

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

**MEETING #6-98/99
SEPTEMBER 14, 1998
7:30 P.M.**

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

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

PRESENTATIONS

Chairman Beyer presented Nancy Hawes and Jim Russell a plaque recognizing the South Portland/Cape Elizabeth Rotary's donations to the community during the leadership of Ms Hawes and Mr. Russell.

Joan Benoit Samuelsen, David Weatherbie and Lee Bagley were present to present a signed poster to the Town of Cape Elizabeth in appreciation of the community's effort in the Beach to Beacon 10K Road Race held August 1, 1998. The poster was signed by the invited athletes.

COUNCILOR'S REPORTS AND CORRESPONDENCE

TOWN MANAGER'S REPORT

Debra Lane, Town Clerk reported that nomination papers for the Portland Water District Trustee and Town Council elections are now available. Nomination papers must be returned to the office of the Town Clerk before 5:00PM on Monday, September 21, 1998. The election will be held on Tuesday, November 3, 1998.

MINUTES

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #3-98/99 held August 10, 1998 as amended (correction to Councilor Berry's report - Chris Bowering was the only member *elected* to the Cumberland County Budget Advisory Committee, two members of Frye Island were present), approves the minutes of Meeting #4-98/99 held August 19, 1998 and minutes of Meeting #5-98/99 held September 1, 1998 as written.

(7 yes) (0 no)

Note: A copy of the November 3, 1998 Special Municipal Referendum/Portland Water District Trustee Elections Warrant will be attached to the August 10, 1998 minutes as an addendum for reference.

ITEM #42-98/99 Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council accepts the resignation of Chairman Beyer effective September 30, 1998, and elects Councilor Groff as Council Chairman for the remainder of the 1998-1999 year. It is further ordered to appoint Councilor Watson to the MMA Legislative Policy Committee and Councilor Reid as Finance Chairman.

(7 yes) (0 no)

Councilor Groff presented Chairman Beyer with a plaque in recognition of Chairman Beyer's service to the community.

ITEM #43-98/99 Moved by J. McGinty and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council accepts with gratitude, a \$1,000 grant award from the Wal-Mart Foundation in recognition of Rosemary Reid's leadership relating to the bottle shed at the Transfer Station. Such funds to be placed in a fund to benefit the bottle shed.

(7 yes) (0 no)

Public Hearing Addressing Ordinance

Chairman Beyer opened the hearing for comments at 7:45PM. After hearing no comments, the hearing was closed.

ITEM #44-98/99 Intro - Councilor McGinty, Chairman Ordinance Committee

Moved by R. Reid and Seconded by H. Berry

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to adopt the proposed Chapter 22 Addressing Ordinance as presented.

(7 yes) (0 no)

See attachment.

Page 3 Minutes
September 14, 1998

ITEM #45-98/99 Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the Cape Elizabeth Town Council Goals 1998-1999 as a planning guide.

(7 yes) (0 no)

See attachment.

ITEM #46-98/99 Present- Maureen O'Meara, Town Planner
Steve Harding, Town Engineer

Moved by R. Reid and R. Watson

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign the State/Local Agreement entitled Intersection Improvements & Sidewalk Construction Along Ocean House Road/Route 77 & Scott Dyer Road (sidewalk and drainage project) as presented.

(7 yes) (0 no)

ITEM #47-98/99

Chairman Beyer asked for public input regarding this item as it was anticipated that several residents wanted to address the Town Council.

Tom Egan, 41 Hannaford Cove Road, "The Friends of Two Lights"(Friends)

Mr. Egan spoke on behalf of "The Friends of Two Lights" in regards to the demolition and alterations proposed for the Two Lights Keeper's Quarters. Friends retained an attorney to ask the questions; what authority does the Town have in this matter and what action could be taken against the Town. Friends circulated a petition which was presented to the Town Council Chairman. Approximately 720 signatures were gathered, however not all are Cape residents. The first petition circulated included Beckett's Castle which was deleted from the balance of the petitions. The first petition included approximately 270 signatures, the second petition included approximately 445.

Friends encourage the Town Council to seek the opinion of Earl Shettleworth to determine what the significant points are, before the end of the month.

Mr. Egan asked the Town Council to suspend the rules to take an item out of order to act upon an emergency ordinance moratorium regarding the demolition and alterations of historic sites in Cape Elizabeth. The language of the emergency ordinance would be provided by the Friends.

Note: The Town Council was not provided a copy of the proposed emergency ordinance.

Bill Kourakos, 72 Stonybrook Road, father of the property owner - Mr. Kourakos reviewed the history of the issue. Mr. Kourakos stated that it would be unfair to his son if the Town imposed a moratorium in his absence. Mr. Kourakos indicated that the Friends have had ample opportunity to review the plans.

Paul McDonald, 4 Lighthouse Point Road - Mr. McDonald commented on the reason why the Friends did not attend the meeting with the experts. Mr. McDonald stated that Mr. Kourakos stipulated that he did not want the Friends to speak to the press. The Friends were not willing to agree to that request. The Friends are concerned that although Mr. Kourakos has agreed to meet with individuals, no attempts to change the plan have been made.

Hillary Egan, Petitioner for the Friends, Hannaford Cove Road - Mrs. Egan wanted to share her petition experience with the public. She noted that citizens were surprised that the Town doesn't already have a historic ordinance. Mrs. Egan encouraged the Council to form a group to identify historic places and recommend an ordinance for the demolition and alteration of such sites.

Florence Braff, Hannaford Cove Road?? - Ms Graff participated in the petition process. She encouraged the Council to adopt an ordinance.

John Rich, Hannaford Cove Road - Mr. Rich stated that the issue is not personal, it is a structure that is vital to history. It is now up to the current Town Council to adopt proper ordinances.

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council suspends the **Rules of the Cape Elizabeth Town Council** to take an item out of order to consider an emergency ordinance moratorium.

(2 yes) (5 no Beyer, Groff, McGinty, Reid, Watson)

ITEM #47-98/99 Moved by J. Groff and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council establishes the Historic Preservation Study Committee as presented.

(7 yes) (0 no)

See Attachment.

ITEM #48-98/99 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 serve on the Town Farm Ordinance and Easement Drafting Committee:

Jon Chapman and Ann Waecker	Citizen members
Tom Emery	Planning Board
John Greene	Conservation Commission
Richard Berman	Cape Elizabeth Land Trust

(7 yes) (0 no)

Page 5 Minutes
September 14, 1998

ITEM #49-98/99 Moved by C. Fritz and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council appoints the following to the Registration Appeals Board until September 29, 2001:

John Walker	20 Birch Knolls
Anne Schink, Alternate	18 Old Fort Road
John Doyon	5 Elizabeth Road
Robert BaRoss, Alternate	5 Maiden Cove Road

(7 yes) (0 no)

ITEM #50-98/99 Intro - Debra Lane, Town Clerk

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council sets a public hearing on Monday, October 12, 1998 at 7:30PM at Town Hall regarding the pool referendum to be voted on November 3, 1998. This public hearing is an opportunity for citizens to comment.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Workshop	Wednesday, September 16	7:30PM	Facilities 2000 Goals
----------	-------------------------	--------	--------------------------

Regular Meeting	Monday, October 12	7:30PM
-----------------	--------------------	--------

Moved by J. Groff and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council adjourns at 9:15PM.

(7 yes) (0 no)

Best of luck to Bill Beyer.

Debra M. Lane, Town Clerk

