

CAPE ELIZABETH TOWN COUNCIL

MINUTES

MEETING

MEETING # 7-99/00

November 8, 1999

7:30 P.M.

Note: The members of the Town Council, in their capacity as Trustees of the Thomas Jordan Trust, met at 7:00PM in the William H. Jordan Conference Room.

ROLL CALL BY THE TOWN CLERK		PRESENT ABSENT		
Penelope P. Carson, Chairman	36 Trundy Road	X	799-8029	6/2000
Henry N. Berry, III	110 Two Lights Rd.	X	799-6500	6/2000
Carolyn M. Fritz	9 Hunt Club Woods	X	767-3737	6/2000
John W. McGinty	86 Brentwood Road	X	767-0139	6/2001
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	6/2002
John E. "Jack" Roberts, Jr.	185 Fowler Road	X	767-4526	6/2002
Ruth E. McCleery Watson	7 Winding Way	X	799-3559	6/2001

Student Representative Boulos X
Student Representative Rowe X

Pledge of Allegiance To The Flag

Reports and Correspondence

Councilor Swift-Kayatta reported on the GPCOG meeting held 10/20/99 re: Area development issues. The deadline for annual boards and commissions applications is November 22, 1999.

Councilors Roberts thanked all those whom have recently participated in trail work.

Councilor Berry noted the next meeting of the Historic Preservation Study Committee will be November 15 at 4:00PM. The next public forum is scheduled for December 8.

Town Manager's Report

The Town Manger thanked the members of the Public Works Department for their effort during Heavy Item Pick Up.

Early this evening, the Town Council, as the Trustees of the Thomas Jordan Trust, approved investments of Trust funds as recommended by the financial advisors.

Town Council Workshop – November 17 re: Facilities 2000 report on the fire and police facilities, dogs on Crescent Beach.

Congratulations to Student Representative Andrew Rowe and the CEHS golf team for their recent state championship victory.

Citizen's Discussion of Items Not On the Agenda

Minutes

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the minutes of meeting #6-99/00 held October 13, 1999 as written.

(7 yes) (0 no)

***Public Hearing Proposed Town Farm Zoning District
(Amendments to Comprehensive Plan, Zoning Ordinance and Zoning Map)***

Chairman Carson opened the public hearing at 7:40PM.

Tom Emery, 12 Juniper Lane, Past Chairman Town Farm Ordinance and Easement Drafting Committee – Mr. Emery encouraged the Town Council to pass the recommendation.

Bob Danielson, 14 Reef Road – Mr. Danielson recommends approval.

After hearing no further comments, the hearing was closed at 7:41PM.

ITEM #47-99/00 Present – Maureen O'Meara, Town Planner

Moved by C. Fritz and Seconded by J. Roberts

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to approve the proposed amendments to the Comprehensive Plan, the Zoning Ordinance and the Zoning Map providing for a new Town Farm Zoning District covering the upland portion of the Town farm off Spurwink Avenue as presented.

(7 yes) (0 no)

See attachment.

Public Hearing General Assistance Appendices

Chairman Carson opened the public hearing at 7:52PM.

After hearing no comments, the hearing was closed at 7:52PM.

ITEM #48-99/00 Moved by R. Watson and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council approves the recommended revised appendices to the General Assistance Regulations.

(7 yes) (0 no)

See attachment.

ITEM #49-99/00 Intro – Manager McGovern
Present – Maureen O’Meara, Town Planner

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Planning Board recommending proposed amendments to the Comprehensive Plan, the Zoning Ordinance and the Zoning Map relating to telecommunication facilities and refers the report to the Ordinance Committee.

(7 yes) (0 no)

ITEM #50-99/00 Intro – Manager McGovern and Chief Pickering, Addressing Coordinator
Present – Chief McGouldrick, Bob Konczal (members of the E911 Addressing Committee)

Moved by H. Berry and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the report from the Enhanced 911 Addressing Committee recommending revised street names within Cape Elizabeth as presented.

(6 yes) (1 no J. McGinty)

See attachment.

ITEM #51-99/00 Present – Maureen O’Meara, Town Planner

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Planning Board recommending changes to the Zoning Ordinance that would change the “undue hardship” variance standard with a “practical difficulty” variance standard and refers the report to the Ordinance Committee.

(6 yes) (1 no C. Fritz)

ITEM #52-99/00 Intro – Manager McGovern

Moved by R. Watson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Communications Tower Construction Feasibility Report dated October, 1999 and refers the report to the Town Manager to develop an implementation plan considering the Town Council's consideration of the proposed amendments to the Zoning Ordinance, the Zoning Map and the Comprehensive Plan relating to telecommunications.

(7 yes) (0 no)

ITEM #53-99/00

Intro – Manager McGovern

Present – Harvey Oest – OEST Associates

Robert Malley, Director of Public Works

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council awards the bid to Keeley Construction for improvements to the Gull Crest property in the amount of \$2,920,000, with engineering and construction monitoring at \$310,000, construction contingency at \$204,000 (7%) and \$166,000 (less \$2600 for two football goal posts) in estimated costs for equipment and furnishings, the total expense of \$3,600,000 less \$2600. The Town Manager is also authorized to sign the documents associated with the bid.

(1 yes) (6 no H. Berry, P. Carson, J. McGinty, J. Roberts, A. Swift-Kayatta, R. Watson)

Note: Councilor Fritz's motion did not include funds for goal posts pending a Town Council discussion on the future of football as an organized school-sponsored sport.

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council awards the bid to Keeley Construction for improvements to the Gull Crest property in the amount of \$2,920,000, with engineering and construction monitoring at \$310,000, construction contingency at \$204,000 (7%) and \$166,000 in estimated costs for equipment and furnishings, the total expense of \$3,600,000. The Town Manager is also authorized to sign the documents associated with the bid.

(7 yes) (0 no)

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ITEM #54-99/00

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the proposed revisions to the fees for the use of the Fort Williams Park Picnic Shelter as follows:

Current

Proposed

Residents	\$40.00	\$75.00
Non-Residents and Groups	\$70.00	\$150.00
Business and Catered Events	\$150.00	\$150.00
Residents – Use from Open and Depart by 2PM		\$50.00
Residents – Use after 4PM to Close		\$50.00
Others – Use from Open and Depart by 2PM		\$100.00
Others – Use after 4PM to Close		\$100.00

An additional \$25.00 security deposit is charged to all fees.

(7 yes) (0 no)

ITEM #55-99/00 Intro – Manager McGovern

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, December 13, 1999 at 7:30PM at Town Hall a proposed revision to the sewer rate schedule.

(7 yes) (0 no)

ITEM #56-99/00 Intro – Manager McGovern

Moved by C. Fritz and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Strategic Direction report for the Cape Elizabeth Rescue Company dated October 28, 1999 and refers the report to the Town Manager for the development of an implementation plan, based on the report, to be reviewed by the Town Council. The Town Manager's report is due back to the Town Council March 1, 2000.

(7 yes) (0 no)

ITEM #57-99/00 Moved by A. Swift-Kayatta and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council establishes the Cape Elizabeth Playground Study Committee and draft charge as presented.

(7 yes) (0 no)

See attachment.

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ITEM #58-99/00 Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the request from New England Telephone and Telegraph Company and Central Maine Power Company for a pole location on Windmill Lane, from approximately 243' northeasterly off Ocean House Road, State Route 77.

(7 yes) (0 no)

ITEM #59-99/00 Intro – Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council tables ITEM #59-99/00 a request for the annual MS Society Walk on April 9, 2000 at Fort Williams Park pending review of the request by the Fort Williams Advisory Commission.

(7 yes) (0 no)

Moved by R. Watson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council adjourns at 9:14PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk