



CAPE ELIZABETH TOWN COUNCIL MINUTES
Special Meeting # 9-00-01
November 27, 2000
7:30 p.m.

Roll Call by the Town Clerk

Present Absent

Penelope P. Carson, Chairman	36 Trundy Road	799-8029	6/2003	X
Henry N. Berry III	110 Two Lights Rd.	799-6500	6/2003	X
Carolyn M. Fritz	9 Hunt Club Road	767-3737	6/2003	X
John W. McGinty	86 Brentwood Road	767-0139	6/2001	X
John E. "Jack" Roberts, Jr.	185 Fowler Road	767-4526	6/2002	X
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	6/2002	X
Ruth E. McCleery Watson	7 Winding Way	799-3559	6/2001	X

Student Representatives

Jamie Cluchey	X
Kristin Elia	X

Michael McGovern	X
Debra Lane	X

Pledge of Allegiance to the Flag

Presentations

Reports and Correspondence

Councilor Roberts- Applications for boards and commissions are closed. The Town Council will vote on the recommendations of the Appointments Committee at the December meeting.

Councilor Berry – Congratulations to the Fire Department on reaching their \$50,000 goal for the two Thermal Imaging Cameras. Congratulations to the Downeasters Field Hockey Team who today won the Gold Medal in West Palm Beach, FL. There are 17 members from Maine, 4 from Cape Elizabeth.

Town Manager's Report

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 8-00-01, held November 13, 2000

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #8-00/01 held November 13, 2000 as written.

(7 yes) (0 no)

Item # 52-00-01

Intro - Chairman Carson

Chairman Carson opened the public hearing at 7:36PM.

Ernest Locsei, 56 Oakhurst Road, Member, Community Services Advisory Commission

Favors the purchase.

6000 participants in Community Services programs - Day Care to Senior Citizens

Perhaps this is the answer to accommodate the staff and programming needs.

Mary Jane Mork, 4 Ocean Avenue – Member, Community Services Advisory Commission

Favors the purchase.

Explained the magnitude and scope of services and programs.

Need room to manage programs.

Andy Bernstein - 19 Trundy Road

Favors the purchase.

Building is the only of its type, it provides a 'unique opportunity.'

Marilyn Sherry - 19 Starboard Drive

Disagree with solution to the above-stated problems.

Questions the tax revenue being removed.

Need to look harder for solutions.

Patrick Cotter - 21 Ocean House Road

Need to reconsider the issue.

How much money will the building cost to renovate?

Look at loss of revenue.

Having the business in town will benefit for the future.

Look at expanding the High School for kindergarten and Community Services offices.

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Jamie Walsh – 23 Belfield Road, Student
Favors the purchase for teen center.

Anne Belden, 56 Stonybrook Road – Pond Cove Parents Association
Margaret Thibodeau, 21 Salt Spray Lane – Pond Cove Parents Association
Not speaking for all the parents of the association.
Favors the purchase.
School-related purposes, particularly. Close proximity to schools.
Relocate kindergarten. Storage space. High school after school place to go.

Tom Forcella, Superintendent of Schools, 9 Salt Spray Lane
School Space Study Committee – study will be provided when completed.
To move Community Services will provide space for classrooms.
Applauds the Town Council and Town Manager for the foresight.

Marie Prager, School Board, Chairman School Facilities Study Committee
Reviewed charge of the School Facilities Study Committee.
Space is needed in each of schools.
Need space that Community Services currently occupies, as soon as next fall.

Peter Cotter, 21 Ocean House Road – Chairman Planning Board (Speaking as resident)
Doesn't question consideration of any land/building purchase that comes before the Town Council. Doesn't question the need to relocate Community Services.
This parcel is not the answer.
Look at structure of barns - type of paints and materials used.
Pond Cove Millwork has been generous supporter of non-profit groups. The work stretches over many states and through many businesses.
Alternatives – vacant lots on both sides of Town Hall, 1226 Shore Road, Agency One ERA.
“Kick a business” out of Cape Elizabeth is “insane.”

Student - 23 Philip Road
Favors purchase for teen center. Need Skate Park. Good investment.

Ann Halfacre, 5 McAuley Road, Student
Favors purchase for teen center.
Overlooking buying and renovating will add to the tax burden. Should try to find other ways of raising money.
Look at other alternatives for space needs.

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Rosemary Reid - 1 Dean Way

Favors the purchase.

Understand taxes, space needs, need to review the Millwork property.

Town has low debt ratio.

Applaud the consideration of the property.

There are ways of purchasing the property perhaps without increasing taxes – other revenue sources.

Jamie Walsh - 11 Belfield Road, Student

Need space for skateboarders and teen center.

Library doesn't offer many after school opportunities.

Russell Hallock - 2 Dearborn Drive

Doesn't approve purchase.

Fixed income. Unknown costs of renovation will add to tax rate.

Kids need to spend more time at homes getting to know each other.

George Gagnon has been "a friend" to many companies and residents.

Look at other town properties e.g. "garage" parking lot next door to Town Hall.

Catherine Miller - 7 Crescent View Avenue

Evaluation of Community Services – served on this committee last year. Ms Miller reviewed the findings of the committee.

Need for after school children.

Community Services needs space for offices and programming (Elderly to teen population).

Location, size, visibility– necessary components for needs.

There is a price for purchase and renovation.

Don Perkins – Attorney for Pond Cove Millwork, 136 Oakhurst Road

How do you address without appraisal or engineer analysis?

Pond Cove Millwork supports the community in donations to non-profits, property taxes, excise taxes, and support of other local businesses.

The Town becoming a "competitor" has created a "mess." The lease between Murray and Pond Cove Millwork may have been resolved.

Look at alternatives to satisfy needs of the community.

Jamie Walsh – 23 Belfield Road, Student

Middle School kids may help to renovate.

Ann Cranshaw - 2 Star Road – Cape Community Coalition

Need place for teens, seniors and Community Services.

Cape Coalition needs space. This building would provide a solution to many needs.

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Sue Weatherbie, Community Services Director

There is no longer any “swing” space in any school to accommodate Community Services. There are space needs for programming (seniors to preschool), Community Services office, parking, community meeting space, and storage space.

Susan Clough - 11 Patricia Drive

Doesn't favor the site. Lead paint, mercury, and asbestos. Building is in “disrepair.”
Look at alternative sites.

Student – Resident of Belfield Road

Need place to hang out instead of going home.

Randy Blake – 2 Ivie Road

Concerned about the impact on taxes to the Town. Many capital improvements over the past few years.

Looking at retirement – how will I pay my taxes?

Doesn't think Town Council has enough information to vote. Table the item for more information.

Need renovation costs and engineer report.

George Gagnon – Owner Pond Cove Millwork

First priority is children. No animosity toward the kids for wanting the teen center. It's a great idea.

An agreement with Murray was close. “I never said I wouldn't pay the price.”

Kids won't be able to afford to live here, if Town keeps expending funds.

Started here in Cape Elizabeth and wanted to end here.

A second location has been negotiated in Scarborough, however Cape Elizabeth would have been the main location.

Bethany Roy? - 4 Dyer Pond Road

Favors the purchase. Great opportunity for many reasons – community center, Community Services needs.

Miss Skapinsky, 6 Avon Road, Student

Loitering is a problem. Need teen center, senior center, and Community Services needs.

Perhaps this isn't the solution, however it seems to be.

Sal Scaglione 1 Chimney Rock Road

Don't know all the details.

Town is getting “out of control.” “I want to keep my house, and be able to afford it.”

Kids can gather at homes.

Incredible tax burden to citizens.

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Gerald Sherry - 19 Starboard Drive (new resident)
Not a renovation. Should offer the property to the fire department for "practice."
What are the renovation costs?
Kids can go to homes to socialize.

Pat Eppinger? - Student
Asking for teen center, not a "country club."

Rosemary Reid, 1 Dean Way
Remind Town Council donations of residents bottle sheds, fields etc.
Look at revenue aspects.
"I will volunteer to raise funds."

Diane Nicholson - 243 Mitchell Road
Lifelong resident.
Favors the purchase.
Focus has been on teen center – however the teen center is a small portion. Focus should be on a community center.
Assume Town Council has looked at alternatives.

Peter Cotter, Planning Board Member – Speaking as individual member.
"Town Center Zone is a joke."
"Can see Town purchasing Pond Cove Shopping Center for new Town Hall"-need to stop.

Patrick Cotter, 21 Ocean House Road
Can't buy home in Cape Elizabeth – can't afford taxes.

Sue Pierce - 74 Hunts Point Road 10-year resident.
Supports the purchase.
Community Services is a tremendous asset. Needs a home.
Location is ideal.
Give Town Council credit for reviewing the issue.

Andy Strout, 30 Fowler Road
Supports the purchase and comments of the previous speaker.
Advocate for kids. Kids need a place to go.

Betty Crane, 2 Wabun Road
Feel bad that in an indirect way, the Town is involved in business leaving.
1226 Shore Road is not being fully used. Look at expanding 1226 and other alternatives.

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K. Wayne Murray, Owner 343 Ocean House Road
Reviewed the events with Mr. Gagnon.
Reviewed the events with the Town.
Reviewed history of the buildings, including structure.

Jim Murray, 21 Ship Wreck Cove Road
Town shouldn't purchase any other businesses in the center of Town.
Hate to see more businesses go.

Kristen Elia – Student Representative
Had opportunity to tour the facility.
Possibilities are limitless.
1226 Shore Road isn't large enough.

Jamie Cluchey – Student Representative
Agree with previous speaker.
1226 Shore Road isn't large enough.
Needs a place for "kids to be kids."

George Gagnon, Owner Pond Cove Millwork
Residents are welcome to tour the building.
"I have a good reputation here and the Northeast."

After hearing no further comments, the public hearing was closed at 9:26PM.

Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered: The Cape Elizabeth Town Council does hereby authorize the town manager to purchase on behalf of the Town of Cape Elizabeth land and buildings situated at 343 Ocean House Road for the sum of \$560,000, pursuant to the Option to Purchase Real Estate between K. Wayne and Virginia A. Murray and the Town of Cape Elizabeth dated October 18, 2000. The town manager is further authorized to sign all documents necessary to effectuate the purchase authorized by the Town Council. The \$560,000 is hereby appropriated from anticipated proceeds from an upcoming bond issue.

(7 yes) (0 no)

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Item # 53-00-01

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

Ordered: The Cape Elizabeth Town Council does hereby authorize the town manager to sign a contract with Keeley Construction, Inc. for the renovation of the current public works building into the Town Center Fire Station and for the construction of a new police station at the site of the current public safety building. The Town Council hereby appropriates \$2,493,000 for the contract with Keeley Construction, Inc. and \$807,000 for furnishings, design, construction administration, a generator, contingency and other miscellaneous costs with the total of \$3,300,000 to be funded from anticipated proceeds from an upcoming bond issue.

(7 yes) (0 no)

Item # 54-00-01

Present Dr. Schenkel, President Cape Elizabeth Land Trust
 Members Dr. Rand, Bob Danielson, Nancy Miles

Moved by H. Berry and Seconded by J. McGinty

Ordered: The Cape Elizabeth Town Council hereby appropriates from an upcoming bond issue \$150,000 into the Conservation Land Purchase Fund with said funds to be supplemented with \$100,000 from the Land Acquisition Fund for a future donation to the Cape Elizabeth Land Trust. Funds shall not be expended until the Town Council shall review and approve the allocation of these funds for a specific parcel or parcels.

(7 yes) (0 no)

Item # 55-00-01

Intro – Manager McGovern
Present – Pat Carroll, Consultant

Moved by R. Watson and Seconded by J. Roberts

Ordered: The Cape Elizabeth Town Council hereby appropriates from an upcoming bond issue \$150,000 into the Playground Improvement Fund with said funds to be expended for the design and construction of playgrounds on school and municipal property. No construction shall occur until the Town Council shall review and approve the playground improvement plan now being prepared.

(7 yes) (0 no)

Item # 56-00-01

Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves a bond issue in the amount of \$4,100,000 for public safety building projects, property acquisition and playground improvements:

**TOWN OF CAPE ELIZABETH, MAINE
TOWN COUNCIL VOTE AUTHORIZING
THE ISSUANCE OF UP TO \$4,100,000 IN BONDS
TO FINANCE EXPENDITURES FOR
VARIOUS CAPITAL PROJECTS**

VOTED: Pursuant to the provisions of Section 5772 of Title 30-A of the Maine Revised Statutes and all other authority thereto enabling, and in order to provide funds for costs of the following Projects previously authorized by votes of the Town Council, and the costs and expenses related thereto, the Town Council of the Town of Cape Elizabeth hereby authorizes the Treasurer to borrow on behalf of the Town up to \$4,100,000 in principal amount, as follows:

Public Safety Buildings	\$3,240,000
Playground Improvements	150,000
Acquisition of new Community Center	560,000
Land Acquisition	150,000

If there are excess bond proceeds on any of the foregoing Projects, such excess, together with any investment earnings on the bond proceeds, may be allocated to and used for costs of any other of the Projects whose cost exceeds otherwise available bond proceeds, such allocation to be effected in such manner as may be approved by the Treasurer.

- VOTED: That the term “cost” or “costs” as used herein and applied to any Project, or any portion thereof, includes, but is not limited to: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation, and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction, underwriters’ fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.
- VOTED: That in order to effect the borrowing heretofore authorized, the Treasurer be and hereby is authorized to prepare, issue and sell notes or bonds of the Town in the aggregate principal amount not to exceed \$4,100,000, such notes or bonds to be signed by the Treasurer, countersigned by the Chairman of the Town Council and attested by the Town Clerk.
- VOTED: The form, maturity, interest rate and other details of said notes or bonds shall be as determined by the Treasurer and the Chairman of the Town Council by their execution thereof, but shall have a final maturity not later than 20 years from date of issuance, and shall not be inconsistent with the provisions hereof. Such notes or bonds and any notes issued in anticipation thereof may be issued as callable notes or bonds in the discretion of the Treasurer and Chairman of the Town Council.
- VOTED: That the Treasurer and the Chairman of the Town Council are hereby authorized on behalf of the Town to borrow money in anticipation of the issuance of said notes or bonds by the issuance and sale of notes and renewal notes in anticipation thereof, such notes and renewal notes to be in such form, have such maturity and bear interest at such rate as may be approved by the Treasurer and Chairman of the Town Council by their execution thereof.

- VOTED: That the Chairman of the Town Council, the Treasurer and Clerk, and other proper officials of the Town be, and hereby are, authorized and empowered in its name and on its behalf, to do or cause to be done all such acts and things as may be deemed necessary or desirable in order to effect the issue and delivery of said bonds and notes hereinbefore authorized in the foregoing resolutions.
- VOTED: That the Treasurer be and hereby is authorized to select the registrar, paying agent, and transfer agent (the "Transfer Agent") for the bonds and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.
- VOTED: That if the Treasurer, Chairman of the Town Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- VOTED: That the officers executing the bonds be and hereby are individually authorized and directed to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").
- VOTED: That the officers executing the bonds be and hereby are individually authorized to covenant on behalf of the Town and for the benefit of the holders of the notes and bonds, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes and bonds will remain exempt from federal income taxes.
- VOTED: That the officers executing the bonds be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.
- VOTED: That said notes and bonds are hereby designated "qualified tax exempt obligations" under Section 265(b)(2) of the Code.

- VOTED: That the bonds shall be transferable only on the registration books of the Town kept by the transfer agent.
- VOTED: That the Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to bear the original signature of the Treasurer and Chairman of the Town Council, and in case any officer of the Town whose signature appears on any bond shall cease to be such officer before the deliver of said bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.
- VOTED: That this Bond Resolution shall constitute the Town's official declaration of intent for purposes of Section 1.150 of the Internal Revenue Regulations, and to the extent that any costs of the foregoing projects are paid by the Town from the general fund or other fund, such payments may be reimbursed from the proceeds of said notes or bonds.
- VOTED: That the notes and bonds authorized by this Bond Resolution may be combined with any other notes or bonds duly authorized by the Town of Cape Elizabeth and together issued as a single bond issue in the aggregate amount of the notes and bonds so authorized.
- VOTED: That in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.
(7 yes) (0 no)

Citizens' Discussion of Items Not on the Agenda

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 10:55PM.

(7 yes) (0 no)

The December regular meeting of the Town Council is scheduled for Monday, December 11, 2000 at 7:30 p.m. at the Town Hall.

Debra M. Lane, Town Clerk