

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

MEETING #2-98/99

JULY 13, 1998

7:30 P.M.

NOTE: THE TOWN COUNCIL MEETING WILL BE PRECEDED BY A 7:15PM MEETING OF THE BOARD OF DIRECTORS OF THE MUSEUM AT PORTLAND HEAD LIGHT.

ROLL CALL BY THE TOWN CLERK

PRESENT ABSENT

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATIONS

Girls' Tennis State Champions - Susan Ray, Andy Strout, Coaches and several members of the team were present to accept the proclamation.

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Jane Snerson, 7 Salt Spray Lane, Co-Chair Broad Cove Association - Ms Snerson expressed the concern of Broad Cove residents regarding the road closure schedule for the August 1 road race. Apparently misinformation has been provided. Although the race has been approved for this year, Ms Snerson asked the Town Council to consider the inconvenience to residents if a request is made to hold the road race next year.

Manager McGovern announced the road closure schedule for the August 1 road race. A mailing will be sent to Cape Elizabeth residents(to be provided by People Heritage Bank - a major sponsor of the event). The road closure schedule is also posted on the Town's web site -www.capeelizabeth.com.

REPORTS AND CORRESPONDENCE

Councilor Berry encouraged interested Councilors to attend the Cumberland County Budget caucus to be held on Tuesday, July 14 at 7:00PM at South Portland City Hall.

Councilor Groff congratulated Neal Allen for being selected as the Executive Director of GPCOG.

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TOWN MANAGER'S REPORT - SUMMER PAVING PLANS

Manager McGovern announced the roads which are scheduled to be paved this summer. The schedule is also on the Town's web site - www.capeelizabeth.com.

The Town Hall, Thomas Memorial Library and Public Works will close at 12 noon on Wednesday, July 15, 1998 for the Employee Recognition Event.

The Town has unveiled a new look to its' web site. Interested citizens are encouraged to browse the web for Town information. www.capeelizabeth.com

MINUTES

Moved by C. Fritz and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #1-98/99 held June 8, 1998 as written.

(7 yes) (0 no)

PUBLIC HEARINGS

***PROPOSED PARKING BAN ON A PORTION OF PREBLE STREET
PROPOSED IMPROVEMENTS TO THE DONALD RICHARDS POOL
AT CAPE ELIZABETH HIGH SCHOOL***

Chairman Beyer opened the first public hearing at 7:50PM.

Present - Chief Pickering

Steve Corey, owner 596 Preble Street - Mr. Corey owns a 9 unit building. Off-street parking can accommodate 5 vehicles - currently there are 19 vehicles. During the winter months Mr. Corey has an agreement with the Irving station, however parking is not available during the summer. Mr. Corey stated that he has tried to purchase property for parking. Mr. Corey would like the Town Council to amend the 250' proposal to prohibit parking on the westerly side extending 100'. Mr. Corey feels that eliminating on-street parking will result in renters moving. Are there other alternatives - 100' prohibition, one-way street. Would the Town Council consider the alternatives on a temporary basis to determine whether the conditions are improved?

After hearing no further comments, the public hearing was closed at 8:04 PM.

Chairman Beyer opened the second public hearing for comments at 8:04PM.

David Cyr, 15 McAuley Road, Chairman Pool Study Committee - Mr. Cyr, on behalf of the committee, encouraged the Town Council to move forward with the committee's recommendation of Option D.

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Tom Emery, 12 Juniper Lane - Mr. Emery encouraged the Town Council to vote in favor of proceeding with plans to renovate the pool from a recreational and competitive side of swimming.

Sally Caras, 7 Stonebridge Road, President Coastal Maine Aquatics - Mrs. Harris thanked the committee for its work. Mrs. Harris supports the renovations - fiscally prudent and meets the basic needs for competitive and recreational swimming.

Varney Hintlian, 8 Park Circle, Member Pool Study Committee - Mr. Hintlian asked the Town Manager to explain the legal opinion which states that the renovations must go to citizen referendum.

Merle Bacastow, 1 Smugglers Cove Road - Mr. Backestow supports the committee's recommendation.

John Dexter, 19 Merrimac Place - Mr. Dexter supports the recommendation - "it means so much to so many."

Jim McFarlane, 4 Belfield Road - Mr. McFarlane supports the renovations.

Bill Tinsley, 6 Mare's Hollow Lane - Mr. Tinsley asked the Town Council to "not deny the opportunity for all ages" to utilize the pool.

After hearing no further comments, the hearing was closed at 8:26PM.

ITEM #21-98/99 Moved by H. Berry and Seconded by R. Watson

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled that Chapter 13 Traffic Regulations are hereby amended to read as follows:

Article II. Parking Regulations

Sec. 13-2-2. Prohibited Locations. No person shall allow a vehicle to stand or park a vehicle in any of the following places.....

q. No parking any time:

14. On the westerly side of Preble Street, beginning at the intersection of Shore Road and extending 100' in a northerly direction.

(7 yes) (0 no)

ITEM #22-98/99 Moved by H. Berry and Seconded by C. Fritz

Ordered, that the Cape Elizabeth Town Council hereby grants concept approval for a renovation of the Donald Richards Swimming Pool at Cape Elizabeth High School. The project, currently estimated at \$2.2 million, is to be planned with a new pool entrance area, spectator seating, a whirlpool spa, renovated locker rooms, repairs to the pool room and a new pool basin.

The Cape Elizabeth Town Clerk is hereby requested to work with the Town Attorney to create a ballot question on the proposed pool renovations to be voted upon by the citizens of Cape Elizabeth on November 3, 1998. The draft form of the ballot and the warrant for the special municipal referendum is to be presented to the Town Council for consideration at the August 10, 1998 meeting of the Town Council.

The Town Council is also hereby reconstituting the Cape Elizabeth Pool Study Committee as the Cape Elizabeth Pool Building Committee. The former members of the Pool Study Committee shall be asked to serve on the building committee and are hereby appointed to the committee. Joseph Kozloski of 20 Park Circle is hereby appointed to replace Kerry Orcutt who has indicated that she does not wish to serve on the building committee.

In order to provide the citizenry as much information as possible in order to vote on the pool proposal, and to permit design to continue in a manner that ensures that the pool will remain safe until the renovations are completed, the Town Council hereby authorizes the town manager to sign a design services agreement with Harriman Associates provided that not more than \$100,000 may be spent prior to the November 3, 1998 vote. The funds shall be allocated from the Fiscal Year 1999 budget appropriation for expenses related to the pool renovation and the implementation of improvements to the former Leavitt property. (The total appropriation was \$225,650.)

(7 yes) (0 no)

ITEM #23-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the Town Farm Ordinance and Easement Drafting Committee charge as amended. See attachment.

(7 yes) (0 no)

ITEM #24-98/99 Intro - Tom Laprade, Chairman Telecommunications Facilities Task Force

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Report of the Telecommunications Facilities Task Force dated July 7, 1998 and refers the report to the Planning Board for review and comments.

(7 yes) (0 no)

ITEM #25-98/99 Intro - Manager McGovern

Moved by J. Groff and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quitclaim deed for property located at 7 Oakwood Road, Map U 24 Lot 28 to Elizabeth Parker Rafferty, Personal Representative for the Estate of Lucinda R. Parker, as presented.

(7 yes) (0 no)

ITEM #26-98/99 Intro - Manager McGovern

Moved by R. Reid and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to demolish the current structures on the former Leavitt property following the removal of asbestos, as presented.

(7 yes) (0 no)

ITEM #27-98/99 Intro - Manager McGovern

Moved by R. Reid and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council expands the membership of the Family Fun Day Committee to ten, and the following citizens are appointed to serve on the committee for terms to expire 1/1/2001:

Marnie Souza	39 Thrasher Road
Kathryn Kelsey	65 Olde Colony Lane
Debbie Butterworth	21 McAuley Road

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Moved by R. Reid and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council takes ITEM #29-98/99 out of order.

(7 yes) (0 no)

ITEM #29-98/99 Intro - Manager McGovern

Moved by R. Reid and Seconded by J. Groff

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a Central Maine Power Overhead Line Easement as follows: Extend with a line of poles and over head wires off Ocean House Road over and on property of this grantor to proposed pole 136.3, thence extending with buried underground cable to land of Emmons. This line will feed this grantor and others. An additional authorization is for the Town Manager to sign a Central Maine Power Residential Line Extension as follows: To extend electric service 1625 feet to the Town's property located on Ocean House Road, WR#9804138658, WO#041-08597, Acct #441-161648-001. See attachment.

(7 yes) (0 no)

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ITEM #28-98/99 Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council enters into executive session at 9:22PM to review two applications for a hardship abatement and to discuss the status of collective bargaining with Local 340 of the Teamsters representing public works employees.

(7 yes) (0 no)

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:00PM.

(7 yes) (0 no)

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves a hardship abatement in the amount of \$343.44.

(7 yes) (0 no)

Moved by J. Groff and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council denies the request for a hardship abatement.

(7 yes) (0 no)

Moved by R. Watson and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 10:01 PM.

(7 yes) (0 no)

Workshop Wednesday, August 19, 1998 7:30-9:00PM
Goals/Survey Results as it relates to goals

Debra M. Lane, Town Clerk