

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

MEETING #12-98/99

Wed. March 10, 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

PRESENTATIONS

Engine Hose Company #2: 75th Anniversary
Andy Strout: NFICA Girls Tennis National Coach of the Year

COUNCILOR'S REPORTS AND CORRESPONDENCE

Nomination papers for Town Council and School Board are now available in the Office of the Town Clerk. Deadline for submission of papers is Monday, March 22, 1999 at 5:00PM.

Debra Lane thanked the 1999 City of Bangor delegates to the National League of Cities Congressional Conference for their assistance in returning home. Washington D.C. was paralyzed with a winter storm during the last day of the conference.

Councilor Watson reported on the NLC Congressional Conference. Issues to follow include Special Education funding, Internet taxation and Transportation.

Councilor Fritz reported on her three site visits to recycling facilities. Ms Fritz serves as Cape Elizabeth's representative to RWS.

Page 2 Minutes
March 10, 1999

Councilor Berry (representative on the Cumberland County Budget Advisory Committee) reported on several aspects of the county budget including the inmate work program, space issues at the registry and a grant received by the District Attorney's office. The Historic Preservation Study Committee may be requesting an extension for which to complete their report.

TOWN MANAGER'S REPORT

Welcome back to Chief Pickering. Thank you to Captain Williams for his work as Acting Chief during the Chief's medical absence.

Town Hall's custodian, George Manolakis, has left for Florida to pursue another job opportunity. Good luck, George.

Thank you to department heads and other employees for your work on the proposed FY 2000 budget.

MINUTES OF PREVIOUS MEETING

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #11-98/99 held February 8, 1999 as written.

(7 yes) (0 no)

ITEM #106-98/99 Intro - Manager McGovern
Present - Gilbert Jordan, Chairman Facilities 2000 Committee
Steve Harding, Town Engineer

8:05PM Chairman Groff opened the hearing to public comments.

Jack Roberts, 175 Fowler Road - Mr. Roberts expressed his support for the project. He also offered suggestions to eliminate the inclusion of the possible third field on the master plan (due to ledge), buffering should be included between the project and the adjacent property, a marker should be developed to place at the town's boundary line so that residents and visitors would know where the public land ends.

Diane Shevenell, 189 Fowler Road - Mrs. Shevenell complimented the committee on their job and asked that the proposed path be shown further away from her property line to avoid the noise of snowmobiles at night.

Tim Thompson, 6 Pine Ridge Road - Mr. Thompson asked about the possibility of another recreational field being placed on the property as "fields and gyms are still an issue."

Page 3 Minutes
March 10, 1999

Ken Moon, 490 Spurwink Avenue - Mr. Moon asked for additional privacy screening between his home and the fields.

Matt Martin, Student Representative - Will additional baseball fields be built?

After hearing no further comments, the hearing was closed at 8:18PM.

8:23PM Hearing reopened for public comments.

Andy Strout, 30 Fowler Road - Mr. Strout offered a suggestion to make the recreational fields square in order to allow for the goals to be placed in different areas so that the wear on the fields would be rotated.

Moved by R. Reid and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council adopts the proposed Master Plan for the Gull Crest Property as presented.

(7 yes) (0 no)

ITEM #98-98/99 (Tabled from 2/8/99)

Moved by J. McGinty and Seconded by H. Berry

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

(7 yes) (0 no)

Intro - Manager McGovern,

Officer Paul Gaspar, Community Liaison Officer

Present - Paul Phillipps

Note: Councilor Watson noted that her husband signed the petition as they were residents of Littlejohn Road at the time. Ms Watson had asked the Town Council whether they wished her to participate in the discussion and voting, however the request was withdrawn prior to Council action.

Mr. Phillipps withdrew his request for a stop sign on Littlejohn Road at the intersection with Robinhood Road. CLO Gaspar has worked with Mr. Phillipps and the neighborhood to develop other alternatives.

Page 4 Minutes
March 10, 1999

ITEM #107-98/99 Intro - Manager McGovern
Present - Dan Fisher, Chairman Fort Williams Advisory Commission
Robert Malley, Director of Public Works

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Report To The Cape Elizabeth Town Council Prepared By The Fort Williams Advisory Commission On The Issue Of Making Fort Williams Park Financially Self-Sufficient dated February 26, 1999, as presented.

(7 yes) (0 no)

ITEM #108-98/99 Intro - Manager McGovern
Present - 2 representatives of Gendron Retail

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council tables ITEM #108-98/99, regarding a request by Gendron Retail to refer to the Planning Board proposed amendments to the town center provisions of the Zoning Ordinance, to the next regular meeting of the Town Council to be held on Monday, April 12, 1999 at 7:30PM.

(6 yes) (1 no R. Watson)

Break - Returned 9:07PM

ITEM #109-98/99 Intro - Manager McGovern
See attached: Town Manager's Budget Message

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council refers to the Finance Committee the proposed municipal budget for Fiscal Year 2000.

(7 yes) (0 no)

ITEM #110-98/99 Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council tables ITEM #110-98/99, regarding proposed fees for Riverside Cemetery burials and markers, until the next regular meeting of the Town Council to be held on Monday, April 12, 1999 at 7:30PM.

(7 yes) (0 no)

ITEM #111-98/99 Intro - Manager McGovern
Present - Steve Harding, Town Engineer
Robert Malley, Director of Public Works

Moved by R. Reid and Seconded by H. Berry

1. Be it ordered that the Town Council awards the bid for the Town Center Sidewalk/Drainage Project to Maietta Construction and authorizes the Town Manager to sign a contract with Maietta Construction in the amount of \$505,935.50.
2. Be it ordered that the Town Council accepts the Temporary easements donated by Barbara Johnson, Ann McCullum, Scott Balfour, Gerald and Sharon Murray, and Durward and Freda Holman as part of the Town Center Sidewalk/Drainage Construction Project.
3. Be it ordered that the Town Council donates an access easement over the Thomas Memorial Library entrance to Ann McCullum for the benefit of the property located at 2 Scott Dyer Road and authorizes the Town Manager to sign the easement as presented.
4. Be it ordered that the Town Council dedicates the land proposed for sidewalk construction for the construction and maintenance of a public sidewalk as depicted on Town Center Sidewalk Project Plans for the "economic life" of the sidewalk.

(7 yes) (0 no)

ITEM #112-98/99 Moved by J. McGinty and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the recommendation from the Fort Williams Advisory Commission to approve four kite fly event days at Fort Williams Park:

Saturday, April 24(raindate Sunday, April 25)

Sunday, June 20 (raindate Sunday, June 27)

Sunday, September 11

Sunday, October 10

(7 yes) (0 no)

ITEM #113-98/99 Intro - Councilor Reid, Chairman Appointments Committee

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to fill vacancies on the Community Center Study Committee and to revise the draft charge of the committee as presented:

Town Council:	Ruth Watson and Rosemary Reid
School Board:	Andy Strout representing School Board
Planning Board:	Mark Wilcox
Thomas Memorial Library Trustee:	Anne Swift-Kayatta
Community Services Advisory:	Mike Alfiero
Members recommended by Appointments Committee:	Jan Love, Katherine Miller
Students:	John Cranshaw, Lindsay Groff

The original charge approved as ITEM #74-98/99 on December 14, 1998 is now amended to include a *ten* member committee, to allow for two student representatives. The original charge included a nine member committee.

(6 yes) (0 no)

Chairman Groff recused himself from discussion and voting on this item as his daughter was recommended to serve on the committee.

ITEM #114-98/99 Intro - Manager McGovern
Present - Joel Fitzpatrick

Chairman Groff recused himself from discussion and voting on ITEM #114-98/99 as he may have a perceived conflict of interest. Councilor Carson presided as Chairman Pro-Tem.

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council grants a conditional municipal approval for the Hemlock Hill Subdivision of the proposed public road, public sewer, and a parcel of land to be used as open space. Said land offering by Fitzpatrick Associates is a parcel approximately 11,700 square feet in size in the Hemlock Hill Subdivision. Final acceptance by the Town Council would occur following the actions of the Planning Board as required by town ordinance.

(6 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Page 7 Minutes
March 10, 1999

ITEM #115-98/99 Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council enters into executive session to continue the annual evaluation of the town manager at 9:45PM.

(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 10:15PM.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council adjourns at 10:15PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk