

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

MEETING #10-98/99

JANUARY 11, 1999

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

STUDENT REPRESENTATIVES-

VINCE FAHERTY	X(8:10pm)
MATT MARTIN	X

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

COUNCILOR'S REPORTS AND CORRESPONDENCE

Councilor Berry reported that the Historic Preservation Study Committee will report to the Town Council in the spring.

Councilor Reid encouraged interested citizens to apply for the newly formed Community Center Study Committee. Applications are available at the Town Manager's Office. Interested citizens should apply within the month.

Councilor McGinty reported that the Town Council and School Board held a workshop on January 4 to discuss the FY 2000 budget and capital improvement program.

TOWN MANAGER'S REPORT

Following the executive session at the December 14, 1998 Town Council Meeting, the Council approved the contract between the Town of Cape Elizabeth and Teamsters Union Local #340 Representing members of the Cape Elizabeth Public Works Department.

MINUTES OF PREVIOUS MEETING

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #9-98/99 held December 14, 1998 as written.

(7 yes) (0 no)

Public Hearing Boundary Perambulation with City of South Portland

Intro - Manager McGovern

Chairman Groff opened the hearing for public comments at 7:34PM. After hearing no comments, the public hearing was closed.

ITEM #79-98/99 Moved by C. Fritz and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the following motion:

WHEREAS, the Municipal Officers of the City of South Portland and the Town of Cape Elizabeth have jointly commissioned the perambulation of their common boundary by Oest Associates, Inc. in conformance with 30-A M.R.S.A. 2851; and

WHEREAS, Danny R. Bolender and Jerome B. Watts, each being qualified and State of Maine registered land surveyors working for Oest Associates, Inc. did the research and field observations during the months of April, May, June and July of 1998 to determine the location of the common boundary; and

WHEREAS, the results of the research and survey by Danny R. Bolender and Jerome B. Watts are set forth in a report dated August 28, 1998 and depicted upon plans consisting of 10 sheets with certification thereon also dated August 28, 1998 by Danny R. Bolender and Jerome B. Watts; and

WHEREAS in accordance with the procedures outlined in 30-A M.R.S.A. 2851, the respective Municipal Officers participating in the perambulation have confirmed that certain deficiencies in monumentation have been found and wish to precisely locate and better monument the common boundary line;

WHEREFORE, it is hereby ORDERED, that the location of the common boundary depicted upon the August 28, 1998 plans consisting of 10 sheets and prepared and certified by Danny R. Bolender and Jerome B. watts, registered Maine land surveyors, is approved and confirmed as the common boundary between South Portland and Cape Elizabeth which was established by the Legislature of the State of Maine in 1895; that the monumentation that may be required to comply with 30-A M.R.S.A. 2851 (c) as shown on said plans be placed by the aforesaid surveyors; and after such monumentation is placed and the plans signed by the respective Municipal Officers of the Town of Cape Elizabeth and the City of South Portland, such plans shall be filed in their respective Municipal Offices and recorded in the Cumberland County Registry of Deeds. Further, it is ORDERED that the Town of Cape Elizabeth pay its one-half share of the costs of monumentation for the common boundary line.

(7 yes) (0 no)

Note: A meeting was held, prior to this Town Council vote, with residents, the surveyors and interested parties.

ITEM #67-98/99 (Tabled 10/14/98)

Moved by P. Carson and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council takes ITEM #67-98/99 off the table.

(7 yes) (0 no)

Moved by P. Carson and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the modified contract for the proposed engineering and construction services agreement for the former Leavitt Property with Oest Associates at an amount not to exceed \$268,780.

Intro - Manager McGovern

Present - Harvey Oest-Oest Associates

Gil Jordan, Chairman Municipal Facilities 2000 Committee

(7 yes) (0 no)

See attachment.

ITEM #80-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Planning Board report dated December 16, 1998 and refers the report to the Ordinance Committee regarding proposed technical amendments to the Zoning Ordinance.

(7 yes) (0 no)

ITEM #81-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the lease of space at Town Hall to the Cape Courier. Said lease is for a term of twenty-four months commencing on January 1, 1999 and ending with December 31, 2000. The Lessee agrees to pay \$50.00 per month payable monthly in advance on the first day of each month during the lease term.

(7 yes) (0 no)

ITEM #82-98/99 Intro - Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council endorses the Cape Elizabeth projects included in the PACTS Biennial Transportation Improvement Program. Such projects include Fowler Road reclamation at an estimated cost of \$600,000, 25% local match. Route 77: Wildwood to Scott Dyer Road resurfacing at an estimated cost of \$210,000, 15% local match.

(7 yes) (0 no)

ITEM #83-98/99 Intro - Manager McGovern

Present - Karen McPhee(spelling?), Director Center for Therapeutic Recreation

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the recommendation of the Town Manager to reinstate a \$3,000 allocation to the Center for Therapeutic Recreation for the current fiscal year. Said amount shall be funded from the existing human services account.

(7 yes) (0 no)

Note: Many of the human resources accounts were reduced during the FY 1999 budget deliberations. The Town Council requested that the Thomas Jordan Trust and other alternative resources be explored. The Town Manager was instructed to bring any problems the reductions may have caused to the attention of the Town Council.

ITEM #84-98/99 Intro - Manager McGovern

Moved by R Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the request of New England Telephone Company and Central Maine Power Company to install a pole location at Reef Road, from approximately 25 feet southerly of Oak Knoll Road.

(7 yes) (0 no)

Page 5 Minutes
January 11, 1999

ITEM #85-98/99 Intro - Manager McGovern

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council accepts Heritage Court and Cove View Road and drainage easements in Broad Cove as presented.

(7 yes) (0 no)

See attachment.

ITEM #86-98/99 Intro - Manager McGovern
Present - Jane Hunter, Executive Director PSO

Moved by R. Reid and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to permit the Portland Symphony Orchestra to utilize Fort Williams Park on Wednesday, June 30, 1999 for their annual Independence Pops Concert.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council adjourns at 8:15PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk