

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Special Meeting # 8-02-03**  
**Monday, November 25, 2002**  
**5:00 p.m.**

**Roll Call by the Clerk Pro-tem**

John E. "Jack" Roberts, Jr., Chr.	Present
Henry N. Berry III	Present
Penelope P. Carson	Present
Carol Fritz	Present/Late
MaryAnn Lynch	Present
John W. McGinty	Present
Anne E. Swift-Kayatta	Present

Also present was the town manager. The town clerk was absent.  
Pledge of Allegiance to the Flag

**Item # 58-02-03**                      **Proposed Purchase of Easement**  
Proposed purchase of 15 foot pedestrian easement at  
183 Fowler Road

Chairman Roberts opened the session announcing that he resides within one lot of the proposed easement area. He does not believe that he has a conflict of interest as he has no financial interest in the outcome of the decision.

**Moved by P. Carson and seconded by M. Lynch** to determine that Chairman Roberts does not have a conflict of interest. **Voted:** (5 Yes) (0 No) (1 Abstention-Roberts) (1 Absent-Fritz)

The town manager provided an introduction of the topic providing a history of the greenbelt and a chronology of this particular proposed acquisition. Conservation Chairman Michael Duddy indicated that the Commission welcomed the opportunity to obtain this easement.

A number of residents spoke on this topic. They included Robert Hickok and Gayle Hickok of 181 Fowler Road, Robert "Jim" and Mary Frances Sullivan of 1 Fenway Road, Michael and Dian Joyce of 2 Fenway Road, Roland Mercier of 7 Fenway Road, James Hewes of 10 Fenway Road, Frank Fulhan of 11 Fenway Road, Philip Kemp of 13 Fenway Road and Sandra Brown of 16 Fenway Road. Mr. Hewes indicated that his concerns had been addressed.

The remaining speakers were upset with late notice of the meeting, that the council chairman had not knocked on everyone's door to notify them of the impending issue, that snowmobiles might use the proposed easement, that the town might improve the existing easement behind the homes on the odd numbered side of Fenway Road, that the town would give no guarantee that it would not make passable the Fenway Road easement, the costs of developing boardwalks, actions by juveniles in the woods near Great Pond, litter and dog excrement on Fenway Road, trespassing over property at the end of Fenway Road and privacy issues.

Conservation Commission Chairman Michael Duddy again spoke indicating that it is typical to have opposition to new greenbelt trails near homes, but the long term experience has been that residents see the trails as assets to their neighborhoods.

Each Town Councilor then explained how and why they would be voting upon the proposal.

The town attorney Michael Hill clarified that the actual easement document would permit greenbelt signage as approved by the town council and limited structures for the purpose of delineating the greenbelt and ensuring no passage by snowmobiles.

**Moved by C. Fritz and Seconded by P. Carson** to offer Susan and Lawrence Berndt \$20,000 from greenbelt account 7154114 for a 15 foot pedestrian easement extending from Fowler Road to the Gull Crest property with the town manager authorized to sign all necessary documents to accomplish the acquisition of the easement. **Voted:** (6 Yes) (1 No-Berry)

**Moved by P. Carson and Seconded by M. Lynch** to adjourn at 7:03 p.m.  
**Voted** (7 Yes) (0 No)

Respectfully submitted,

Michael K. McGovern  
Clerk Pro-tem