

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

MEETING #11-98/99

FEBRUARY 8, 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	
MATT MARTIN		X

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Richard Hall, 35 Reef Road - Mr. Hall requested that the Public Works Heavy Item Pick Up area schedule rotate. The areas traditionally picked up first would be last, vice versa. During the year Shore Acres is picked up last, would enable a longer period of time to gather leaves.

PRESENTATIONS

Leroy Chace was presented a proclamation in recognition of his service as Captain of the Fire/Police Unit. Lee has served as Captain for its eight years of existence.

COUNCILOR'S REPORTS AND CORRESPONDENCE

Councilor Reid thanked Lee Chace for his volunteerism on the Fire/Police Unit and CETV 3. When Lee was employed by MDOT, he was called on numerous times to answer questions. Lee's expertise has been helpful to the Town. Lee is now retired from MDOT. The Town wishes him well.

Councilor Carson reported that last week she represented the Town Council, as mayors from 12 communities in Moldova visited Cape Elizabeth. Mrs. Carson's speech related to how to run a local political campaign.

Councilor Watson commented that Student Representative Matt Martin recently forwarded a memo to the Town regarding the condition/problem with certain roads in the community. Mrs. Watson is pleased that the student representatives have taken an active role.

TOWN MANAGER'S REPORT

Due to the length of the agenda, Manager McGovern's report will be presented at the next regular meeting.

MINUTES OF PREVIOUS MEETING

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #10-98/99 held January 11, 1999 as written.

(7 yes) (0 no)

ITEM #87-98/99

Intro - Tom Emery, Chairman Town Farm Ordinance and Easement Drafting Committee

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Draft Zoning Ordinance Amendment Town Farm District dated January 14, 1999 and refers the draft zoning amendments to the Planning Board for comment.

(7 yes) (0 no)

Moved by C. Fritz and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council sets to Town Council workshop the Draft Town Farm Conservation Easement from the Town of Cape Elizabeth to "Third Party" dated January 14, 1999.

(2 yes) (5 no H. Berry, J. Groff, J. McGinty, R. Reid, R. Watson)

Moved by C. Fritz and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council tables discussion and action on the Draft Town Farm Conservation Easement from the Town of Cape Elizabeth to "Third Party" dated January 14, 1999, following the Planning Board's report back on the draft zoning amendments Town Farm District.

(7 yes) (0 no)

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to make available the Town Attorney's letter dated February 5, 1999 Re: Conservation Easement proposed for the Town Farm property, to the Planning Board and members of the public as requested.

(7 yes) (0 no)

Page 3 Minutes
February 8, 1999

ITEM #88-98/99 Intro - Manager McGovern

Moved by R Reid and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the proposal to expand the Sewer Service Area to include property owned by the Roman Catholic Bishop of Portland (Map U37 Lot 4) at the intersection of Route 77, Two Lights Road and Broad Cove Road.

(6 yes) (1 no C. Fritz)

ITEM #89-98/99 Intro - Manager McGovern
Present - Steve Harding, Town Engineer

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of the proposed Master Plan for the Gull Crest Property from the Facilities 2000 Committee and sets the proposed Master Plan to public hearing on Wednesday, March 10, 1999 at 7:30PM at Town Hall.

(7 yes) (0 no)

ITEM #90-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sell a tax acquired property at Lot 17 Park Circle in the amount of \$90,000. The Town Manager is also authorized to sign the quitclaim deed and all accompanying documents. The tax obligation will be paid to the Town, all net proceeds shall be placed in the Land Acquisition Fund.

(7 yes) (0 no)

ITEM #91-98/99 Intro- Manager McGovern

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council refers to workshop a citizen proposed ordinance to govern hours and environment issues at outdoor shooting ranges and gun clubs. Said workshop shall be set subsequent to the month of March, 1999.

(7 yes) (0 no)

Note: See attachment for proposed wording.

Page 4 Minutes
February 8, 1999

ITEM #92-98/99 Intro - Manager McGovern
Present - Robert Malley, Director of Public Works
Dan Fisher, Al Barthelman, Paul Phillipps, Members
Fort Williams Advisory Commission

Moved by R. Reid and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission for the approval of the FY 2000 listed projects from the January 21, 1999 Fort Williams Advisory Commission Capital Improvement Plan with \$115,000 from the Fort Williams Capital Fund Account and \$3,000 from the Goddard Mansion Account.

(7 yes) (0 no)

Note: See attachment.

ITEM ##93-97-98/99 Intro - Manager McGovern
Present - Robert Malley, Director of Public Works
Dan Fisher, Al Barthelman, Paul Phillipps, Members
Fort Williams Advisory Commission

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the following recommendations of the Fort Williams Advisory Commission:

#93-98/99 Use of Fort Williams Park by the Cape Elizabeth Little League in April, May, and June of 1999 as presented.

Note: See attachment.

#94-98/99 Use of Fort Williams Park for the Downeast British Car Show on September 12, 1999 with a rain date of September 19, 1999 as presented.

#95-98/99 Use of Fort Williams Park for the Engine One Company Labor Day Art Show on September 5, 1999 with a rain date of September 6, 1999 as presented.

#96-98/99 Use of Fort Williams Park for Pond Cove Elementary School for the Spring Field Day. A date to be determined.

#97-98/99 Use of Fort Williams Park for the annual Fire Department Public Safety Day on October 9, 1999 as presented.

(7 yes) (0 no)

ITEM #98-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council tables until the March 10, 1999 Town Council Meeting a citizen petition requesting a stop sign at the end of Robinhood Road at its intersection with Littlejohn Road. Said tabling motion provides an opportunity to gather additional information.

(7 yes) (0 no)

ITEM #99-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the recommendation of the Town Manager and authorizes the Town Manager to hire a consultant, Flack & Kurtz Consulting Engineers, to review issues relating to tower locations and public safety communications needs at a cost not to exceed \$10,000 from the undesignated surplus.

(7 yes) (0 no)

ITEM #100-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council refers to the Ordinance Committee proposed updates to the Building Code, the Fire Prevention Code and the Flood Hazard Ordinance.

(7 yes) (0 no)

Note: The proposed draft dated February 2, 1999 still needs some codification at the staff level.

ITEM #101-98/99 Intro - Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quitclaim deed for property located at 10 Evergreen Circle (Map U35 Lot 5-40) to Richard A. & Pamela K. Herrmann. Said property was foreclosed by the Town on January 13, 1999 for an unpaid sewer lien filed June 13, 1997.

(7 yes) (0 no)

ITEM #102-98/99 Intro - Manager McGovern

Moved by J. McGinty and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council changes the date of the regular March Town Council Meeting from Monday, March 8, 1999 to Wednesday, March 10, 1999 at 7:30PM at the Town Hall.

(7 yes) (0 no)

Note: A Town Council meeting is generally rescheduled if a Town Councilor(s) is participating in a conference on behalf of the Town.

Page 6 Minutes
February 8, 1999

ITEM #103-98/99 Intro - Manager McGovern

Moved by R. Reid and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council agrees not to participate in the Coalition for Equitable School Funding at a cost of \$2.00 per student or \$3,468 based on the current school population of 1734.

(7 yes) (0 no)

ITEM #105-98/99 Intro - Manager McGovern
Present - Paul Woods - Potential Owner of 1231 Shore Road

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council authorizes the discharge of a Town Council Order dated September 9, 1991, referring to the structure and immediately surrounding area located at 1231 Shore Road in the Town of Cape Elizabeth, referenced in and recorded at the Cumberland County Registry of Deeds, Book 9712 Page 60. Said Order is hereby rescinded due to the compliance of said Order.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Councilor Reid announced she will not seek reelection for the Town Council at the May, 1999 Municipal Election.

ITEM #104-98/99 Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council enters into executive session at 8:53PM to begin the annual evaluation of the town manager and to discuss property acquisition/disposition matters.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:25PM.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council adjourns at 9:26PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk

