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council hereby allocates a sum not to exceed \$150,000 from the Roadway/Drainage account for the local share of the Town Center drainage and sidewalk project.

Priority for the Town Center project is for sidewalks and drainage improvements on Scott Dyer Road and then on Ocean House Road from Scott Dyer Road to Fowler Road on the southwesterly side of Ocean House Road. Next priority is the northeasterly side of Ocean House Road from Shore Road to the Town Hall.

(7 yes) (0 no)

10:34 p.m.

Moved by P. Coggeshall and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council takes ITEM #76-96/97 out of order.

(7 yes) (0 no)

Consensus of the Town Council to continue with the agenda as printed.

### ***PUBLIC HEARING PLAYING FIELD ISSUES***

10:40 p.m.

Chairman McLaughlin opened the hearing to public comments. Although ITEM ##72 & 74 were specifically public hearing items, Ms McLaughlin opened the hearing for comments regarding ITEM ##72 - 76.

Richard Hall, Reef Road - Captain Hall asked the Town Council to approve the proposed field at Fort Williams Park.

Richard Berman, 1021 Shore Road - Mr. Berman supports the recommendation of the compromise group. Mr. Berman encouraged the Town Council to adopt the policy statement of the Fort Williams Park Working Group and forward the report to the respective committees for comments - "it is time to take action."

Carole Haas, 6 Locksley Road - Ms Haas supports the compromise.

Carol Fritz, 9 Hunt Club Road - Mrs. Fritz hopes the issue will be closed - supports the compromise vote.

Jon Chapman, 77 Hillcrest Road - Mr. Chapman doesn't want to loose fields, but to gain them. Everyone should "feel good" about the overall package.

Roy Dunfey, 23 Columbus Road, Director of Fields Casco Bay Soccer Club - Mr. Dunfey supports both fields. The definition of informal and passive recreation needs to be clarified.

John Delahanty, 11 Manor Way - The Town has dedicated greenbelt and open space - more sport fields are needed. The Town should take a comprehensive look at all the fields.

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Nancy Masterton, 56 Wildwood Drive - Mrs. Masterton encouraged the Town Council to accept the compromise.

Michael Roy, 51 Hillcrest Road - Dr. Roy asked about the process of the Working Group.

Marion Guthrie, 8 Delano Park - Mrs. Guthrie supports the proposed Lions' Field field. The Fort Williams Park "unique character" should be preserved - opposed to a plan without the dedication of passive recreation. The Town Council should listen to everyone.

After hearing no further comments, the hearing was closed.

Moved by P. Coggeshall and Seconded by J. McGinty

Ordered the Town of Cape Elizabeth suspends the **Rules of the Cape Elizabeth Town Council** to take consideration of new items after 11:00 p.m. This action was taken at 11:08 p.m.

(7 yes) (0 no)

***ITEM #72 - ROLL CALL VOTE***

ITEM #72-96/97 Moved by J. Groff and Seconded by W. Linnell

Ordered 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:

**Findings**

1. The Fort Williams Park Commission and Cape Elizabeth Planning Board each recommended, on June 1, 1995, and on May 17, 1995 respectively with conditions, the approval of a proposed Multi-Purpose playing field in substantially the same location. The Cape Elizabeth Town Council on July 8, 1996 referred back to the Commission and to the Board a slightly revised layout and a minimized scope for further review and recommendations. Further recommendations were received from the Fort Williams Advisory Commission and the Cape Elizabeth Planning Board prior to a Town Council meeting on August 28, 1996;

2. The Multi-Purpose Athletic Field will provide a greatly needed field for recreational use by both organized teams and others, and is found to be a "recreational use" and "park use" as described in Section 19-2-7 (c) (1);

3. The Multi-Purpose Athletic Field is found to be consistent with the long term plans of the Town for the Park, as described in Section 19-2-7 (c) (1), including specifically by both text and plans with the Fort Williams Park Master Plan dated November 1990;

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4. Notwithstanding any ambiguity created by minor errors in the presently printed text of Section 19-2-7 (c), the Town Council finds the provision was intended to provide and hereby interprets such section to mean that the Town Council may approve a use for the Park if it is found by the Town Council to be a recreational or park use consistent with the Town's long term plans for the Park under Section 19-2-7 (c) (1). If the proposed use is not found by the Town Council to be a recreational or park use consistent with the Town's long term plans for the Park, then it needs to consider the proposed use under the remaining provisions of Section 19-2-7 (c), subsection 2 through 5. This is clear from a reading of the whole section, the provisions as originally printed and adopted by the Town Council and the clearly expressed desire to subject non-recreational, non-park uses to more strict scrutiny, particularly addressing whether such non-recreational or non-park uses may impact negatively upon other uses within the Park and upon the neighboring residential neighborhood. However, having made the above determination that the proposed use is a park or recreational use consistent with the long term plans of the Town for the Park, and that Section 19-2-7 (c) (1) only must be met as to such a park or recreational use, the Town Council further finds the proposed Multipurpose Athletic Field meets the standards of Section 19-2-7 (2-5), specifically:

a. the area of the Park in which the field shall be located is not now improved for park or recreational use, and for the period contemplated by such proposed period, the

area of the Park is not anticipated to become the subject of any viable proposal for park or recreational improvements (Sec. 19-2-7(2));

b. The proposed use will not interfere with or detract from park and recreational uses then existing or anticipated during the period of such use (Sec. 19-2-7 (3));

c. The proposed use will be compatible with, and will not detract from the attributes and values of the residentially zoned properties adjacent to the Park (Sec. 19-2-7 (4));

d. The proposed use will be consistent with the active recreational use of Ship Cove and with the possible recreational use of the remaining shoreline within the Park (Sec. 19-2-7).

### **Conditions**

1. All parking for the proposed field shall be in the existing central parking lot or in the parking lot behind the two rented Officers Row buildings.
2. Motor vehicles shall not be permitted in the area immediately adjacent to the field except for mowing and maintenance equipment, snow plows and for the drop off of athletic equipment. Any vehicle used to drop off equipment shall not be left parked in the immediate area adjacent to the fields. Vehicles may continue to traverse through the area during special events when a one way system is established by the Police Department within Fort Williams Park.
3. There shall be no sound amplification for any event in the field area.
4. There shall be no lighting for any event in the field area.

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5. There shall be no electrical power brought to the field area.
6. There shall be no fixed or permanently installed bleachers.
7. Soccer goal posts shall be movable.
8. All use of the field area shall commence no earlier than 9:00 a.m. and shall end by dusk.
9. Scheduling use of the field shall be done on a day to day basis by the Community Services Department. First preference shall be given to Cape Elizabeth based youth soccer, field hockey and lacrosse groups. The field shall not be used for any industrial league nor for any interscholastic youth game except in an emergency. 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. Other than

Cape Elizabeth Youth Soccer and the Cape Elizabeth Travel Soccer, no other team activity shall be scheduled for an initial season unless first approved by the Fort Williams Advisory Commission and then confirmed by the Cape Elizabeth Town Council.

10. Fort Williams Park visitors may continue to have unleashed dogs in this area when there are no scheduled events in the area. The Town Manager is directed to prepare for Town Council consideration an amendment to the dog leash rule that clarifies when dogs would need to be leashed.

11. The final design shall provide for the field to be visually buffered as much as is practically possible from the adjacent Delano Park neighborhood and from the central parking lot area.

12. The application to be submitted for site plan approval shall provide for full compliance with the American with Disabilities Act.

13. Construction and contouring of the field shall be accomplished without destruction of any historic stone walls or steps.

14. The application shall be submitted to the Planning Board for site plan review and for any required stormwater permits.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council takes ITEM #35 off the table from July 8, 1996. This item has been renumbered ##73 & 74-95/96.

(7 yes) (0 no)

ITEM #73-96/97      Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council hereby authorizes the use of Town funds for obtaining final engineering design and all required permits for the Fort Williams Park multi-use playing field. An amount of \$150,000 is hereby appropriated from the Town undesignated fund balance. This appropriation shall also be used as provided in ITEM #75-96/97.

(7 yes) (0 no)

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ITEM #74-96/97      Moved by J. Groff and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council does hereby approve the planned use of Lions' Field for an additional ballfield to be built in conformance with design standards for Little League baseball. The ballfield is to be situated as shown in Drawing Alt-2 in the report entitled, "Youth Recreational Ballfield Study" at Lions' Field as prepared by Oest Associates in May 1996. The field to be designed is the easterly of the two fields shown on the drawing and any final design shall include sufficient parking. This order is

contingent upon partial funding of the construction of the field as provided in a subsequent Town Council order and upon site plan approval from the Cape Elizabeth Planning Board.  
(7 yes) (0 no)

Consensus of the Town Council to take ITEM #34 off the table from July 8, 1996. This item has been renumbered #75-96/97.

ITEM #75-96/97      Moved by J. Groff and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council hereby directs that the funds allocated in ITEM #73-96/97 shall be spent as follows:

1. First priority shall be for all costs related to the design and permitting processes for the Fort Williams Park Multi-use playing fields and for the new Lions' Field Little League Field.
2. Second priority is for any legal fees the Town may incur.
3. Any funds remaining shall be allocated individually to the two projects with any funds allocated to the two fields in proportion to the amount needed to reach funding goals for each project. However, funds shall be released by the Town Treasurer to one of the projects only upon the Town Manager being satisfied that private donations and in-kind donations are sufficient to complete the project that funds are to be released to. The Town Manager, in making this determination, may recognize pledges from organized groups provided all such pledges are to be committed to be paid within five years from the date of the pledge.

(7 yes) (0 no)

ITEM #76-96/97      Moved by W. Linnell and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council hereby preliminarily acknowledges receipt of the report of the Fort Williams Park Working Group and refers to the Fort Williams Advisory Commission and to the Cape Elizabeth Planning Board the report for comments. All comments are to be received no later than October 16, 1996.

(7 yes) (0 no)

### ***PUBLIC HEARING***

### ***MUNICIPAL ELECTION DATE PROPOSED CHARTER AMENDMENT***

11:58 P.M.

Chairman McLaughlin opened the hearing for public comments.

Carol Fritz, 9 Hunt Club Road - Mrs. Fritz said it would be a "mistake" to change to November, local issues would be competing for attention. We need "informed, not maximum number of voters."

Marvin Chaiken, 87 Ocean House Road - Mr. Chaiken favors the change - the Town should consolidate, voter turnout would increase.

Ann Chapman, 77 Hillcrest Road - A May election works well for the School Board - the summer months are used for "training" before school begins in September.

After hearing no further comments, the hearing was closed at 12:04 p.m.

ITEM #77-96/97      Moved by J. McGinty and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council does hereby submit to the voters of the Town of Cape Elizabeth to be voted upon on November 5, 1996, the following proposed amendment to the Council-Manager Charter of the Town of Cape Elizabeth:

**Revise Article VII Sec 1 to read:**

Sec. 1 Municipal elections. In the year 1997, the regular election for members of the Town Council and School Board shall be held on the Tuesday following the first Monday in November. All elections shall be conducted on a non-partisan basis and without party designations on the election ballot. The terms of those Town Councilors and School Board members in office which would otherwise expire June 9, 1997 shall be extended to expire on the second Monday of December, 1997. The terms of those Town Councilors and School Board members in office which would otherwise expire on the second Monday of June, 1998, or the second Monday of June, 1999, shall expire on the second Monday of December of 1998 and 1999 respectively.

**Revise Article II Sec 5 to read:**

Sec. 5 Induction of council into office. The Town Council shall meet at the usual place for holding meetings on the second Monday in December following the regular municipal election. Beginning in 1997, at said meeting, councilors-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a notary public, and a record made thereof.

**Revise Article IV Sec 3 to read:**

Sec. 3 Department of Education Organization and Quorum. The members of the school board shall meet for organization on the second Monday in December following the regular municipal election. Beginning in 1997, at said organizational meeting, school board members-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a notary public, and a record made thereof. The majority of the whole number of the school board shall be a quorum.

(3 yes) (4 no P. Coggeshall, W. Linnell, J. McLaughlin, R. Reid)

ITEM #78-96/97      Moved by P. Coggeshall and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council tables ITEM #78-96/97 indefinitely regarding the scheduling of a public hearing on October 16, 1996 for a proposal to change the municipal election date from May to November.

(7 yes) (0 no)

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Moved by P. Coggeshall and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council takes ITEM #80-96/97 out of order.

(7 yes) (0 no)

***PUBLIC HEARING PROPOSED PURCHASE OF THE LOT NEXT TO  
THE THOMAS MEMORIAL LIBRARY***

12:12 p.m.

Chairman McLaughlin opened the hearing for public comments.

Kevin King, Representative of Rita Hennessy - Hennessy Estate  
Mr. King gave an overview of the events which led to this item.

Tim Thompson, 6 Pine Ridge Road, owner of 299 Ocean House Road -  
Mr. Thompson said that the Town needs more opportunity for business in the town center, he encouraged the Town Council to not take the property off the tax rolls. Mr. Thompson explained his position with regard to his dealing with Rita Hennessy.

Ann Chapman, 77 Hillcrest Road - Mrs. Chapman can't see the reason for the lot, for additional parking at the Thomas Memorial Library, when the school is in close proximity.

Rita Hennessy, owner of lot - Mrs. Hennessy explained that Mr. Thompson's opportunity to purchase the lot was "missed" by Mr. Thompson.

After hearing no further comments, the hearing was closed at 12:31 p.m.

Intro - Manager McGovern

ITEM #80-96/97      Moved by P. Coggeshall and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council hereby authorizes the Town Manager to execute all required papers necessary for the purchase of the small lot adjacent to the Thomas Memorial Library provided all such papers are prepared to the satisfaction of the Town Attorney. The Town Council also hereby allocates \$35,900 for the acquisition price of the parcel and \$2,000 for any incidental expenses that may be incurred. Said funds are to be expended from the Cape Elizabeth Land Acquisition Fund.

(5 yes) (2 no J. Groff and W. Linnell)



ITEM #79-96/97 Intro - Manager McGovern

Moved by W. Jordan and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council does hereby acknowledge receipt of the Town of Cape Elizabeth Technology Plan dated September 1996 as presented, and refers the report to a workshop(date to be determined).

(7 yes) (0 no)

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ITEM #81-96/97 Intro - Manager McGovern

Moved by W. Jordan and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council tables ITEM #81-96/97 regarding the acceptance of Cape Woods Drive and related easements until the October 16, 1996 Town Council Meeting.

(7 yes ) (0 no)

ITEM #82-96/97 Intro - Manager McGovern

Moved by P. Coggeshall and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council hereby appropriates \$150,000 from the Cape Elizabeth Sewer Fund to permit the Portland Water District to construct federally mandated dechlorination facilities aside Peabbles Cove.

(7 yes ) (0 no)

ITEM #83-96/97 Moved by J. McGinty and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council hereby sets a public hearing for Wednesday, October 16, 1996 at 7:30 p.m. at the Cape Elizabeth Town Hall upon the proposal on the November 5 1996 ballot to fluoridate the public water supply.

(7 yes) (0 no)

ITEM #84-96/97 Intro - W. Jordan, Chairman Ordinance Committee

Moved by W. Jordan and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council does hereby refer to the Cape Elizabeth Planning Board proposed amendments to the Zoning Ordinance regarding activities in Resource Protection zone buffers. The Planning Board is to provide written comments back to the Town Council no later than February 1, 1997.

(7 yes) (0 no)

***CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA***

Moved by P. Coggeshall and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 12:45 a.m.

(7 yes) (0 no)

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Debra M. Lane, CMC  
Town Clerk