TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES **MEETING #11-97/98**
JANUARY 12, 1998
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 will provide copies of the goals for Cumberland County once they are made available from the County Manager.

Chairman Groff encouraged residents to attend CEHS theatre productions. Schedules are available by contacting CEHS.

Manager McGovern updated the Town Council on Ice Storm '98. A list of 1997 accomplishments and projects were noted.

Moved by W. Jordan and Seconded by H. Beyer
Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #10-97/98 held December 8, 1997 as written.

It was noted that Councilors McGinty, Fritz and Berry did not receive copies of the December Minutes.

Moved by C. Fritz and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council tables the motion to accept the December 8, 1997 Minutes until the next regular meeting, in order for all Town Councilors to have an opportunity to review the Minutes.

(7 yes) (0 no)

PUBLIC HEARING PROPOSED PURCHASE OF PROPERTY ON SPURWINK AVENUE

7:41PM Intro - Manager McGovern

Chairman Groff opened the hearing to public comments at 7:52PM.

Ray Shevenell, 189 Fowler Road - Mr. & Mrs. Shevenell's property abuts the Leavitt parcel on the southwest side. The Shevenell's do not object to the project, however the "sliver" of property described by Manager McGovern, which exits onto Fowler Road, is the Shevenell's driveway. The Shevenell's want to make certain that their rights are properly understood, as stated in their deed. The deed stipulates that the access to Fowler Road may be exercised in residential development only.

Jean Fine, 84 Angell Point Road - Ms Fine approves of the project. Ms Fine described this as a good opportunity for additional recreational space, a buffer to the Transfer Station and preservation of wetlands.

Jack Roberts, 185 Fowler Road - Mr. Roberts said he has encouraged the purchase of the open space, which abuts his property, for years. This purchase also provides a buffer to the Transfer Station and needed space for ballfields.

Claire Brosnan, 187 Fowler Road - Mrs. Brosnan questioned the Shevenell discussion. Mrs. Brosnan abuts the Shevenell driveway. Will the driveway be used for access to the ballfields, is the greenbelt tied in now, or will it be in the future? Mrs. Brosnan believes the project is a good idea if the details can be worked out. She does not favor ballfield access from the Shevenell driveway.

Carole Haas, 6 Locksley Road - Ms Haas thanked the Town Council for their foresight to purchase this property to provide land for ballfields, to maintain open space and to prevent residential development. Is it a possibility that proposed fields at Fort Williams Park could be located to the new site? Ms Haas supports the purchase.

After hearing no further comments, the public hearing was closed at 8:07PM.

ITEM #90 Moved by R. Reid and Seconded by W. Jordan
Ordered the Cape Elizabeth Town Council does hereby authorize the purchase of a 117+/- acre parcel located on Spurwink Avenue from Lee and Avis Leavitt for a total purchase price of $555,000. $20,000 of this amount was previously allocated from the Land Acquisition Fund. The Town Council hereby allocates an additional $85,000 from the Land Acquisition Fund for the purchase and $450,000 is hereby appropriated from the undesignated fund balance for the total purchase prices. In addition, $7,000 is appropriated from the undesignated fund balance for closing costs.

Be it further ordered: The Cape Elizabeth Town Council does hereby create the **Municipal Facilities 2000 Committee.**

The committee shall consist of nine members including seven citizens and two members of the Town Council. The Council members shall be designated by the Town Council Chairman and may continue to serve at their option on the committee even if their service on the Town Council shall end. The Town Council upon the recommendations of the Appointments Committee shall appoint the citizen members. The town manager shall be an ex-officio member of the committee.

The committee shall prepare an implementation plan for the space needs identified in the 1990 Municipal Facilities Committee Final Report and in the 1996 Public Safety Space Needs Review Study Final Report. To do so, the committee shall work with the town manager to interview qualified firms to prepare a master plan for the Leavitt property and to develop preliminary plans to construct a new public works garage and to renovate the current public works garage for fire station purposes and to renovate the current public safety building. The committee shall then recommend to the Town Council a firm or firms to work with the Town on implementation.

If the Town Council shall accept the recommendation of the committee for a firm or firms to prepare the master plan and the preliminary plans, and the Town Council provides funding for the work to continue, then the committee members shall continue to serve as a building committee for the duration of the project. (7 yes) (0 no)

ITEM #91 Intro - R. Reid, Chairman Appointments Committee
Moved by R. Reid and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council approves the recommendation from the Appointments Committee to filling the following vacancies on Town Boards and Commissions:

M. Nasir Shir 41 Ocean House Road Conservation Commission
a term until 1/1/2001
John W. Herrick 29 Reef Road Conservation Commission
to serve the unexpired term of Wm. Robidoux until 1/1/1999
Linda Frances Cone 17 Channel View Road Conservation Commission
a term until 1/1/2001
Alexander A. MacNichol 21 Southwell Road Planning Board
to serve the unexpired term of Ronald Azzolina until 1/1/2000
(7 yes) (0 no)

ITEM #92 Intro - Manager McGovern

Moved by H. Berry and Seconded by R. Reid
Ordered the Cape Elizabeth Town Council establishes a technical committee to look at specific instances of restrictive covenants that have been developed on land owned by other communities and to review the pros and cons of restrictive covenants v. regulation by ordinance.

The technical committee is to include the town planner, a representative of the Cape Elizabeth Land Trust, the Chairman of the Town Farm Study Committee and a Council member designated by the Town Council Chairman.
(7 yes) (0 no)

ITEM #93 Moved by J. McGinty and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council approves the recommendation from the Fort Williams Advisory Commission to authorize the use of Fort Williams Park for the Engine One Labor Day Art Show on September 6, 1998, with a raindate of September 7, 1998.
(7 yes) (0 no)

ITEM #94 Moved by H. Beyer and Seconded by W. Jordan
Ordered the Cape Elizabeth Town Council approves the recommendation from the Fort Williams Advisory Commission to authorize the use of Fort Williams Park by the Cape Elizabeth Little League for its 1998 season as requested.
(7 yes) (0 no)
See attachment

ITEM #95 Intro - Manager McGovern
Present - Chief McGouldrick, Deputy L.P. Murray, Captain Michael Jordan
Irvin Shapell, Member of the Truck Committee

Moved by H. Berry and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council authorizes the Town Manager to solicit bids for a replacement fire truck as presented. The new engine would be purchased in early 1998 with delivery in Fiscal Year 1999. The vehicle would become the new Engine 2 and be housed in the town center.
(7 yes) (0 no)

ITEM #96 Intro - Manager McGovern
Present - Chief McGouldrick, Deputy L.P. Murray, Captain Michael Jordan
Irvin Shapell, Member of the Truck Committee
Moved by R. Reid and Seconded by C. Fritz
Ordered the Cape Elizabeth Town Council authorizes the Town Manager to complete lease payments for the town street sweeper and for a fire truck purchased in 1995.
(7 yes) (0 no)

ITEM #97 Intro - Manager McGovern
Moved by H. Berry and Seconded by C. Fritz
Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a lease, on behalf of the Town, with the Cape Courier. The lease if for a term of twelve months commencing on January 1, 1998 and ending with December 31, 1998 for a sum of $50.00 payable monthly in advance on the first day of each month during the lease term.
(7 yes) (0 no)
See attachment.

ITEM #98 Intro - Debra Lane, Town Clerk
Moved by W. Jordan and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council sets the opening hours at 7:00AM for the Special Election(People's Veto) to be held on Tuesday, February 10, 1998 at the Cape Elizabeth High School gym. Polls close at 8:00PM.
(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

ITEM #99 Moved by C. Fritz and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council enters into executive session to begin the annual evaluation of the Town Manager at 9:04 PM.
(7 yes) (0 no)
Moved by H. Berry and Seconded by R. Reid
Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:32PM.
(7 yes) (0 no)
Moved by H. Berry and Seconded by W. Jordan
Ordered the Cape Elizabeth Town Council adjourns at 9:33PM.
(7 yes) (0 no)

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Debra M. Lane, Town Clerk