

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

**MEETING #14-97/98
WED., MARCH 11, 1998
6:45PM**

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

ITEM #112-97/98 Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council enters into executive session at 6:48PM to discuss a legal matter with the Town Attorney and to receive information on the status of collective bargaining with the Cape Elizabeth Police Benevolent Association.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 7:30PM.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

REPORTS AND CORRESPONDENCE

Councilor Berry is one of four Councilors that attended the NLC Conference in Washington, DC. A report will be forthcoming. Councilors Beyer, McGinty and Fritz also attended.

Chairman Groff congratulated the CEMS on their recent talent show.

Manager McGovern introduced Michael Feeney. Michael is an intern with Cape Elizabeth and Scarborough. Thank you to the Police Department for their efforts in solving the burglaries at the schools and the Thomas Memorial Library.

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PRESENTATIONS

Girls Swimming State Championship - Kerry Kertes, Coach and members of the team accepted the proclamation.

MINUTES

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #12-97/98 held February 9, 1998 and Special Meeting #13-97/98 held February 23, 1998 as written.
(7 yes) (0 no)

ITEM #105-97/98(tabled from February 9, 1998)

Moved by J. McGinty and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council takes ITEM #105 off the table.
(7 yes) (0 no)

Present - Chief Pickering

Moved by C. Fritz and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council designates the Cape Elizabeth Public Safety Dispatch Center as a Public Safety Answering Point and authorizes the Town Council Chairman to sign all required documents.
(7 yes) (0 no)

See attachment.

ITEM #113-97/98 Present - Robert Malley, Director of Public Works
Steve Harding, Town Engineer

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council tables indefinitely the supplemental agreement with OEST Associates, Inc. regarding the Town Center Sidewalk and Drainage Improvements Project Phases II and III as estimated in the March 2, 1998 memo.
(6 yes) (1no R. Reid)

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PUBLIC HEARING

Proposal to amend the zoning ordinance as contained in a citizen initiated petition received from Phyllis Coggeshall under Article VIII, Sec. 2 of the *Council-Manager Charter of the Town of Cape Elizabeth.*

Intro - Thomas Leahy, Town Attorney

Chairman Groff opened the hearing for public comments at 7:59PM.

Richard Haupt, 35 Concord Place - Mr. Haupt stated that he is in favor of the proposed petition, however he would like to know how the height would be determined.

Tom Tinsman, 24 Ocean Avenue, business owner at 349 Ocean House Road, member of the Town Center Committee- Mr. Tinsman is opposed to amending the ordinance. He questioned how the Town would handle buildings within the Town Center that would become non-conforming. What is the definition of "neighboring properties, and adverse impact?"

Everett Johnson, business owner at 300 Ocean House Road - Mr. Johnson spoke on his and his wife Linda's behalf. The Johnson's are opposed to the proposed amendment. He stated his concerns regarding properties what would become non-conforming. He believes the restrictions are "unfair."

Tom Emery, 12 Juniper Lane, member of the Town Center Committee. Mr. Emery stated that he is not speaking for, or on behalf of the Planning Board. Mr. Emery asked the Town Council to not adopt the proposed ordinance. He described the citizens petition as "an unusual situation with unintended consequences." Why should height be redefined differently in the Town Center than other part of town? In fairness to property owners and customer service, Mr. Emery encouraged residents to carefully review the petition before voting yes.

Chairman Groff read letters received from the following residents:

Fran Haywood, 1221 Shore Road	In favor.
Frank Strout, 408 Old Ocean House Road	Opposed.
Marion Guthrie, 8 Delano Park	In favor.
Gerald & Sharon Murray, 295R Ocean House Road	Opposed.
Ruth Watson, 6 Littlejohn Road	Opposed.
Millicent ? Canterbury	In favor.
Bruce Coggeshall, 336 Ocean House Road	In favor.

After hearing no further comments, the public hearing was closed at 8:40PM.

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ITEM #114-97/98 Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the warrant to hold a Special Referendum Election on Tuesday, November 3, 1998 regarding the citizen initiated petition to amend the zoning ordinance. Said warrant and ballot are to include the clarifications as provided by the Town Attorney.

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council amends the original motion to hold the Special Referendum Election on Tuesday, May 5, 1998.

(4 yes) (3 no J. Groff, H. Beyer, R. Reid)

Original Motion as Amended: (6 yes) (1 no R. Reid)

ITEM #114A-97/98 (Consensus of the Town Council to add ITEM #114A)

Moved by J. Groff and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council requests comments from the Ordinance Committee and Planning Board regarding the proposed citizen's petition. The boards are asked to report back to the Town Council in order for the information to be disseminated to the public as it is the Town Council's desire to hold a public hearing/forum within approximately 10 days prior to the May 5 vote. The boards are asked to comment to (but not limited to) building type, neighbor vs. abutter and further define other terms in order to clarify the proposal for the public.

(7 yes) (0 no)

ITEM #115-97/98 Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council refers the proposed Fiscal Year 1999 Municipal Budget to the Finance Committee.

(7 yes) (0 no)

ITEM #116-97/98 Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council refers the proposed Fiscal Year 1999 Special Funds Budgets to the Finance Committee.

(7 yes) (0 no)

ITEM #117-97/98 Moved by W. Jordan and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quitclaim deed to Peter J. Palanza for property located at 5 Short Road (May U19 Lot 78).

(7 yes) (0 no)

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ITEM #118-97/98 Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quitclaim deed to Inez L. Brennick for property located at 558 Ocean House Road (Map U 16 Lot 10).

(6 yes) (0 no)

Note: Councilor McGinty briefly stepped out of the chamber.

ITEM #119-97/98 Moved by H. Beyer and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council refers the results of a bid for a replacement fire truck pumper to the Finance Committee to be discussed during the budget workshop session on Saturday, March 21, 1998.

(7 yes) (0 no)

ITEM #120-97/98

Intro - Manager McGovern

Present - Robert Malley, Director of Public Works

Steve Harding, Town Engineer

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a contract with Gorham Sand and Gravel to undertake construction of the ballfields upon his satisfaction that the Fields for Cape Kids has raised a total of \$156,000 in donations and firm pledges towards the construction contract. The Town Council further authorizes the transfer of \$33,000 in unused funds in capital improvement accounts to the ballfield improvements account.

(6 yes) (1 no C. Fritz)

ITEM #121-97/98

Intro - Councilor Reid, Chairman Appointments Committee

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint the following individuals to the Municipal Facilities 2000 Committee:

Gilbert Jordan

David Morton

Alan Thibeault

Michael Maroon

Joseph Groff

Karen Lowell

Bob Crane

Paul Laliberte

William Jordan

(7 yes) (0 no)

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Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the Appointments Committee's recommendation to appoint Gene Weismann, 46 Starboard Drive to the Family Fun Day Committee for a term to expire 1/1/2001.

(7 yes) (0 no)

ITEM #122-97/98 Intro - Manager McGovern

Moved by H. Beyer and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council adopts the proposed Policy Regarding Property Foreclosures - Disposition of Foreclosed Vacant Land and Residential Property, as presented.

(7 yes) (0 no)

See attachment.

ITEM #123-97/98 Present - Susan LaBosco, PCPA

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to grant a request of the Pond Cove Parents Association to utilize the Parade Grounds and adjacent parking area in Fort Williams Park on Thursday, August 20, 1998 for the Vidbel's Old Tyme Circus fund raiser, as presented.

(7 yes) (0 no)

(ITEM #124 missing)

ITEM #125-97/98 Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to grant a request of Northern Sky Toyz to utilize Fort Williams Park on Sunday, April 12, 1998 for the Easter/Passover Spring Celebration Kite Fly, as presented.

(7 yes) (0 no)

ITEM #126-97/98 Intro - Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council accepts the easements from Cape Elizabeth Realty Trust as presented.

(7 yes) (0 no)

See attachment.

ITEM #127-97/98 Intro - Manager McGovern

Moved by W. Jordan and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the proposed pole location for Bell Atlantic on Manter Street from approximately 127' westerly of Mitchell Road as presented.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

ITEM #112-97/98 (continued)

Moved by H. Berry and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council enters into executive session at 9:51PM to receive information on the status of collective bargaining with the Cape Elizabeth Police Benevolent Association.

(7 yes) (0 no)

Moved by W. Jordan and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:38PM.

(7 yes) (0 no)

Workshop/Meeting Schedule:

March 21	Municipal Budget Workshop	8:00AM
April 15	Community Services Budget Workshop	7:00PM
	School Board Budget Workshop	7:30PM
	Budget Review - Set Public Hearing	
April 27	Public Forum - Town Center Petition	
May 4	Budget Public Hearing and Adoption	
	Town Council Workshop	

Note: The Town Council has eliminated workshop dates of March 26, March 30 and April 6. If necessary, additional budget workshops may be scheduled.

Moved by J. McGinty and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council adjourns at 10:55PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk

