



## TOWN of CAPE ELIZABETH

### TOWN COUNCIL MINUTES

MEETING #9-96/97

Wed. November 13, 1996

7:30 p.m.

#### Roll Call by the Town Clerk Pro Tem

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

#### Presentation of Ralph T. Gould Award:

**Wendy Derzawiec**

**Ellen VanFleet**

#### Recognition of Cape Elizabeth State Champions:

**Class A Boys Soccer**

**Class A Girls Soccer**

#### Reports and Correspondence

Councilor McGinty acknowledged efforts of Town volunteers and staff on October Rain Storm. Councilor Groff thanked Town Clerk, Debra Lane, all election workers and students for their work on the election. He also commended the citizens for the excellent turnout.

Councilor Reid reported on the Pool Study Committee meeting and said a report is expected at the end of the year. Also, please call Barbara Ray if you are interested in an application to serve on Boards and Commissions.

Councilor Jordan indicated that there is a County Budget hearing in Scarborough on November 14th at 7:30 p.m.

Chairman McLaughlin listed all those who helped out on the recent rainstorm. She thanked volunteers and citizens for their cooperation throughout the event.

Chairman McLaughlin also indicated that there will be a meeting on the Regional Trail Plan on Thursday, November 21st at 7:00 p.m. at Windham Town Office and on Tuesday, December 10th at Freeport Town Hall.

Heavy item pickup was completed last Friday, November 8th.

Chairman McLaughlin recognized the late Everett Daly for his service as a fire volunteer and as fire inspector.

She concluded by stating that she had met recently with the mayors of Portland and South Portland regarding the naming of the new bridge over the Fore River. A committee of seven is being formed with three each from South Portland and Portland and she will choose a representative from Cape Elizabeth. She said any interested citizen should contact Town Hall or her directly.

**Minutes of October 16, 1996 Meeting**

**Moved by Councilor Linnell and Seconded by Councilor McGinty and**

**Ordered** the Cape Elizabeth Town Council approve minutes of Meeting #8-96/97 held October 16, 1996. **(7 Yes) (0 No)**

**Citizen's Discussion of Items Not on the Agenda**                      None

**Item #98**    **Fort Williams Zoning and Master Plan Amendments**

Ordinance Committee Chairman Bill Jordan provided an introduction on the report. He recommended the October 31, 1996 draft be set for public hearing. He said he had concerns with the word "permanent".

**Moved by Councilor Jordan and Seconded** by Councilor Linnell to set a public hearing for Wednesday, December 11, 1996 at 7:30 p.m. at Cape Elizabeth Town Hall with proper notice thereof..

Councilor Reid recommended word "picnic" on page 3 be placed at the front of the list on line 41 and on page 1, line 45.

Councilor Groff questioned what is intended by "permanent" and what use of equipment means on page 2, line 4.

Councilor Linnell asked what is referenced on page 1, line 13, "existing ballfield". Councilor Coggeshall indicated it is the small baseball field next to Building #326 of Officers' Row.

Councilor McLaughlin indicated she had a question on page 2 in the first paragraph. She questions the placement of the word motorized and what is meant by "equipment". Councilor Jordan said the attempt was to prohibit motorized snowmobiles, ATVs and the like.

Vote on Motion (7 Yes) (0 No)

**Item #99 Proposed Policy on Use of Fort Williams Park Entrance Field and Portland Head Light Grass Area**

Moved by Councilor Coggeshall to adopt the proposed policy. The motion was not seconded.

Moved by Councilor McGinty and Seconded by Councilor Jordan to table to December 11, 1996. (7 Yes) (0 No)

**Item #93. Report from Chief of Police on Shore Road Safety**

Moved by Councilor Coggeshall and Seconded by Councilor McGinty to remove from the table. (7 Yes) (0 No)

**Item #93 A Moved by Councilor Reid and Seconded by Councilor Coggeshall** to ask MDOT to reduce the speed limit on Shore Road from the old entrance to Fort Williams Park to the junction of Route 77 from 35 miles per hour to 30 miles per hour.

**Councilor Linnell moved** to amend the motion to undertake an engineering study of the sight distances on Shore Road. There was no second.

Vote on Original Motion (6 Yes) (1 No) (Linnell)

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**Moved by Councilor Groff and Seconded by Councilor Linnell** to acknowledge receipt of the report and approve recommendations 2, 3 and 4 in the Chief's study. (6 Yes) (1 No) (Linnell)

**2.** Deer crossing signs should be installed for both northbound and southbound traffic from a.) the old main gate entrance of Fort Williams Park to Tides Edge Road and from b.) the beginning of Shore Road and Rt. 77 to Todd Road.

**3.** 'Hidden Drive' signs should be installed as necessary between a.) Delano Park Ent #1 Chimney Rock and b.) at Lawson Road - southbound.

4. Increased speed enforcement should be consistently undertaken in the area of a.) Wood Road to Old Fort Road and from b.) Dyer Pond Road to Tides Edge Road.

Councilor McLaughlin will work with the manager to arrange discussion of recommendations 1 and 5 for a future workshop as well as mitigation issues on site distance.

### **Consent Agenda**

Councilor Reid asked for Item #100 to be removed from the consent agenda.

### **Item #100 Cape Courier Lease of Space**

**Moved by Councilor Reid and Seconded by Councilor Linnell** to approve a lease with the Cape Courier for a 16 month term commencing on September 1, 1996 and extending to December 31, 1997. (7 Yes) (0 No)

### **Remainder of Consent Calendar**

### **Items #101 and #102**

**Moved by Councilor Jordan and Seconded by Councilor McGinty** to approve Item #101 and #102. (7 Yes) (0 No)

**Item #101** Approved to Change the Date of the regular December 1996 Town Council Meeting from Monday, December 9, 1996 to Wednesday, December 11, 1996 at 7:30 p.m. at the Town Hall.

**Item #102** Approved to set a public hearing for Wednesday, December 11, 1996 at 7:30 p.m. at the Town Hall upon the proposed General Assistance Regulations with proper notice thereof.

### **Item # 103 Land Trust Request for Funds- Hobstone**

The Town Manager and Nat Clifford of the Land Trust introduced this item.

**Moved by Councilor Linnell and Seconded by Councilor Coggeshall** to set for public hearing on Wednesday , December 11, 1996 at 7:30 p.m. at the Cape Elizabeth Town Hall with proper notice thereof the proposed use of \$25,000 from the Land Acquisition Fund to assist the Land Trust with the purchase of the undeveloped portion of the Hobstone Condominium Development. (7 Yes) (0 No)

### **Item # 104 Columbus Road- Construction of Accepted Portion**

The Town Manager introduced the item. Councilor Groff asked to abstain due to a potential conflict of interest as a member of his law firm represents one of the parties with an interest.

**Moved by Councilor Coggeshall and Seconded by Councilor McGinty** to set for public hearing on Wednesday December 11, 1996 at 7:30 p.m. at the Cape Elizabeth Town Hall with proper notice thereof the proposed completion of the accepted portion of Columbus Road. **( 6 Yes) (0 No) (1 Abstention)**

**Item # 105                   Portland Water District Trustee Compensation**

**Moved by Councilor Reid and Seconded by Councilor Jordan** to approve the request of the trustees of the Portland Water District to amend their by-laws to increase compensation for the trustees as proposed. **(6 Yes) (1 No) Linnell**

**Item # 106                   Former Poor Farm Committee**

The Council discussed the proposed draft and after making changes to it, it was:  
**Moved by Councilor Coggeshall and Seconded by Councilor McGinty** to approve establishing the Former Poor Farm Study Committee. **(7 Yes) (0 No)** See attached charge.

**Item # 107                   Fowler Road Proposed Reconstruction**

**Moved by Councilor Coggeshall and Seconded by Councilor McGinty** to set for public hearing on Wednesday January 13 , 1997 at 7:30 p.m. at the Cape Elizabeth Town Hall with proper notice thereof the proposed endorsement of a PACTS project to reconstruct Fowler Road with the Town Manager to provide estimates on short term repairs, on reclamation and on reconstruction. **(7 Yes) (0 No)**

**Item # 108                   Small Thomas Memorial Library Addition**

**Moved by Councilor Coggeshall and Seconded by Councilor Linnell** to approve the filing of an application to the Planning Board for site plan review of a proposed 72 square foot modification to the entrance of the Thomas Memorial Library.

**(7 Yes) (0 No)**

**Item # 109                   Executive Session**

**Moved by Councilor Coggeshall and Seconded by Councilor Linnell** to enter into executive session to review land acquisition/disposition matters and to discuss upcoming collective bargaining that will be occurring with the Cape Elizabeth Police Benevolent Association. **(7 Yes) (0 No)**

The Town Council entered into executive session at 10:10 p.m.

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**Moved by Councilor Coggeshall and Seconded by Councilor Linnell** to reenter public session at 10:57 p.m. and to have a special Town Council meeting on November 25<sup>th</sup> to continue the discussion relating to upcoming collective bargaining. **(7 Yes) (0 No)**

**Moved by Councilor Reid and Seconded by Councilor McLaughlin** to adjourn at 10:58 p.m. **(7 Yes) (0 No)**

**Michael K. McGovern  
Clerk Pro-Tem**