



## **Cape Elizabeth Town Council Special Meeting**

**Minutes Wednesday, September 19, 2018**

**7:00 p.m. Cape Elizabeth Town Hall**

**Council Chambers**

Jessica L. Sullivan, Chairman  
James M. "Jamie" Garvin  
Caitlin R. Jordan  
Penelope A. Jordan  
Sara W. Lennon  
Valerie A. Randall  
Christopher M. Straw

**The special meeting was convened at 7:00 p.m. by Town Council Chairman Jessica L. Sullivan.**

### **The Pledge of Allegiance to the Flag**

### **Roll Call by the Town Clerk**

All members of the town council were present.

Debra M. Lane, Town Clerk  
Matthew E. Sturgis, Town Manager

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

None

### **Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

Deborah Murphy, 24 Pilot Point Road the greenbelt trail has a backbone of paper streets with use of pedestrian access; there are precedents. The town has drainage easement so a portion can't be vacated. Please protect the public rights.

Anita Pettit, 8 Katahdin Road the council is mistaken if they think accepting the settlement agreement will settle the issue.

Jan Corey, 27 Trundy Road asked the council to remember those who elected them when voting on the issue. Lot owners knew when they purchased their property that they boarder a paper street. Do not disappoint the town by accepting the agreement.

Paul Moson, 22 Trundy Road do not accept the offer – it would be opening Pandora's box for others in similar situations to come forward.

Roy Herrmann, 2 Avon Road recently sent a letter to the town council expressing concerns. Giving in may set a dangerous precedence – a domino effect around the town.

Mike Thorne, 15 High View Road s\$500,000 is an amazing amount of money and will buy property elsewhere but not the same property in Cape Elizabeth – ocean front is expensive.

Councilor Caitlin Jordan arrived 7:14 p.m.

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George Foley, 9 Pilot Point Road the property has been used for years and welcomed by the original abutters until new owners moved in. This was a dedicated property within the subdivision to be accepted by the town for use.

Sue Guerette, 2 Katahdin Road father Jim Murray had the foresight and made a bold decision to not sell Fort Williams Park. Why didn't the council ask the 1400 petitioners for \$357?

Lisa Larrabee, 15 Gladys Road treasures the access to trails and the ocean. Lives next to a paper street and likes seeing it used. Do not accept the settlement agreement.

Tim Thompson, 6 Pine Ridge Road the town council has shown patience in trying to come to a resolution. Unfortunate attacks on both sides. Use the current comprehensive plan or the one the committee is working on as a guide relating to scenic beauty, trails, open space and access to the ocean; it will give clear vision and direction to take.

Dena Mayo Bruns, 114 Two Lights Road family goes back three generations and has put time, energy and dedication in protection to rights to the sea. They understood the importance of access such as at Two Lights State Park for all to enjoy. Do not give away public access near the ocean.

Richard Bryant 55 Spurwink Avenue represents Shore Acres Improvement Association the best solution for residents of Shore Acres is to accept the paper street. Look at the public support for acceptance of the paper street and prior councils looking out for the long-term best interest of the town.

John Voltz, 33 Philip Road referred to letter sent to the council. Timing – what is the rush. If the matter isn't settled it may be possible to settle at a later date. More time is needed for a better result for the town. Slow down, get the data and let the public see it to be able to evaluate the issue.

**Item #129-2018      Review of Proposed Settlement Agreement Relating to Paper Street Sections of Surfside Avenue**

Present – Attorneys Durward Parkinson, Susan Driscoll, Benjamin McCall

Moved by Christopher M. Straw and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council rejects the proposed settlement agreement between the Town of Cape Elizabeth and Imad Khalidi, David Leopold, Kara Leopold, Andrew Sommer, Susan Ross, Stewart Wooden, Julie Wooden and Pilot Point, LLC regarding paper street sections of Surfside Avenue.

(6 yes) (1 no Councilor Lennon)

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**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

None

**Item #130-2018 To Consider Sale of Property on Ocean View Road - Map U03 Lot 92**

Introduction – Mr. Sturgis

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the sale of town owned property on Ocean View Road, Tax Map U03 Lot 92, to Marc Greichen and Sandra Elliott for the price of \$90,000, and upon such other terms and conditions as the town manager shall approve. Further, the town manager is authorized to execute and deliver a release deed for such property, together with such other documents as he deems necessary or appropriate.

(7 yes) (0 no)

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

None

**Item #131-2018 To Consider the Approval of Lease Purchase Financing for the Purchase of a Ladder Truck, a Rescue and a Plow/Dump Truck**

Introduction – Mr. Sturgis

Moved by Penelope A. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council approves and authorizes a Lease Purchase Agreement with TD Equipment Finance, Inc. as follows and authorizes the town manager to act on the town's behalf.

(7 yes) (0 no)

TOWN OF CAPE ELIZABETH, MAINE  
Vote Authorizing Lease Purchase Agreement  
with TD Equipment Finance, Inc.

Be it hereby voted by the Cape Elizabeth Town Council as follows:

VOTED: That the Town Council hereby authorizes the Town Manager for and on behalf of the Town to execute and deliver a municipal lease purchase agreement with TD Equipment Finance, Inc. in the amount of \$1,500,000, and bearing interest at the rate of 2.95% per annum, to lease finance a ladder truck, an ambulance, and a plow / dump truck for the Town, with a term of not more than 5 years (the "Lease Agreement"), which Lease Agreement shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof; provided that any obligation of the Town to make lease payments pursuant to such agreement shall be subject to annual appropriation approved by the Town as part of its annual budget.

VOTED: That the Town Manager is authorized to negotiate, execute, and deliver such other documents and certificates as may be necessary or appropriate in connection with the Lease Agreement which documents and certificates shall be in such form and contain such terms and

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conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his or her execution thereof.

VOTED: That the Town Manager be and hereby is authorized and directed to covenant and certify on behalf of the Town that no part of the proceeds of the Lease Agreement, or the vehicles leased thereunder, shall be used directly or indirectly in any manner that would cause such Lease Agreement to be a “private activity bond” or an “arbitrage bond” within the meaning of Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended.

VOTED: That to the extent available under Section 265(b)(2) of the Code, with the advice of Bond Counsel, the Lease Agreement may be designated by the Town Manager as a “qualified tax exempt obligation”.

VOTED: That the Town Manager and the other proper officials of the Town (the “Authorized Representatives”) 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 necessary or desirable in order to effect the execution and delivery of the Lease Agreement in accordance with these votes.

VOTED: That all prior actions of the Town in effectuating the Lease Agreement are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Lease Agreement.

I hereby certify that this is a true copy of certain votes adopted by the Cape Elizabeth Town Council on September \_\_, 2018.

A true copy,

Attest:

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.**

Tom Egan, 41 Hannaford Cove Road

**Adjournment**

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan  
ORDERED, the Cape Elizabeth Town Council adjourns at 8:52 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk