

**TOWN OF CAPE ELIZABETH**

**TOWN COUNCIL MEETING MINUTES**

**MEETING #21-95/96  
MAY 13, 1996  
7:30 P.M.**

**ROLL CALL BY THE TOWN CLERK    PRESENT    ABSENT**

PHYLLIS C. COGGESHALL, CHAIRMAN	X
E. IRVING CHAPPELL	X
WILLIAM H. JORDAN	X
WILLIAM S. LINNELL II	X
JOHN W. MCGINTY	X
JANET L. MCLAUGHLIN	X
ROSEMARY A. REID	X

***PLEDGE OF ALLEGIANCE TO THE FLAG***

***CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA***

***REPORTS AND CORRESPONDENCE***

Councilor Chappell reported on the meetings of RWS for 4/24,4/25,5/1 and 5/7/96.

Councilor McLaughlin thanked the South Portland-Cape Elizabeth Rotary for the opportunity to participate in an exchange program to Argentina.

Congratulations to Barbara Ray on her 10th year anniversary with the Town.

Chairman Coggeshall reminded the public of the ZORC Public Forum to be held at 7:30 p.m. May 15, 1996 Town Hall.

Debra Lane, Town Clerk reported the election results of the May 7, 1996 Municipal Election.

Chairman Coggeshall thanked Councilor Chappell for his five years of service on the Town Council. Best of luck, Irv.

Moved by I. Chappell and Seconded by W. Linnell to accept the minutes of Meeting #19-95/96 held April 8, 1996 and Meeting #20-95/96 held April 25, 1996 as written.  
(6 yes) (1 abstention J. McLaughlin)

**PUBLIC HEARINGS**

**GENERAL FUND BUDGET**

**SEWER FUND BUDGET**

**RIVERSIDE CEMETERY FUND BUDGET**

**PORTLAND HEAD LIGHT FUND BUDGET**

**SPURWINK CHURCH FUND BUDGET**

**FORT WILLIAMS PARK CAPITAL BUDGET**

Intro - Councilor McLaughlin, Chairman Finance Committee

Chairman Coggeshall opened the hearings to public comments at 7:40 p.m.  
After hearing no comments, the hearings were closed at 7:41 p.m.

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Present Chief Pickering, Chief McGouldrick, Gerald Daigle, Cheryl Milligan,  
Robert Malley, Captain Williams and Jay Scherma

ITEM #142 Moved by J. McLaughlin and Seconded by W. Linnell

A. Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 13, 1996, does hereby adopt the Municipal Budget for Fiscal Year 1997 with gross expenditures of \$17,768,055 and gross revenues of \$5,383,866, and with the amount of \$12,384,189 to be raised by taxation, and does further fix Friday, October 4, 1996, and Friday, April 4, 1997, 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 ten percent (10%) per annum.

B. Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for Fiscal Year 1997:

Education	\$11,801,376
Community Services	545,807
Administration	346,757
Assessing	114,064
Codes	67,434
Planning	58,466
Town Council	21,687
Legal and Audit	54,500
Boards	29,680
Elections	8,710
Town Hall	19,350
Community Center	3,950
Weights and Measures	100
Police	735,191
Fire	170,090
WE Team	11,547
Dispatching	227,888
Fire/Police	1,945
Hydrants	88,280
Street Lights	67,640
Harbormaster	2,238
Animal Control	29,618
Public Safety Building	14,679

Engine One Station	20,939
Emergency Prep.	3,438
Public Works	686,360
Refuse Disposal	493,113
Parks	15,311
School Grounds	56,402
Fort Williams	76,869
Trees	16,268
Human Services	54,602
Library	312,979
Contributions	13,450
Cable TV	22,820

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Insurance	61,700
Debt Service	283,730
Employee Benefits	65,279
Intergovernmental	21,800
Rental Units	4,000
Capital Projects	566,840

**TOTAL 17,768,055**

C. Ordered, the Cape Elizabeth Town Council hereby accepts the categories of funds listed below as provided by the State of Maine:

<b>Category</b>	<b>Estimated Amount</b>
Revenue Sharing	\$525,000
General Assistance	5,000
Veterans Exemption Reimb.	6,500
Tree Growth Reimb.	3,000
Local Road Assistance	65,200
Library Per Capita Grant	1,470
Snowmobile Registration Funds	400
Other State Funds	?
Community Services Subsidy	24,415
State Education Subsidy	2,573,173
Chapter 1	33,815
Chapter II	7,223
Title II	3,673
Local Entitlement	63,945
Drug Free Grant	7,671

D. Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$5,004,749.75 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$2,295,992.71.

E. Ordered the Cape Elizabeth Town Council hereby raises in additional local education funds under the provisions of 20-A M.R.S.A., Sec. 15614 the sum of \$4,500,634.54.

F. Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 1996, and ending on June 30, 1997, from the Foundation Allocation, the Debt Service Allocation, unexpended balances, local appropriations, State Subsidy and other receipts for the support of schools the sum of \$11,801,377.

G. Ordered the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$141,463.97 and the Town of Cape Elizabeth raises as the local share the sum of \$65,049.

(7 yes) (0 no)

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ITEM #143 Moved by J. McLaughlin and Seconded by J. McGinty

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 13, 1996, does hereby adopt the Fiscal Year 1997 Budget for the Sewer Fund with expenditures of \$1,360,477 and gross revenues of \$1,410,027.

(7 yes) (0 no)

ITEM #144 Moved by J. McLaughlin and Seconded by W. Linnell

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 13, 1996, does hereby adopt the Fiscal Year 1997 Budget for the Riverside Cemetery Fund with expenditures of \$9,929 and gross revenues of \$29,000.

(7 yes ) (0 no)

ITEM #145 Moved by J. McLaughlin and Seconded by W. Jordan

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 13, 1996, does hereby adopt the Fiscal Year 1997 Budget for the Portland Head Light Fund with expenditures of \$252,806 and gross revenues of \$297,100.

(7 yes) (0 no)

ITEM #146 Moved by J. McLaughlin and Seconded by W. Linnell

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday,

May 13, 1996, does hereby adopt the Fiscal Year 1997 Budget for the Spurwink Church Fund with expenditures of \$5,028 and gross revenues of \$8,950.

(7 yes) (0 no)

ITEM #147 Moved by J. McLaughlin and Seconded by W. Jordan

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 13, 1996, does hereby adopt the Fiscal Year 1997 Budget for the Fort Williams Park Capital Fund with expenditures and revenues of \$27,000.

(7 yes) (0 no)

## **PUBLIC HEARING                      PARKING ON LITTLEJOHN ROAD**

Intro - Manager McGovern

Chairman Coggeshall opened the hearing to public comments at 7:49 p.m.

Lori Phillipps, 8 Littlejohn Road - Ms Phillips thanked the Town Council for considering the recommendation - in favor.

After hearing no further comments, the hearing was closed at 7:50 p.m.

ITEM #148 Moved by R. Reid and Seconded by W. Linnell

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to approve the proposed amendment to Chapter 13 Traffic Regulations which **repeals the following language in Sec. 13-2-2 r.5.**

5. From May 1 to October 1, no vehicle shall be parked on the southwesterly side of Littlejohn Road from Shore Road to Robinhood Road.

(7 yes) (0 no)

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ITEM #149 Intro - Manager McGovern

Moved by R. Reid and Seconded by I. Chappell

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to hold a British Car Show at Fort Williams Park on September 8, 1996, with a rain date of September 15, 1996 as presented.

(7 yes) (0 no)

ITEM #150 Intro - Manager McGovern

Moved by J. McLaughlin and Seconded by I. Chappell

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to hold the Cape Elizabeth High School 1996 Graduation Exercise on June 7, 1996 as presented.

(7 yes) (0 no)

ITEM #151 Intro - Manager McGovern

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council sets a public hearing on Monday, June 10, 1996 at 7:30 p.m. at Town Hall to consider the recommendation of the Fort Williams Advisory Commission to adopt the proposed Statement of Group Uses of Fort Williams Park - draft dated 3/22/96, as presented.

(7 yes) (0 no)

Note: The recommendation will be discussed at the May 20, 1996 workshop.

ITEM #152 Intro - Manager McGovern

Moved by W. Linnell and Seconded by J. McLaughlin

Ordered the Cape Elizabeth Town Council authorizes the following:  
Authorizes the Town Manager to award the "closing" of the brush and demolition area bid to R.J. Grondin in the amount of \$456,791.

Authorizes the projected total cost of the project :

Base Bid	\$456,791
Construction Contingency	45,600
Land Purchase	2,500
Construction Engineering	25,000
Pave Dennison Drive	10,000
New Signs, etc.	10,000
<b>TOTAL</b>	<b>\$549,891</b>

Authorizes project funding sources:

Previous Appropriations(Acct# 715-4027)	\$283,220
FY 1996 Overlay Balance from July 31, 1995 Assmt.	200,000
Undesignated Surplus	66,671

Note: The Town Manager may return to the Town Council to address storm water issues-depending upon the DEP.

(7 yes) (0 no)

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ITEM #153 Intro - Councilor McLaughlin

Present - Members of the CE Historical Preservation Society-  
Robert Lee, President  
Elizabeth Peterson, Immediate Past President  
Jayne Jordan, Past President

Moved by J. McLaughlin and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council eliminates the Town Historical Advisory Committee and instead seek advice on historic matters from the Cape Preservation Society.

(7 yes) (0 no)

ITEM #154 Intro - Manager McGovern

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council amends Chapter 3 Personnel Code to comply with the current policy governing group life insurance for the Maine State Retirement System.

Sec. 3-2-9. Maine State Group Life Insurance.

Employees hired on a full time basis prior to July 1, 1990 were eligible to participate in the Maine State Group Life Insurance and Group Accidental Death and dismemberment plan provided they signed up for the Plan prior to July 1990. The Plan is offered through the Maine State Retirement System. Employee contributions are determined by the insurer. The life insurance coverage for an employee is the amount of the next round thousand dollars above the employee's pay. If death is accidental, the benefit is double the amount of coverage. Benefits are also payable in case of accidental loss of hands, feet or eyes. Upon retirement on pension, the employee's contribution ceases and the life insurance, but not the accidental death and dismemberment insurance, continues on a reducing basis at the rate of 15% per year, until it is reduced to 25% of the average amount, as determined by the Maine State Retirement System, or \$2,500 whichever is greater, which amount remains in force until death.

(7 yes) (0 no)

ITEM #155 Intro - Manager McGovern

Moved by R. Reid and Seconded by J. McLaughlin

Ordered the Cape Elizabeth amends Chapter 3 Personnel Code to offer employees the option of participating in the Point of Service Plan offered by the Maine Municipal Employees Health Trust:

Section 3-2-10 Health Insurance.

The Town participates in the Maine Municipal Employees Health Trust (MMEHT) Comprehensive Plan. Employees have the option of choosing between the MMEHT Comprehensive Plan and the MMEHT Comprehensive Point of Service Plan. Employees shall have 95% of their applicable premium assumed by the Town and 5% paid for through payroll deductions. Coverage will begin on the first day of the next month after employment begins provided the MMEHT has approved all required forms. The Town of Cape Elizabeth reserves the right to participate in different medical insurance plans, with

comparable or better benefits, costs and claims service. The Town also reserves the right to change the health insurance plan if mandated to do so by the federal or state governments. Upon leaving Town employment, federal COBRA requirements permit employees to continue on the Town policy at employee expense. MMEHT will notify employees of their options.

(7 yes) (0 no)

ITEM #156 Intro - Manager McGovern

Moved by I. Chappell and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council appoints Debra M. Lane as Registrar of Voters to serve through May 12, 1997 or such later date as a successor may be chosen.

(7 yes) (0 no)

ITEM #157 Intro - Debra Lane, Town Clerk

Moved by I. Chappell and Seconded by J. McLaughlin

Ordered the Cape Elizabeth Town Council authorizes Debra M. Lane, Town Clerk. to sign the June 11, 1996 Primary Election Warrant on behalf of the Town Council as presented.

(7 yes) (0 no)

ITEM #158 Intro - Manager McGovern

Moved by I. Chappell and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to execute a one year lease for land and buildings at 314 Ocean House Road to expire on May 31, 1997 with Stephen M. Murray for monthly installments of \$800.00 to be paid by Lessee to Lessor in advance on or before the first day of each and every month of said term.

(7 yes) (0 no)

ITEM #159 Intro - Manager McGovern

Present - Representatives of Elizabeth Housing Limited Partnership:  
Chris Vaniotis, Dan Hourihan, Kevin McCarthy and Marcia Brown

Chairman Coggeshall invited citizens to comment.

Janet McCaa, 9 Wood Road - Ms McCaa is concerned that the Town Council "understand the context in which the emergency ordinance is to be considered." Ms McCaa has "no objection to the project," she is "concerned with procedure." There are reasons for time limitations - the Town should not "bend the existing rules to favor a particular applicant." The applicant has been given "the benefit of the doubt."



Moved by W. Linnell and Seconded by I. Chappell

Ordered the Cape Elizabeth Town Council adopts the attached emergency ordinance which provides that building permits shall remain in effect without commencement of construction for one year instead of for five months.

(6 yes) (1 abstention J. McGinty)

***CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA***

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ITEM #160 Moved by I. Chappell and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council enters into executive session to discuss matters of land acquisition/disposition at 9:24 p.m.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by I. Chappell

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:58 p.m. No action was taken.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council adjourns at 9:59 p.m.

(7 yes) (0 no)

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Debra M. Lane, CMC  
Town Clerk