



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

**Minutes Monday, May 6, 2019**

**7:00 p.m.**

**Cape Elizabeth Town Hall - Council Chambers**

**James M. "Jamie" Garvin, Chairman**  
**Valerie J. Deveraux**  
**Jeremy A. Gabrielson**  
**Caitlin R. Jordan**  
**Penelope A. Jordan**  
**Valerie A. Randall**  
**Christopher M. Straw**

**The special meeting was convened at 7:00 p.m. by Town Council Chairman James M. "Jamie" Garvin.**

**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

Town Manager Matthew Sturgis provided a Power Point presentation overview of the pay and display parking program.

**Public Hearing      Pay and Display Parking Program at Fort Williams Park**

Chairman Garvin opened the public hearing at 7:12 p.m.

Scott Dorrance, 10 Elmwood Road said citizens twice voted down parking fees at Fort Williams. The town council should hold off a decision following another citizen vote.

Jim Kerney, 1015 Shore Road (member of Fort Williams Park Committee) stated he was opposed to parking fees at Fort Williams years ago when parking fees were proposed however he has changed his stance because of the out-of-town influx. Fort Williams is no longer a community park. Guests should be asked to help fund capital costs and safety needs of the park.

After hearing no further comments, the hearing was closed at 7:18 p.m.

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**Item #78-2019 Pay and Display Parking Program at Fort Williams Park**

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 6, 2019 on a pay and display parking program at Fort Williams Park tables the item to vote on Monday, May 13, 2019.

(7 yes) (0 no)

**Item #79-2019 Statement of Policy for Revenues Received from Parking Fees at Fort Williams Park**

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

ORDERED, the Cape Elizabeth Town Council tables the draft statement relating to revenues received from parking fees at Fort Williams Park to vote on Monday, May 13, 2019.

“Revenues generated by the pay and display parking program at Fort Williams Park will be employed for the following: primarily offsetting the operational expenses and capital improvements of Fort Williams Park; long term capital needs of the Town; and general municipal operating expenses.”

(7 yes) (0 no)

**Public Hearing Fiscal Year 2020 General Fund and Special Funds Budgets**

Chairman Garvin opened the public hearing at 7:22 p.m.  
After hearing no comments, the hearing was closed at 7:22 p.m.

**Item #80-2019 Municipal Budget Approval**

Moved Jeremy A. Gabrielson and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby table the adoption of the municipal budget for Fiscal Year 2020 to vote on Monday, May 13, 2019.

(7 yes) (0 no)

110	ADMINISTRATION	\$ 741,245
120	ASSESSING/CODES PLANNING	\$ 402,330
130	TOWN COUNCIL	\$ 500
135	LEGAL AND AUDIT	\$ 190,000
140	ELECTIONS	\$ 67,150
150	BOARDS AND COMMISSIONS	\$ 19,506
530	PUBLIC INFORMATION	\$ 67,300
	Subtotal General Government	\$ 1,488,031
160	INSURANCE	\$ 120,000
170	EMPLOYEE BENEFITS/HR SUPPORT	\$ 1,546,100
180	DEBT SERVICE	\$ 1,707,386
520	CONTRIBUTIONS	\$ 120,414
710	INTERGOVT. ASSESSMENTS	\$ 81,573
	Subtotal-Nondistributed	\$ 3,575,473

210	POLICE DEPARTMENT	\$	1,512,806
215	ANIMAL CONTROL	\$	26,522
220	PUBLIC SAFETY COMMUNICATIONS	\$	198,274
225	WETeam	\$	21,150
230	FIRE DEPARTMENT	\$	665,302
235	FIRE POLICE UNIT	\$	13,227
240	MISC. PUBLIC PROTECTION	\$	166,801
250	EMERGENCY PREPAREDNESS	\$	5,075
	Subtotal-Public Safety	\$	2,609,157
310	PUBLIC WORKS	\$	1,376,984
320	REFUSE DISPOSAL/RECYCLING	\$	624,949
	Subtotal-Public Works	\$	2,001,933
410	HUMAN SERVICES	\$	54,510
510	LIBRARY	\$	562,138
600	FACILITIES MANAGEMENT	\$	287,611
610	TOWN HALL	\$	22,000
615	LIBRARY BUILDING	\$	41,526
620	TOWN CENTER FIRE STATION	\$	25,460
621	COMMUNITY CENTER BUILDING	\$	81,954
622	DONALD RICHARDS POOL FACILITY	\$	227,437
630	POLICE STATION	\$	57,965
631	CAPE COTTAGE FIRE STATION	\$	6,735
	Subtotal-Facilities	\$	750,688
633	COMMUNITY SERVICES ADMINISTRATION	\$	297,185
634	FITNESS CENTER	\$	64,372
635	RICHARDS POOL PROGRAMS	\$	234,225
636	COMMUNITY SVCS ADULT PROGRAMS	\$	112,248
637	COMMUNITY SERVICES YOUTH PROGRAMS	\$	492,057
638	CAPE CARE	\$	151,145
640	PARKS & TOWN LANDS	\$	121,421
641	SCHOOL GROUNDS	\$	183,215
645	FORT WILLIAMS PARK	\$	241,959
660	TREES	\$	25,838
	Subtotal-Parks and Recreation	\$	1,923,665
715	CAPITAL PROJECTS	\$	422,800

**Item #81-2019 School Budget Approval**

Moved by Valerie A. Randall and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 6, 2019 does hereby table the adoption of the school budget for Fiscal Year 2020 to vote on Monday, May 13, 2019.

(7 yes) (0 no)

There was a consensus of the town council to include bullet #7, as written, for discussion and vote on May 13, 2019.

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1. ORDERED, **State/Local EPS Funding Allocation.** That the Town of Cape Elizabeth appropriate **\$17,487,995** for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that the Town of Cape Elizabeth raise **\$15,834,396** as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

*Explanation: The Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.*

2. ORDERED: **Non-State Funded Debt Service.** That the Town of Cape Elizabeth raise and appropriate **\$470,200** for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, or non-state funded portions of school construction projects in addition to the funds appropriated as the local share of the Town's contribution to the total cost of funding public education from kindergarten to grade 12.

*Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

3. ORDERED: **Food Service Transfer.** That the Town of Cape Elizabeth raise and appropriate **\$70,381** to transfer to the Food Service Program.

*Explanation: Monies raised for Food Service are not to be included in the calculation of the Local Additional Funds article because they are outside of the State's Essential Programs and Services funding model.*

4. ORDERED: **Additional Local Funds.** That the Town of Cape Elizabeth raise and appropriate **\$8,416,956** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$8,416,956** as required to fund the budget recommended by the school board.

The School Board recommends an appropriation which exceeds the State Essential Program and Services model for the following reasons:

The state's funding model does not support all of the costs for K-12 education. It includes only those costs considered essential by the state's Essential Programs and Services (EPS) model.

*Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the Town's budget for educational programs.*

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5. ORDERED: **Total School Budget Summary**. That the Town of Cape Elizabeth authorizes the School Board to expend **\$26,890,420** for the fiscal year beginning July 1, 2019 and ending June 30, 2020 from the Town's contributions to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.
  
6. ORDERED: **Special Funds**. That the Town of Cape Elizabeth authorizes the School Board to expend sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs, or other sources do not require the expenditure of other funds not previously appropriated.

**In the past, the town council has voted on the following or similar policy decision. Whether to include this policy, as is or amended, is a decision of the town council.**

7. ORDERED: Changes in Anticipated State Subsidy (50% to reduce taxes/50% to fund balance): That in the event the Town receives more state general purpose aid for education than the \$1,653,599 amount included in the school budget, the Town shall use 50% of the extra amount to reduce the amount of taxes raised for the school budget, and 50% to supplement the school department unassigned fund balance; and that in the event the amount of that state aid is less than the amount included in the school budget, the Town Treasurer shall execute a journal entry in the amount of any shortfall to be debited from.

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

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 6, 2019 does hereby table Item #82 – Item #85 to vote on Monday, May 13, 2019.  
(7 yes) (0 no)

**Item #82-2019                      Approval of Cumberland County Assessment**

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve for inclusion in the Fiscal Year 2020 budget the assessment from Cumberland County for 2020 amounting to \$1,456,670.

**Item #83-2019                      Approval of Local Homestead Exemption Funds**

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve for inclusion in the Fiscal Year 2020 budget the amount of \$300,000 for the local share of homestead exemptions.

**Item #84-2019                      Property Tax Levy Limit**

ORDERED, the Cape Elizabeth Town Council in accordance with Title 30-A MRS Section 5721-A the Town of Cape Elizabeth hereby increases the property tax levy limit for municipal services to \$7,912,166.

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**Item #85-2019 Proposed FY 2020 General Fund Budget Summary Motion**

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019, does hereby adopt the General Fund Budget for Fiscal Year 2020 with gross expenditures of \$42,035,485, and gross revenues of \$7,911,887 and with the amount of \$34,123,598 to be raised from taxation, and to fix Tuesday, October 1, 2019, and Wednesday, April 1, 2020 as the dates upon each of which one-half of such tax is due and payable, with interest to accrue upon taxes due and unpaid after each such date at the rate of nine percent (9.00%) per annum. In accordance with 36 M.R.S.A. Section 506, the Tax Collector and Town Treasurer are authorized to accept prepayment or decline prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount accepted by the tax collector and town treasurer in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the minimum annual rate per annum set by the State of Maine.

	FY 2019	FY 2020	\$ Change	% Change
	BUDGET	BUDGET	FY 19 to FY 20	FY 19 to FY 20
<b>EXPENDITURES</b>				
TOTAL MUNICIPAL	\$ 12,368,374	\$ 13,388,395	\$ 1,020,021	8.2%
COUNTY ASSESSMENT	\$ 1,392,240	\$ 1,456,670	\$ 64,430	4.6%
Local Homestead Exemption	\$ 300,000	\$ 300,000	\$ -	0.0%
SCHOOL DEPARTMENT	\$ 25,392,276	\$ 26,890,420	\$ 1,498,144	5.9%
	\$ 39,452,890	\$ 42,035,485	\$ 2,582,595	6.5%
<b>REVENUE</b>				
TOTAL MUNICIPAL	\$ 5,032,007	\$ 5,513,400	\$ 481,393	9.6%
FWP PAY AND DISPLAY REVENUE		\$ 300,000	\$ 300,000	
SCHOOL DEPARTMENT	\$ 1,768,977	\$ 2,098,487	\$ 329,510	18.6%
TOTAL	\$ 6,800,984	\$ 7,911,887	\$ 1,110,903	16.3%
<b>NET TO TAXES</b>				
TOWN SERVICES	\$ 7,336,367	\$ 7,574,995	\$ 238,628	3.3%
Local Homestead Exemption	\$ 300,000	\$ 300,000	\$ -	0.0%
COUNTY ASSESSMENT	\$ 1,392,240	\$ 1,456,670	\$ 64,430	4.6%
SCHOOL DEPARTMENT	\$ 23,623,299	\$ 24,791,933	\$ 1,168,634	4.9%
TOTAL	\$ 32,651,906	\$ 34,123,598	\$ 1,471,692	4.5%
<b>TAX RATES (Rounded to nearest ¢)</b>				
Local Homestead Exemption	\$ 0.17	\$ 0.17	\$ -	0.0%
TOTAL MUNICIPAL	\$ 4.27	\$ 4.39	\$ 0.11	2.6%
COUNTY ASSESSMENT	\$ 0.81	\$ 0.84	\$ 0.03	4.0%
SCHOOL DEPARTMENT	\$ 13.76	\$ 14.36	\$ 0.60	4.4%
TOTAL	\$ 19.02	\$ 19.76	\$ 0.74	3.9%
<b>TAX RATE VALUATION BASIS</b>				
	\$ 1,716,471,800	\$ 1,727,000,000	\$ 10,528,200.00	0.6%

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**Item #86-2019 Cape Elizabeth Rescue Fund Budget**

Moved by Penelope A. Jordan and Seconded by Jeremy A. Gabrielson

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2020 with approved expenditures of \$549,917 and approved revenues of \$325,000.

(7 yes) (0 no)

**Item #87-2019 Cape Elizabeth Sewer Fund Budget**

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2020 with approved expenditures of \$2,112,871 and approved revenues of \$2,040,300.

(7 yes) (0 no)

**Item #88-2019 Cape Elizabeth Spurwink Church Fund Budget**

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2020 with approved expenditures of \$10,491 and approved revenues of \$1,200.

(7 yes) (0 no)

**Item #89-2019 Cape Elizabeth Riverside Cemetery Fund Budget**

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2020 with approved expenditures of \$56,043 and approved revenues of \$66,000.

(7 yes) (0 no)

**Item #90-2019 Portland Head Light Fund Budget**

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2020 with approved expenditures of \$670,241 and approved revenues of \$688,200.

(7 yes) (0 no)

**Item #91-2019 Fort Williams Park Fund**

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Fort Williams Park Special Fund Budget for Fiscal Year 2020 with approved expenditures of \$290,975 and approved revenues of \$270,700.

(7 yes) (0no)

**Item #92-2019                      Cape Elizabeth Infrastructure Improvement Fund Budget**

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2020 with approved expenditures of \$0 and approved revenues of \$0.

(7 yes) (0 no)

**Item #93-2019                      Thomas Jordan Fund Budget**

Moved by Penelope A. Jordan and Seconded by Valerie J. Deveraux

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2020 with approved expenditures of \$37,035 and approved revenues of \$40,000.

(7 yes) (0 no)

**Item #94-2019                      Land Acquisition Fund Budget**

Moved by Jeremy A. Gabrielson and Seconded by Valerie A. Randall

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Land Acquisition Fund Budget for Fiscal Year 2020 with approved expenditures of \$0.00 and approved revenues of \$32,914.

(7 yes) (0 no)



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**Summary of Items #86-#94: Shown for summary purposes. Operational actions are in above motions.**

	Budget	Estimated	Budget	Estimated	Budget	\$ Change	% Change
<b>Expenditures</b>	<b>FY 2018</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>2019 to 2020</b>	<b>2019 to 2020</b>
Cape Elizabeth Rescue Fund	\$ 447,336	\$ 429,161	\$ 539,200	\$ 529,700	\$ 549,917	\$ 10,717	2.0%
Cape Elizabeth Sewer Fund	\$ 2,099,300	\$ 2,178,559	\$ 2,161,346	\$ 2,025,045	\$ 2,112,871	\$ (48,475)	-2.2%
Spurwink Church Fund	\$ 9,209	\$ 7,990	\$ 10,491	\$ 6,859	\$ 10,491	\$ -	0.0%
Riverside Cemetery Fund	\$ 57,328	\$ 54,235	\$ 66,589	\$ 59,362	\$ 56,043	\$ (10,546)	-15.8%
Fort Williams Park Capital Fund	\$ 264,135	\$ 258,885	\$ 173,246	\$ 170,398	\$ 290,975	\$ 117,729	68.0%
Portland Head Light Fund	\$ 560,643	\$ 615,663	\$ 628,035	\$ 635,000	\$ 670,241	\$ 42,206	6.7%
Thomas Jordan Fund	\$ 52,035	\$ 12,035	\$ 37,035	\$ 11,910	\$ 37,035	\$ -	0.0%
Infrastructure Improvement Fund	\$ -	\$ -	\$ -			\$ -	#DIV/0!
Land Acquisition Fund	\$ -	\$ -	\$ 167,714	\$ 167,714	\$ -	\$ (167,714)	-100.0%
Senior Citizen Tax Relief			\$ 75,000	\$ 65,000	\$ 75,000	\$ -	0.0%
Use of General Fund carry Forward	\$ 317,400	\$ 317,400	\$ 375,000	\$ 375,000	\$ 375,000	\$ -	0.0%
<b>Total Budget</b>	<b>\$ 3,807,386</b>	<b>\$ 3,873,928</b>	<b>\$ 4,233,656</b>	<b>\$ 4,045,988</b>	<b>\$ 4,177,573</b>	<b>\$ (56,083)</b>	<b>-1.3%</b>
	Budget	Estimated	Budget	Estimated	Budget	\$ Change	% Change
<b>Revenues</b>	<b>FY 2018</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>2019 to 2020</b>	<b>2019 to 2020</b>
Cape Elizabeth Rescue Fund	\$ 390,000	\$ 280,000	\$ 300,000	\$ 310,000	\$ 325,000	\$ 25,000	8.3%
Cape Elizabeth Sewer Fund	\$ 2,028,300	\$ 2,040,270	\$ 2,032,300	\$ 2,032,000	\$ 2,040,300	\$ 8,000	0.4%
Spurwink Church Fund	\$ 4,700	\$ 900	\$ 1,200	\$ 1,200	\$ 1,200	\$ -	0.0%
Riverside Cemetery Fund	\$ 44,300	\$ 69,000	\$ 67,000	\$ 68,000	\$ 66,000	\$ (1,000)	-1.5%
Fort Williams Park Capital Fund	\$ 201,355	\$ 204,225	\$ 199,800	\$ 216,700	\$ 270,700	\$ 70,900	35.5%
Portland Head Light Fund	\$ 576,000	\$ 676,000	\$ 636,000	\$ 708,900	\$ 688,200	\$ 52,200	8.2%
Thomas Jordan Fund	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ -	0.0%
Infrastructure Improvement Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Land Acquisition Fund	\$ 32,914	\$ 32,914	\$ 112,914	\$ 32,914	\$ 32,914	\$ (80,000)	-70.9%
<b>Total Revenues</b>	<b>\$ 3,317,569</b>	<b>\$ 3,343,309</b>	<b>\$ 3,389,214</b>	<b>\$ 3,409,714</b>	<b>\$ 3,464,314</b>	<b>\$ 75,100</b>	<b>2.2%</b>

**Item #95-2019 Kettle Cove Boat Launch Grant Support**

Moved by Caitlin R. Jordan and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council authorizes town staff to apply for grants through the Shore and Harbor Planning Grant Program, which is managed by the Maine Coastal Program, Department of Marine Resource. Grants are now available for planning and design of facilities and improvements for public and working access; funding cannot be used for construction. The grant program caps awards at \$30,000 and requires a minimum 25% match, which can be a cash and/or in-kind match. Potentially grants may be used to establish a new public boat access at the end of Kettle Cove Road; a recommendation identified in the Harbors Committee Report dated April 30, 2018.  
(7 yes) (0 no)

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**Item #96-2019            Authorization of Bonus to the Town Manager**

Moved by Valerie J. Deveraux and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council authorizes a \$2,000 bonus to the town manager based on performance. The bonus follows the annual evaluation of the manager. The bonus will be paid from Administration Full-time Payroll (Account # 0110-1001).

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

None

**Adjournment**

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 7:47 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk