



Cape Elizabeth Town Council

Minutes Monday, May 13, 2019

**7:00 p.m. Council Chambers
(Workshop to Follow)**

Cape Elizabeth Town Hall

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

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

Roll Call by the Town Clerk

All members of the town council were present.

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

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Chairman Garvin reminded residents that the review of the updated comprehensive plan will continue on May 15 and May 22 at 6:00 p.m. in the council chambers. The comprehensive plan review workshops are live on CETV.

Finance Committee Report

Councilor Straw, Chairman Finance Committee reviewed the dashboard and financial reports. Some of the key revenues are doing well and exceeding expectations at this time; Community Services Youth Programs and Sewer Connection Fees.

Citizen Opportunity for Discussion of Items Not on the Agenda

Robbie Trowbridge, 14 Leighton Farm Road, member of Citizens Climate Lobby expressed concern about climate change and asked the town council to consider signing a letter of support for a bill that is being considered by Congress entitled Energy Innovation and Carbon Dividend Act HR 763.

Nine Trowbridge, 14 Leighton Farm Road encouraged the town council to support HR 763 Energy Innovation and Carbon Dividend Act.

Susan Payne, 72 Stonybrook Road, member Citizens Climate Lobby encouraged the town council to support HR 763 Energy Innovation and Carbon Dividend Act.

Chairman Garvin mentioned it may be appropriate to send the matter to the energy committee.

Town Manager's Monthly Report

Mr. Sturgis thanked the town council, school board and all of the staff for their hard work in crafting this year's budget and to a very collaborative and ongoing discussion on all of the budget issues.

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Review of Draft Minutes of April 8, 2019 and Special Meeting held April 25, 2019.

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on April 8, 2019 and the special meeting held on April 25, 2019 as written.

(7 yes) (0 no)

Item #97-2019 Inn by the Sea Licenses

Councilor Caitlin Jordan disclosed her family does business with Inn by the Sea.

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

ORDERED, the Cape Elizabeth Town Council approves the malt, vinous and spirituous liquor license and special amusement permit for Inn by the Sea located at 40 Bowery Beach Road as presented.

(7 yes) (0 no)

**Item #78-2019 Tabled from May 6, 2019
Pay and Display Parking Program at Fort Williams Park**

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

ORDERED, the Cape Elizabeth Town Council takes Item #78-2019 off the table from the May 6, 2019 Special Town Council Meeting.

(7 yes) (0 no)

Public Comment

Jerry Kneller, 18 Ivie Road supports parking fees at Fort Williams Park which generates a diverse set of revenues other than the property tax.

Ralph Pride, 307 Delano Park wants Fort Williams to continue to be free; people value the opportunity to visit the ocean.

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

ORDERED, the Cape Elizabeth Town Council votes to move forward with the pay and display parking program at Fort Williams Park.

(7 yes) (0 no)

**Item #79-2019 Tabled from May 6, 2019
Statement of Policy for Revenues Received from Parking Fees at Fort
Williams Park**

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

ORDERED, the Cape Elizabeth Town Council takes Item #79-2019 off the table from the May 6, 2019 Special Town Council Meeting.

(7 yes) (0 no)

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Moved by Valerie J. Deveraux and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council approves the following statement of policy for revenues received from parking fees at Fort Williams Park:

“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)

Item #98-2019 Pay and Display Parking Program Management Services

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to enter into an agreement with Unified Parking Partners for a pay and display parking program and management services at Fort Williams Park outlined in the proposal dated January 3, 2019.

(7 yes) (0 no)

Item #99-2019 Chapter 13 Traffic Regulations – Enforcement of Parking Fees at Fort Williams Park

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, June 10, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall recommendations from the ordinance committee to amend Chapter 13 Traffic Regulations relating to the enforcement of parking fees at Fort Williams Park.

(7 yes) (0 no)

**Item #80-2019 Tabled from May 6, 2019 – Fiscal Year 2020
Municipal Budget Approval**

Moved by Valerie J. Deveraux and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council takes Item #80-2019 off the table from the May 6, 2019 Special Town Council Meeting.

(7 yes) (0 no)

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 adopt the municipal budget for Fiscal Year 2020 and hereby makes the following gross appropriations for each listed department.

(7 yes) (0 no)

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	Expenditures by Department	Budget FY 2020
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 Tabled from May 6, 2019 – Fiscal Year 2020
School Budget Approval**

Moved by Caitlin R. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council takes Item #81-2019 off the table from the May 6, 2019 Special Town Council Meeting.

(7 yes) (0 no)

Public Comment

Susana Measelle Hubbs, 18 Belfield Road, member of the School Board, stated the budget process this year was different. Communication and working together (school and town) made a difference; the budget shows a collaborative effort.

Moved by Valerie A. Randall and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the school budget, Item #1 - #7, as recommended by the school board for Fiscal Year 2020 for a total appropriation of \$26,890,420.

(7 yes) (0 no)

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.

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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.

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.
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.

Item #82-2019 – Item #85-2019 Tabled from May 6, 2019

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

ORDERED, the Cape Elizabeth Town Council takes Item #82-2019 – Item #85-2019 off the table from the May 6, 2019 Special Town Council Meeting.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council approves Item #82-2019 – Item #85-2019 en bloc.

(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.

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
EXPENDITURES				
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%
REVENUE				
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%
NET TO TAXES				
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%
TAX RATES (Rounded to nearest ¢)				
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%
TAX RATE VALUATION BASIS				
	\$ 1,716,471,800	\$ 1,727,000,000	\$ 10,528,200.00	0.6%

Item #100-2019

Cliff House Beach Park Management Plan

Present – Maureen O’Meara, Town Planner

Public Comment

Tom Meyers, 4 Sea View Avenue supports the recommendations of the conservation committee and suggests the town council vote this evening to add Appendix #3. The plan needs to be in place by Memorial Day and enforcement is needed.

Christopher Campbell, 598 Shore Road thanked the conservation committee and Town Planner Maureen O’Meara for their efforts. The plan is a reasonable guideline to being civility to the beach. The plan should be given an opportunity to succeed.

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

ORDERED, the Cape Elizabeth Town Council adopts the Cliff House Beach Park Management Plan including Appendix #3 as recommended by the conservation committee.

(7 yes) (0 no)

See attachment.

Item #101-2019 Chapter 7 Dog Ordinance Revisions

Present – Maureen O’Meara, Town Planner

Public Comment

Tom Meyers, 4 Sea View Avenue commented that the conservation committee came up with a nice range of alternatives.

Roger Rioux, 5 Bridlepath Way expressed concerns about dogs at Fort Williams Park; dogs are off leash all over the park. Wants to see stronger rules and enforcement of dog ordinance. Dogs shouldn’t be allowed on any athletic field in town. Dogs should be in a fenced in area when off leash.

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

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee amendments to Chapter 7 Dogs as recommended by the conservation committee.
(7 yes) (0 no)

Item #102-2019 Draft Comprehensive Plan

Present – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing the draft comprehensive plan on Monday, June 10, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall.
(7 yes) (0 no)

Item #103-2019 Board of Zoning Appeals Vacancy

Introduction – Councilor Deveraux, Chairman Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint Joseph Barbieri, 3 Harriman Farm Road to serve on the Board of Zoning Appeals. The term is effective immediately and expires December 31, 2019.
(7 yes) (0 no)

Item #104-2019 Recycling Committee Goals & Objectives 2019

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the 2019 Recycling Committee Goals and Objectives.
(7 yes) (0 no)

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 Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:27 p.m.

(7 yes) (0 no)

Town Council Workshop – Following the meeting, the town council will convene into workshop session to discuss possible recipients for the Ralph Gould Award.

Following the adjournment of the town council meeting, Chairman Garvin convened the town council in workshop session at 8:36 p.m.

The town council discussed nominations for the Ralph T. Gould Award for outstanding citizenship/volunteerism.

It was a consensus present the award for 2019. Chairman Garvin will work with the town clerk and town manager on the presentation as discussed.

The workshop adjourned at 8:48 p.m. without objection.

Respectfully Submitted,

Debra M. Lane, Town Clerk