

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

**MEETING #11-96/97
DECEMBER 11, 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

REPORTS AND CORRESPONDENCE

Councilor Linnell announced that the Teen Coffee House and the United Methodist Church is now accepting donations - supplies and cash donations.

Councilor McGinty applauded those who participated in the Inhalants informational meeting last week.

Councilor Reid will be providing the Town Council with a written report of the NLC Conference held this past weekend.

Councilor Jordan is glad to see the veteran's flag pole - thanks to those individuals involved. The front of the former high school looks good.

Councilor Coggeshall encouraged residents to donate food for the Christmas baskets. Donations will be accepted at Town Hall through December 20.

Chairman McLaughlin-

Gary Beckwith has been appointed as the Town's representative on the committee to name the South Portland/Portland Bridge. Two forums will be held, 12/17 7:00 PM at Portland City Hall and 12/18 7:00 p.m. at South Portland City Hall.

Town Hall, Thomas Memorial Library, Transfer Station will close at 12:00 noon on December 24 and 3:00 p.m. on December 31.

Reminder: December 17 Planning Board public hearing re: ZORC draft.

Thanks to Councilor Reid for her contribution to the upcoming Cape Courier re: various contributions which may be made to Town.

Moved by W. Linnell and Seconded by W. Jordan Ordered the Cape Elizabeth Town Council approves as written minutes of the Meeting #9-96/97 held November 13 and Meeting #10-96/97 held November 25, 1996.

(7 yes) (0 no)

CITIZENS DISCUSSION OF ITEMS NOT ON THE AGENDA None

CONSENT AGENDA

Councilor Linnell requested ITEM #111 to be removed from the Consent Agenda to discuss the provision in the lease regarding the security deposit.

ITEM #111-97/97 Moved by R. Reid and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to execute the lease, as presented, for the apartment at Portland Head Light to Glenn and Nancy Jordan. A term to begin on the 1st day of January, 1997 and end on the 31st day of December 1997 at noon, for an amount of \$1100.00 per month, due on the 1st day of that month.

(7 yes) (0 no)

See attachment.

Moved by P. Coggeshall and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves ITEM ##112,113 & 114 as presented on the Consent Agenda:

ITEM #112-96/97 Approval of the annual malt, spirituous and vinous liquor license for the Inn By The Sea.

ITEM #113-96/97 Approval of the request from the Cape Elizabeth Little League for space for 1997 at Fort Williams Park.

ITEM #114-96/97 Approval of the proposed MS Society Walk at Fort Williams Park on April 20, 1997.

(7 yes) (0 no)

PUBLIC HEARING ITEMS

ITEM #115-96/97 Intro - Councilor Jordan, Chairman Ordinance Committee

Chairman McLaughlin opened the hearing at 7:44 p.m.

Richard Berman, 1021 Shore Road - Mr. Berman encouraged the Town Council to approve the item. "Although permanent seems to take away from future Town Councils," the working group worked diligently on the proposal and the word "permanent" was always used.

After hearing no further comments, the hearing was closed at 7:47 p.m.

Moved by P. Coggeshall and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adopts the proposed Fort Williams Park Zoning Amendments(19-2-7), Fort Williams Park Master Plan amendments and map depicting southern section of Fort Williams Park as stated in the November 27, 1996 draft including the following amendment: (Page 3 line #4 of the packet material)

Master Plan of Fort Williams Park, Cape Elizabeth, Maine, November 1990
Policy Statement 1: Be it ordered: With the goal to emphasize for current and future Town Councils that the irreplaceable scenic, natural and historical qualities of Fort Williams should be perpetually preserved, the Cape Elizabeth Town Council does hereby dedicate the Southern section of Fort Williams Park for the exclusive use of informal recreation, as defined below. All landscaping activities shall be done in a manner that preserves existing stone walls and pathways, that maintains existing views of the shoreline and Portland Head Light and that encourages horticultural interpretation and education. Buffers just inside the Town's property line shall be maintained and enhanced to provide ground level privacy.

Moved by R. Reid and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council amends the main motion to include the following amendment:

Master Plan of Fort Williams Park, Cape Elizabeth, Maine, November 1990
(page 3, line #23 of the packet material draft dated 11/27/96)-

-current uses, including the existing ballfield which is located south of Building #326, may continue but not be expanded.

(7 yes) (0 no)

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council amends the main motion to include the following amendment:

Master Plan of Fort Williams Park, Cape Elizabeth, Maine, November 1990
(page 4, line #24 of the packet material draft dated 11/27/96)-

No facilities or amenities other than pedestrian paths shall be placed in this remaining field area.

(7 yes) (0 no)

Consensus of the Town Council to correct the following:
Fort Williams Park District Existing Zoning Ordinance
(page 2, line #4 of the packet material draft dated 11/27/96)-

...does not include active team sports or or... Delete one "or"

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Moved by J. McGinty and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council amends the main motion to delete the following:

Fort Williams Park District Existing Zoning Ordinance
(page 1, line #40 of the packet material draft dated 11/27/96)

Delete - 4. (iv) Any use allowed under Sec. 19-6-8 (B) (1),
Permitted Uses

Present - Jeff Van Fleet, Chairman Fort Williams Advisory Commission
Mr. Van Fleet answered questions regarding snow and material storage.

Moved by P. Coggeshall and Seconded by J. Groff

to move the question.

Original Motion as Amended (3 yes) (4 no W.Jordan, W.Linnell, J.McLaughlin, R.Reid)

ITEM #116-96/97 Intro - Manager McGovern

Moved by W. Jordan and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council tables until a subsequent meeting a proposed Town Council policy clarifying permitted uses on Fort Williams Park Parade Ground and Portland Head Light Field.

(7 yes) (0 no)

Moved by R. Reid and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council reconsiders ITEM #115-96/97.

(6 yes) (1 no W. Jordan)

ITEM #115-96/97 Moved by J. McGinty and Seconded by P. Coggeshall

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(page 2, line #4 of the packet material draft dated 11/27/96)-

...does not include active team sports or or... Delete one "or"

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Delete - 4. (iv) Any use allowed under Sec. 19-6-8 (B) (1),
Permitted Uses

Moved by W. Linnell and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council amends the main motion as follows:

Master Plan of Fort Williams Park, Cape Elizabeth, Maine, November 1990
(page 4, line ##13-17 of the packet material draft dated 11/27/96)

Delete - Except in the above designated maintenance area, there shall be no staging of any construction project or storage of any materials in the southerly section of Fort Williams Park. Temporary use related to project construction being undertaken in this area will be allowed.

(2 yes) (5 no P.Coggeshall, J.Groff, J.McGinty,
J.McLaughlin, R.Reid)

Moved by J. Groff and Seconded by P. Coggeshall

to move the question.

Original Motion: (5 yes) (2 no W. Jordan, W. Linnell)

ITEM #117-96/97 Consensus of the Town Council to allow Councilor Groff to abstain from discussion and voting on ITEM #117.

Intro - Manager McGovern

Chairman McLaughlin opened the hearing to public comments at 8:48 p.m.
After hearing no comments, the hearing was closed at 8:48 p.m.

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council approves the completion of Columbus Road as presented and appropriates an amount not to exceed \$25,000 from undesignated surplus for the engineering, construction management and construction.

(6 yes) (1 abstention)

ITEM #118-96/97 Intro - Manager McGovern

Chairman McLaughlin opened the hearing to public comments at 8:51 p.m.

Richard Haupt, 42 Resolution Place - "97% of the Hobstone Owners Assoc." favor the purchase of the undeveloped portion of Hobstone.

Richard Berman, 1021 Shore Road - This parcel would be a great addition for open space.

After hearing no further comments, the hearing was closed at 8:58 p.m.

Nat Clifford, Director CE Land Trust - Mr. Clifford was present to answer questions.

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council authorizes the disbursement of \$25,000 by the Town Treasurer from the Land Acquisition Fund to be provided to the Cape Elizabeth Land Trust at the time of closing for the purchase of the undeveloped portion of the Hobstone Condominium Project as presented. The Town Manager is further authorized to execute the conservation easement provided he has received certification in writing from the Town Attorney that the easement conveys the intended rights.

(7 yes (0 no)

See attachment.

ITEM #119-96/97 Intro - Manager McGovern

Chairman McLaughlin opened the hearing to public comments at 9:00 p.m.
After hearing no comments, the hearing was closed at 9:00 p.m.

Moved by W. Jordan and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council adopts the proposed General Assistance Ordinance as presented in the October, 1996 Model General Assistance Ordinance provided by the Maine Municipal Association.

(6 yes) (1 no R. Reid)

ITEM #120-96/97 Intro - R. Reid, Chairman Appointments Committee

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint citizens to fill vacancies on Town boards and commissions as presented, with the understanding that the CATV Advisory Committee's membership shall be: 5 members, 3-3 year terms and 2-1 year terms(to be filled by high school or college students).

(7 yes) (0 no)

See attachment.

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint the Two Lights Road Design Review as presented:

Gary Beckwith
Bob Harrison
Patty Medina
Anne Carney Two Lights Resident
David Griffin
Richard Sullivan Two Lights Resident
Fred Poulin Two Lights Resident

(7 yes) (0 no)

(2 members for the Poor Farm Committee are needed-please apply by 12/31/96)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA None

ITEM #121-96/97 Intro - Manager McGovern

Moved by P. Coggeshall and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council enters into executive session at 9:14 p.m. to discuss a personnel matter.

(7 yes) (0 no)

Moved by P. Coggeshall and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council exits executive session at 9:53 p.m.

(7 yes) (0 no)

Moved by W. Jordan and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council reenters public session at 9:54 p.m.

(7 yes) (0 no)

Moved by J. Groff and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council appoints Gerald E. Daigle as Town Assessor from January 1, 1997 until June 30, 1997, with the understanding that this appointment is not intended to affect the employment status of any town employee.

(7 yes) (0 no)

Moved by W. Jordan and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council adjourns at 9:55 p.m.

(7 yes) (0 no)

Town Council Workshop	Tuesday, December 17, 1996 7:30 p.m.
Town Council/School Board Workshop	Tuesday, January 7, 1997 7:00 p.m.
Town Council Meeting	Monday, January 13, 1997 7:30 p.m.
Public Discussion Re: Day Care	Thursday, January 16, 1997 7:00 p.m.

