

**TOWN OF CAPE ELIZABETH**

**TOWN COUNCIL MEETING MINUTES**

**MEETING #13-98/99**

**APRIL 12, 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***

Stacey Pickering      Prudential Spirit of America Award  
Katherine Beal      Prudential Spirit of America Award  
1998 Boys High School State Lacrosse Champions  
1999 Boys High School Ice Hockey State Champions  
1999 Boys High School Nordic Team 5K State Champions  
1999 Boys and Girls Middle School Nordic Team Championship  
1999 Berklee College Jazz Fest Winners: CEHS Jazz Band

***COUNCILOR'S REPORTS AND CORRESPONDENCE***

Councilor Watson, MMA Legislative Policy Committee, reported that the school funding issue has not been resolved. A 5 cent gas tax to support highway funds has been approved by committee. It is anticipated that the boat sales tax for docking fees will not pass.

Councilor Reid, Chairman Finance Committee, announced the Town Council and School Board budget workshop on Wednesday, April 14, 1999 at 7:30PM at Town Hall. The Town Council will also review revisited items from previous municipal budget workshops. The public hearing and adoption of the FY 2000 budget will be held on Monday, May 10, 1999.

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Councilor Berry, Chairman Historic Study Committee, announced the April 29, 1999 public forum regarding an historic site ordinance. Residents are encouraged to participate in the discussion. How does the community feel about a historic ordinance? The public forum begins at 7PM at Town Hall.

### ***TOWN MANAGER'S REPORT***

The Fort Williams Centennial Celebration will begin with an Open House at the Parks Maintenance Building at Fort Williams on Tuesday, April 13, 1999 from 5:30 - 7:30PM. The unveiling of the new entrance sign to Fort Williams will be held at 5PM.

Congratulations to the public safety personnel for their efforts in the recent rescue at Fort Williams. While trying to climb the rocks, a gentleman slipped down. The successful rescue effort was a culmination of everyone working together. Thank you and congratulations.

### ***MINUTES OF PREVIOUS MEETING***

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #12-98/99 held March 10, 1999 as written.

(7 yes) (0 no)

Student Representatives Martin and Faherty requested that the Town Council consider amending the student representative selection election to the spring of 1999, with a term to begin September 1, 1999. The Town Council will consider the matter at the Special Town Council Meeting April 14, 1999.

ITEM #108-98/99 (Tabled from 3/10/99 to 4/12/99)

Moved by R. Reid and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the request of Gendron Retail, to table ITEM #108-98/99 to the May 10, 1999 Town Council Meeting. Said request is to refer to the Planning Board proposed amendments to the town center provisions of the Zoning Ordinance.

(7 yes) (0 no)

ITEM #110-98/99 (Tabled from 3/10/99 to 4/12/99)

Moved by J. McGinty and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council takes ITEM #110-98/99 off the table.

(7 yes) (0 no)

Intro - Debra Lane, Town Clerk

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the Riverside Memorial Cemetery burial fees for the 1999 and 2000 burial seasons as follows:

	<b>1999</b>	<b>2000</b>
Regular Adult Burial - Weekday	\$400	\$425
Regular Adult Burial - Saturday & Holidays	425	450
Infant Burial - Weekday	275	300
Infant Burial - Saturday & Holidays	300	325
Cremains Burial - Weekday	250	275
Cremains Burial - Saturday & Holidays	275	300

(7 yes) (0 no)

ITEM #116-98/99 Intro - Manager McGovern  
David Cyr, Chairman Pool Building Committee

Moved by R. Reid and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the recommendation of the Pool Building Committee to authorize the Town Manager to sign a contract with Wright-Ryan Construction for the renovation of the community pool and related improvements for the amount of \$2,257,265. \$2,200,000 of this amount is to be funded through the proceeds of the bond authorized by the voters of Cape Elizabeth. The balance of \$57,265 and all architectural and engineering fees amounting to \$225,000, asbestos removal fees amounting to \$21,000 and miscellaneous expenses amounting to \$20,000 is hereby funded through a \$100,000 appropriation for the pool approved by the Town Council on July 13, 1998 and from the \$225,050 approved for "Pool Rehabilitation and Leavitt Purchase" as part of the Fiscal Year 1999 budget. The contingency for this project shall be \$170,000 which shall be provided for in the Fiscal Year 2000 budget and which may not be spent prior to July 1, 1999. All unused contingency shall remain in the Facilities 2000 account.

(7 yes) (0 no)

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ITEM #117-98/99 Intro - Manager McGovern

Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the creation of the Fort Williams Park Charitable Foundation Study Committee and proposed committee charge, as presented. Said committee to be established through the Appointments Committee process.

(7 yes) (0 no)

See attachment.

ITEM #118-98/99 Intro - Councilor McGinty, Chairman Ordinance Committee

Moved by J. McGinty and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report of the Ordinance Committee recommending technical amendments to the Zoning Ordinance and updates of the Construction Codes including the Building Code, the Floodplain Ordinance, the Housing Code and the Fire Protection Code.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council sets to Town Council workshop on May 17, 1999 technical amendments to the Zoning Ordinance and updates of the Construction Codes including the Building Code, the Floodplain Ordinance, the Housing Code and the Fire Protection Code.

(7 yes) (0 no)

ITEM #119-98/99 Intro - Debra Lane, Town Clerk

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quitclaim deed to Ronnie S. Halfacre for the Town's interest in the condominium at 91 Starboard Drive, Map U45 Lot 1-91, as written.

(7 yes) (0 no)

Moved by R. Reid and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council authorizes the return of the April, 1999, 91 Starboard Drive rent, paid to the Town of Cape Elizabeth, in the amount of \$750.00 to Ronnie S. Halfacre. Ms Halfacre had requested the Town return the total amount of rent collected by the Town, an amount of \$4500.00.

(7 yes) (0 no)

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ITEM #120-98/99 Intro - Debra Lane, Town Clerk

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the signing of the Municipal Election Warrant as presented. The election to be held on Tuesday, May 4, 1999 at the Cape Elizabeth High School gym. Polls are open from 7AM - 8PM. (7 yes) (0 no)

ITEM #121-98/99 Present - Chief Pickering

Moved by R. Watson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council requests the Town Manager to confer with the Maine Department of Transportation regarding new speed limits for Route 77 in the town center from the Cape Elizabeth High School driveway to Hill Way and Hill Way to Hunt Club Road. In February, 1996 the Chief of Police recommended lower speed limits, within those areas, in conjunction with the Town Council's decision to move forward with an application to improve sidewalks and pedestrian safety. CEHS driveway to Hill Way was recommended from 35 mph to 25 mph. Hill Way to Hunt Club Road was recommended from 45 mph to 35 mph. It is the Town Council's desire to review the recommended changes. What is the current criteria from MDOT? Are the number of speed limit changes appropriate? A report back to the Town Council is requested following discussions with MDOT.

(7 yes) (0 no)

ITEM #122-98/99 Moved by H. Berry and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council authorizes the establishment of an account at Legg Mason Wood Walker to accept a donation for the Fort Williams Centennial and for any other future security transfers to the Town of Cape Elizabeth and authorizes the Town Manager to sell all donated securities received by Legg Mason Wood Walker.

(7 yes) (0 no)

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

Candidate's Night      Wednesday, April 28, 1999 7-9PM      Town Hall  
*Sponsored by League of Women Voters*

Cumberland County Budget      Wednesday, April 21, 1999 4-7PM Cumberland County Courthouse

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ITEM #123-98/99     Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council enters into executive session at 9:35PM to receive an update from the Town Manager on property acquisition/disposition matters and to continue the annual evaluation of the Town Manager.

(7 yes) (0 no)

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at approximately 9:45PM.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council adjourns at 9:45PM.

(7 yes) (0 no)

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Debra M. Lane, Town Clerk