

**TOWN OF CAPE ELIZABETH**

**TOWN COUNCIL MEETING MINUTES**

**MEETING #9-98/99**

**December 14, 1998**

**7:30 P.M.**

***ROLL CALL BY THE TOWN CLERK      PRESENT      ABSENT***

JOSEPH H. GROFF III, CHAIRMAN	X	
HENRY N. BERRY III	X	
PENELOPE P. CARSON	X	
CAROLYN M. FRITZ	X	
JOHN W. MCGINTY	X	
ROSEMARY A. REID	X	
RUTH E. MCCLEERY WATSON	X	
MATT MARTIN, STUDENT REPRESENTATIVE	X	
VINCE FAHERTY, STUDENT REPRESENTATIVE		X

***PLEDGE OF ALLEGIANCE TO THE FLAG***

***CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA***

Ellen Mugar, 77 Wells Road - Ms Mugar presented the Town Council a petition said to contain approximately 300 signatures requesting that the Town Council discuss the Spurwink Rod and Gun Club.

***PRESENTATION***

Sandy Keenan, 1158 Shore Road, accepted a plaque in recognition of the 50th Anniversary of the Cape Elizabeth Garden Club.

***REPORTS AND CORRESPONDENCE***

Chairman Groff reported on the meeting he attended last week, on behalf of the Town Manager, regarding the visit of the Tall Ships in the summer of 2000. Representatives of Cape Elizabeth, South Portland and Portland will be preparing for the celebration.

***TOWN MANAGER'S REPORT***

Manager McGovern gave an overview of projects, events and activities for the calendar year 1998.

***MINUTES***

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council accepts the minutes of Meeting #8-98/99 held November 9, 1998 as amended. The minutes should reflect that Councilor Reid was absent.  
(7 yes) (0 no)

**Public Comments    Inn By The Sea - Liquor License Application**

Chairman Groff welcomed citizens comments regarding the application.  
No comments.

Intro - Debra Lane

ITEM #66-98/99      Moved by R. Reid and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the renewal malt, spirituous, and vinous liquor license for Susan Legge Events, Inc. and Fort Fairfield Yacht Club at Inn By The Sea, 40 Bowery Beach Road as presented.  
(7 yes) (0 no)

ITEM #67-98/99      Intro - Manager McGovern

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council tables until the January 11, 1999 Town Council Meeting, ITEM #67-98/99 regarding proposed Engineering Services Agreement for New Public Works Facility and adjacent Recreational Fields, Trails and Parking Areas.  
(7 yes) (0 no)

ITEM #68-98/99      Intro - Debra Lane

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council accepts the gifts and donations for calendar year 1998 as presented. The Town Council thanks each contributor for their donation.  
(7 yes) (0 no)

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ITEM #69-98/99 Intro - Councilor Reid, Chairman Appointments Committee

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to fill vacancies on boards and commissions as presented.

(7 yes) (0 no)

See attachment.

ITEM #70-98/99 Intro - Manager McGovern  
Ashley Wernher-Collins, Member Arts Commission  
Present - Bill Barton, Member Arts Commission

Moved by R. Reid and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council acknowledges receipt of the request from the Arts Commission for the Town to publish a book of artistic works and sets the request to workshop. The date of the workshop to be scheduled.

(7 yes) (0 no)

ITEM #71-98/99 Intro - Manager McGovern  
Present - John Greene, Property Manager The Sprague Corporation

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council states its intent to accept the proposed drainage easement relating to the subdivision of property owned by the Sprague Corporation conditioned upon final language as recommended by the Town Attorney.

(7 yes) (0 no)

ITEM #72-98/99 Intro - Manager McGovern

Moved by J. McGinty and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the Town Manager's appointment of A. Charles Kennedy of 36 Thrasher Road to serve as the Director of Emergency Preparedness. Mr. Kennedy's appointment will begin January 1, 1999. W. Greg Tinsman resigned this position effective December 31, 1998.

(7 yes) (0 no)

ITEM #73-98/99 Intro - Manager McGovern  
Robert Malley, Director Public Works

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the allocation of \$150,000 from undesignated surplus into a reserve account for the reclamation of Fowler Road. It is further ordered that \$103,000 be appropriated from the undesignated surplus for the replacement of a 1977 dump truck.

(7 yes) (0 no)

ITEM #74-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the creation of a Community Center Study Committee as presented.

(7 yes) (0 no)

See Attachment.

Note: Chairman Groff appoints Councilors Reid and Watson to serve on the committee.

ITEM #75-98/99 Intro - Chief McGouldrick  
Present - Deputy Chief Gleeson  
Captain Michael Jordan

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council tables ITEM #75-98/99 regarding a draft policy relating to water complaint responses.

(7 yes) (0 no)

Note: It is the intent of the Town Manager to work with Chief McGouldrick and the fire companies to draft an administrative policy regarding water complaint responses.

ITEM #76-98/99 Intro - Manager McGovern

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the proposed amendments to the Provisions for Use of the Spurwink Church as presented.

(7 yes) (0 no)

Note: The Provisions include fees and regulations. See attachment.

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ITEM #77-98/99 Intro - Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, January 11, 1999 at 7:30PM at Town Hall the proposed boundary perambulation between South Portland and Cape Elizabeth. (7 yes) (0 no)

***CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA***

ITEM #78-98/99 Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council enters into executive session at 9:25PM on issues relating to collective bargaining with Local 340 of the Teamsters Union representing public works employees and thereafter possible action relative to negotiations.

(7 yes) (0 no)

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:41PM. (7 yes) (0 no)

Moved by H. Berry and Seconded by R .Reid

Ordered the Cape Elizabeth Town Council approves the draft agreement dated December 9, 1998 between The Town of Cape Elizabeth, Maine and Teamsters Union Local #340 Representing The Cape Elizabeth Public Works Department July 1, 1998 - June 30, 2000 as amended on page 18 Article XXX. Sick Leave Section 2 should read: 33% not 25% of First 120 days of Accumulated Sick Leave. It is further ordered that two side letters be included. The first side letter to state that the current part-time Transfer Station attendant would not be covered by the agreement. The second side letter to state that the Town will continue contracting out work in the future in the same manner as the Town has in the past. (7 yes) (0 no)

See attachment.

Note: Chairman Groff will announce the vote at the January Town Council meeting since the vote, although public and properly advertised, was not televised.

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 9:44PM.

(7 yes) (0 no)

Holiday Hours-Non-Essential Services will close at 12 noon 12/24 and 4:00PM 12/31.

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Debra M. Lane, Town Clerk

