

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

**MEETING #9-97/98
NOVEMBER 10, 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

PRESENTATIONS

Maine U-13 Girls' State Championship
Present - Roy Dunfey, Coach, Members of the Team
Maine Class A Championship Girls Soccer
Present - Charlie Carroll, Coach, Members of the Team
Maine Class A. Championship Boys Soccer
Present - Andy Strout, Coach, Members of the Team

REPORTS AND CORRESPONDENCE

Councilor Reid, Chairman Appointments Committee - Residents who applied for town boards and commissions will be contacted to schedule an interview.

Councilor Jordan expressed his thanks for the November 6 reception which was given in honor of Councilor Jordan and Cheryl Parker. Mr. Jordan received the Ethel Kelley Award for public service. Ms Parker received the Governor's Award for Excellence in Volunteer Management.

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #8-97/98 held October 15, 1997 as written.

(7 yes) (0 no)

**PUBLIC HEARING GENERAL ASSISTANCE ORDINANCE AMENDMENT
RE: ALLOWANCES**

Intro - Manager McGovern

Chairman Groff opened the hearing to public comments at 7:47 PM.
After hearing no comments, the hearing was closed.

ITEM #60-97/98 Moved by W. Jordan and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council approves the General Assistance Ordinance
Appendices(A,B,C) regarding allowances, as presented.
(7 yes) (0 no)

See attachment.

PUBLIC COMMENTS PURPOODOCK CLUB ANNUAL LICENSES

Chairman Groff recused himself from discussion and voting on ITEM #61-97/98 as he is a member of
the Purpoodock Club.

Councilor Jordan agreed to chair this item.

Councilor Jordan opened the item to public comments at 7:59PM.
After hearing no comments, the item was closed.

ITEM #61-97/98 Moved by H. Berry and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council approves the malt, vinous and spirituous liquor license and
Special Amusement Permit for the Purpoodock Club located at 300 Spurwink Avenue.
(6 yes) (0 no)

**PUBLIC HEARING DESIGN REPORT FROM TWO LIGHTS BIKEWAY/PEDESTRIAN
PATH DESIGN REVIEW COMMITTEE**

Intro - Manager McGovern

Chairman Groff opened the hearing to public comments at 7:56 PM.

Louise Sullivan, 72 Two Lights Road - Opposed.
Mrs. Sullivan referred to the Comprehensive Plan page 1. Does the Town Council want to "destroy
the neighborhood?" Gaining pavement will "change the road forever." Keep Two Lights as a country
road.

Ginny Jordan, 81 Two Lights Road - Opposed.

Mrs. Jordan's home is on the historical register. Many years ago, a variance for the entry way was required as the home was close to the road.

Roy Dunfey, 23 Columbus Road - Supports the bikeway.

Mr. Dunfey feels it is a "good plan." His wife owns the former Heidemann property and favors the bikeway. This type of project "will help in the future development" in that area.

Richard Sullivan, 72 Two Lights Road, member of the Design Committee - Opposed.

Mr. Sullivan asked the Town Council to "preserve the 200 year old road."

Graham Pillsbury, 76 Two Lights Road - Opposed.

Mr. Pillsbury stated that he favors an improvement, "I don't think this is the one." Safety Issue - widening will increase speed, "mini Route 77." Will the path be used? This plan pays "little attention" to the dangerous areas.

Peggy Farnsworth, 211 Two Lights Road - Opposed.

Signs for reduced speed are sufficient. This plan would serve for only a few months out of the year.

Ray Shevenell, 189 Fowler Road - Supports the bikeway.

Mr. Shevenell supports preservation of the rural character, however it is important to "get out and enjoy it." The Town should encourage exercise. There needs to be a balance between competing interests.

Ms Milo(?), 55 Hannaford Cove Road - Opposed.

Moved to the area for the beauty, rural character, working farms. Supports lower speed limit, perhaps grading the sides of the road without changing the entire road. Solutions are possible without federal funds.

Herbert Dennison, 63 Spurwink Avenue - Opposed.

Mr. Dennison asked the Town Council to look at safety. Bikeways shouldn't be constructed next to the travel lane.

Wayne Brooking, 208 Two Lights Road - Opposed.

Elinor Redmond, 1235 Sawyer Road - Opposed.

Member of the last Comprehensive Planning Committee. "Unique nature is worth preserving." The charm of Sawyer Road was lost with the project at Fickett/Sawyer.

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Hubert Strom, 164 Fowler Road - Supports the bikeway.

Mr. Strom supports the project from a safety concern. At times, he feels "unsafe" when biking on Two Lights Road.

David Wing, 80 Oakhurst Road - Supports the bikeway.

Two Lights Road is a busy road. This is an opportunity to bring safety, with the use of federal funds. "How many fatalities do we need?"

Fred Yosua, 85A McKenney Point Road - Supports the bikeway.

"Pavement doesn't determine rural character." The hill near Hannaford Cove Road needs work.

Ken Maxwell, 112 Spurwink Avenue - Comments only. Did not take a stand-for or against.

Mr. Maxwell stated that the road is narrow, same as many other areas in Cape Elizabeth. Concerned for the homes which are close to the road. Corner at Kennedy's would have to be cut back significantly. This design appears to be "more than necessary." Reduce the speed limit, and enforce.

David Griffin, 5 Channel View Road, member of the Design Committee. Supports the bikeway.

Mr. Griffin supports the acceptance of federal funds. At the time of paving the town would bear the total cost.

Erik Messerschmidt. 39 Longfellow Drive - Supports the bikeway.

Mr. Messerschmidt supports the project for safety. The bike path would "take away cars, not the rural character."

Gary Beckwith, 10 Oakwood Road, member of the Design Committee. Supports the bikeway.

Mr. Beckwith supports the project for the safety of all users including bikers and pedestrians.

Mary Bostwick, 4 Dyer Lane, - Opposed.

Mrs. Bostwick stated that the project would "benefit the tourists and visitors who come to see the storms."

Patty Medina, 20 Waterhouse Road, member of the Design Committee - Supports the bikeway.

Bikers and tourists will not go away. Supports the path for safety.

Sarah MacColl, 4 Avon Road, member of the Pedals and Pedestrians Committee - Supports the bikeway.

Mrs. MacColl supports the project for safety to accommodate bikers and pedestrians.

Peter Hanson, 3 Two Lights Road - Opposed.

Mr. Hanson expressed concerns about safety. Speed limit needs to be enforced. There may be other ways to improve safety. Are the measurements accurate?

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Robert Bothel, 452 Old Ocean House Road - Opposed.

Widening will increase speed. Route 77 bikeway is not utilized - bikers use the travel lane.

Peter Mullin, 44 Two Lights Road - Supports the bikeway.

Pavement will not lose rural character. Currently a biker's only option is a sand shoulder - not safe.

Steve Simonds, 18 Brentwood Road - Supports the bikeway.

Agrees with the statements of Erik Messerschmidt.

Fran McArdle, 23 Broad Cove Road - Opposed.

Supports lower speed limit - needs to be enforced. Look at the "disaster" on Route 88 in Falmouth.

Mrs. McArdle agrees with the statements of Robert Bothel and Dr. & Mrs. Sullivan.

Anne Carney, 139 Two Lights Road, member of the Design Committee - Supports the bikeway.

Ms Carney supports the bikeway *and* the design. The Committee tried very hard to reduce the impact on the older homes.

After hearing no further comments, the hearing was closed at 8:45 PM.

Chairman Groff asked for Town Council comments.

Councilor Reid asked that the minutes state, once again, that she submitted a petition to the Town Council on January 9, 1995, said to contain 433 signatures, supporting the Two Lights and Shore Road projects. The original petition is on file in the office of the Town Clerk. A copy of Ms Reid's testimony from the January 9, 1995 minutes and a copy of the language of the petition was provided to the Town Council at the beginning of this meeting.

Town Council comments ended at 9:13 PM.

ITEM #62-97/98 Moved by W. Beyer and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the following recommendations of Chief Pickering regarding Two Lights Road speed limits, with the understanding that the recommendations are then forwarded to the Maine Department of Transportation(MDOT). MDOT determines speed limits.

1. That the speed limit along Two Lights Road be reduced from 40 miles per hour to 35 miles per hour.
2. That Wheeler Road be posted as 25 miles per hour from either direction.
3. That the speed limit posted as 25 miles per hour easterly of Beacon Lane be extended to a point westerly of Beacon Lane (post at just beyond the sight distance of a seated driver on Beacon Lane at Two Lights Road).

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council amends the main motion to recommend that the speed limit along Two Lights Road be reduced from 40 miles per hour to 30 miles per hour, see the above main motion #1.

(2 yes) (5 no H. Beyer, J. Groff, W. Jordan, J. McGinty and R. Reid)

Original Motion: (7 yes) (0 no)

ITEM #63-97/98 Moved by C. Fritz and Seconded by H. Berry

Ordered: Whereas the acceptance of funding to construct two 4" wide bicycle and pedestrian paths adjacent to Two Lights Road in Cape Elizabeth under the specific provisions of the Federal ISTEA program does not allow adequate flexibility to address specific safety problems on Two Lights Road without loosing the roads rural character.

Therefore, the Cape Elizabeth Town Council does hereby direct 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 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.

Moved by J. Groff and Seconded by W. Beyer to recess at 9:17 PM.

(7 yes) (0 no)

Chairman Groff called the meeting to order at 9:26 PM.

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council tables ITEM #63-97/98 until the December 8, 1997 Town Council Meeting to inquire to whether MDOT will allow flexibility within the design guidelines of the project. The Town Council authorizes additional project expenses not to exceed \$300.00.

(6 yes) (1 no H. Beyer)

OTHER ITEMS

ITEM #64-97/98

Intro - Tom Emery, Chairman Town Farm Study Committee

Present - Phyllis Coggeshall, Town Farm Study Committee Member

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report of the Town Farm Study Committee and sets the report to a Town Council workshop, to be scheduled at the earliest convenience.

(7 yes) (0 no)

ITEM #65-97/98 Present - Judy Simonds, Chairman Thomas Memorial Library Trustees
Anne Carney, Member Thomas Memorial Library Trustees

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the proposed Electronic Information, Services and Network Access Policy amendment to the Policy Manual of the Thomas Memorial Library.

(6 yes) (1no J. McGinty)

See attachment.

ITEM #66-97/98 Intro - Manager McGovern
Present - Charlie Greer, School Board Chairman

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the request from the School Department to transfer \$16,145 from the School Renovation Project to the School Department's contingency account.

(7 yes) (0 no)

ITEM #67-97/98 Intro - Manager McGovern
Present - Thomas Emery- Land Use Consultants

Moved by H. Beyer and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the Fort Williams Advisory Commission's Cliff Walk Sign Design recommendation and authorizes the Town Manager to submit to the Planning Board an amendment to the previous approval for a sign permit, as presented.

(7 yes) (0 no)

ITEM #68-97/98 Moved by J. McGinty and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council approves the Fort Williams Advisory Commission's recommendation to permit the annual Downeast British Car Show, at Fort Williams Park, to be held on Sunday, September 13, 1998 with a raindate of Sunday, September 20, 1998 as presented.

(7 yes) (0 no)

ITEM #69-97/98 Moved by H. Beyer and Seconded by W. Jordan
Ordered the Cape Elizabeth Town Council approves the Fort Williams Advisory Commission's recommendation to permit the annual MS Society Walk, at Fort Williams Park, to be held on Sunday, April 19, 1998 as presented.

(7 yes) (0 no)

ITEM #70-97/98 Intro - Manager McGovern

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council reluctantly authorizes the Town Manager to spend up to \$10,000 to improve lighting and acoustics at the entrance to the Thomas Memorial Library as presented.

(6 yes) (1 no H. Beyer)

ITEM #71-97/98 Intro - Manager McGovern

Moved by H. Beyer and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council accepts the parcel of land owned by David A. Shuman extending out to the centerline of Two Lights Road for the consideration paid amounting to \$1,500 and with appreciation to David Shuman for his cooperation in resolving this issue.

(7 yes) (0 no)

See attachment.

CONSENT AGENDA

The Town Council requested ITEM #72 to be removed from the Consent Agenda.

ITEM #72-97/98 Moved by H. Beyer and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to use his discretion in setting holiday hours, for non-union personnel, for the December 25 and December 31 holidays.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the Consent Agenda as follows:

ITEM #73-97/98 Approves the request from New England Telephone and Telegraph Company and Central Maine Power for three pole locations on Fessenden Road - from approximately 265' northwesterly of Two Lights Road.

ITEM #74-97/98 Approves the recommended Draft Fee Schedule for data from the Geographic Information System(GIS) as presented.

See attachment.

ITEM #75-97/98 Authorizes a change in the use policy for the Spurwink Church indicating that in 1998, there shall be no events after October 3, 1998 in order to provide an opportunity for roof repairs.

(7 yes) (0 no)

OTHER ITEMS

ITEM ##76&77-97/98 Moved by H. Beyer and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council enters into executive session to discuss land acquisition/disposition, and to provide the Town Manager instruction for collective bargaining with the Cape Elizabeth Police Benevolent Association and with Local 340 of the Teamsters at 10:39 PM.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Moved by J. McGinty and Seconded by H. Beyer

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 11:13PM.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by H. Beyer

Ordered the Cape Elizabeth Town Council adjourns at 11:13PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk