

**TOWN OF CAPE ELIZABETH**

**TOWN COUNCIL MEETING MINUTES**

**MEETING #6-97/98  
SEPTEMBER 8, 1997  
7:30 P.M.**

***ROLL CALL BY THE TOWN CLERK      PRESENT      ABSENT***

JOSEPH H. GROFF III, CHAIRMAN	X
HENRY N. BERRY III	X
HENRY G. (BILL) BEYER	X
CAROLYN M. FRITZ	X
WILLIAM H. JORDAN	X
JOHN W. MCGINTY	X
ROSEMARY A. REID	X

***PLEDGE OF ALLEGIANCE TO THE FLAG***

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

***REPORTS AND CORRESPONDENCE***

Councilor Berry announced that the next three meetings of the review of the Cumberland County Budget will be held on September 11, 18 and 25 at 6:30 PM.

Town Clerk Debra Lane reminded residents that nomination papers for School Board and Portland Water District Trustee are due on or before 5:00 PM, Monday, September 22.

Councilor Reid reported on the success of the "new" returnable shed at the Transfer Station - approximately \$6,100 has been collected during the last 3 months.

A reception for the Portland Head Light volunteers was held on September 7 at the Spring Point Museum. Town Manager Michael McGovern thanked the approximately 60 volunteers who donate their time throughout the year.

Tuesday, September 9 7:30 PM      Two Lights Design Committee  
meeting with residents

Thursday, September 11 7:30PM      Pool Building Committee

Moved by J. McGinty and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #5-97/98 held August 11, 1997 as written.

(7 yes) (0 no)

***PUBLIC HEARING - DISPOSITION OF PAPER STREETS***

Intro - Manager McGovern

Present - Maureen O'Meara, Town Planner

Robert Konczal, Town Assessor

Chairman Groff opened the hearing for public comment at 7:38 PM.

After hearing no comments, the hearing was closed.

ITEM #41-97/98      Moved by R. Reid and Seconded by W. Jordan

**ORDER**

WHEREAS, pursuant to Title 23 M.R.S.A. Section 3032, as amended by Public Law 1997, Chapter 386, effective September 19, 1997, proposed, unaccepted ways, also known as "paper streets," as shown on subdivision plans recorded prior to September 29, 1987 shall be deemed vacated on September 29, 1997, unless extended for a period of twenty (20) years by the Town Council; and

WHEREAS, some proposed, unaccepted ways may have public benefit to the Town either as public ways, pedestrian easements, utilities or for other purposes, in the future, the extent of which is difficult to determine;

WHEREFORE, the Town Council, pursuant to Title 23 M.R.S.A. Section 3032(2), hereby extends for a period of twenty (20) years all proposed, unaccepted ways within the Town of Cape Elizabeth except those proposed, unaccepted ways as shown on the maps attached hereto as Exhibit A and denoted as U-7-1, U-7-2, U-7-3, U-7-4, that portion of U-7-5 as shown on said map, U-29-2 and U-29-5.

The Town Clerk shall record an attested copy of this Order in the Cumberland County Registry of Deeds.

DATED at Cape Elizabeth, Maine this 8th day of September, 1997.

(7 yes) (0 no)

See attachment.

ITEM #42-97/98 Intro - Manager McGovern  
Present - Geoffrey Hole for Christopher Vaniotis of Bernstein, Shur, Sawyer & Nelson representing Cape Elizabeth Land Company

Moved by J. Groff and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council tables ITEM #42 regarding a request from the Cape Elizabeth Land Company, LLC to request an amendment of the Zoning Ordinance ,Section 19-6-4 Town Center District, to the October 15, 1997 Town Council Meeting. The Town Council directs the Town Manager to confer with the Town Attorney regarding the Town Council's options regarding this request.

(7 yes) (0 no)

ITEM #43-97/98 Intro - Councilor Jordan, Chairman Ordinance Committee  
Present - Jim Rowe, President CE Little League

Moved by H. Berry and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council sets to public hearing on Wednesday, October 15, 1997 at 7:30 PM at Town Hall proposed amendments to the Sign Ordinance Chapter 21. Section 21-2-2 amendment would allow advertising signage at the ballfields located at the Lions' Field Complex. Section 21-2-3 is a housekeeping amendment that adds the Town Center District to the Business district sign regulation.

(7 yes) (0 no)

ITEM #44-97/98 Moved by J. McGinty and Seconded by H. Beyer  
Ordered the Cape Elizabeth Town Council tables ITEM #44-97/98 regarding a proposed policy of the Town Council regarding revenue from advertising signage at the Lions' Field Complex to the Wednesday, October 15, 1997 Town Council Meeting.

(7 yes) (0 no)

ITEM #45-97/98 Intro - Manager McGovern

Moved by W. Jordan and Seconded by H. Beyer

Ordered the Cape Elizabeth Town Council confirms the Town Manager's appointment of Bruce Smith to serve as Code Enforcement Officer with concurrent appointments as Building Inspector, Deputy Health Office, Electrical Inspector and Local Plumbing Officer, effective September 15, 1997.

(7 yes) (0 no)

ITEM #46-97/98 Intro - Manager McGovern

Moved by H. Beyer and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the Town Council Goals for 1997-1998 as presented.

(7 yes) (0 no)

See attachment.

ITEM #47-97/98 Intro - Manager McGovern

Moved by H. Beyer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the request from New England Telephone and Central Maine Power for a pole location on Forest Road - from approximately 154' northwesterly of Westview Road, as presented.

(7 yes) (0 no)

Note: The pole relocation was requested by Mrs. Roy Baker for a new driveway access.

ITEM #49-97/98 Intro - Manager McGovern

Moved by J. McGinty and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council designates Henry Beyer as the voting delegate and Michael McGovern as an alternate voting delegate to the Maine Municipal Association's Annual Business Meeting on Wednesday, October 8, 1997, 12 noon, at the Bangor Auditorium/Civic Center.

(7 yes) (0 no)

Moved by C. Fritz and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the Mail Ballot for the 1997-1998 Slate of Officers of the Maine Municipal Association and authorizes the voting delegate/alternate to vote in favor of the proposed amendments to the MMA Bylaws, as presented.

(7 yes) (0 no)

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

ITEM #48-97/98 Moved by H. Beyer and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council enters into executive session at 8:34 PM to discuss land acquisition/disposition and collective bargaining with the Cape Elizabeth Police Benevolent Association.

(7 yes) (0 no)

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Moved by J. McGinty and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:12 PM.

(7 yes) (0 no)

Workshop/Special Town Council Meeting    Monday, September 29        (Tentative)  
    Audit Review  
    Land Acquisition/Disposition

Moved by H. Beyer and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council adjourns at 9:14 PM.

(7 yes) (0 no)

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Debra M. Lane, Town Clerk