

CAPE ELIZABETH TOWN COUNCIL

MINUTES

MEETING

MEETING # 15-1998-1999

May 10, 1999

7:30 P.M.

ROLL CALL BY THE TOWN CLERK		PRESENT	ABSENT		
Joseph H. Groff III, Chairman	49 Wood Road		X	767-5073	6/1999
Henry N. Berry III	110 Two Lights Rd.	X		799-6500	6/2000
Penelope P. Carson	36 Trundy Road	X		799-8029	6/2000
Carol Fritz	9 Hunt Club Woods	X		767-3737	6/2000
John W. McGinty	65 Starboard Drive	X		767-0139	6/2001
Rosemary A. Reid	1 Dean Way	X		767-0718	6/1999
Ruth E. McCleery Watson	7 Winding Way	X		799-3559	6/2001

Councilor Reid served as Chairman Pro-Tem.

Student Representatives Faherty and Martin were absent.

Pledge of Allegiance to the Flag

Citizen's Discussion of Items Not On The Agenda

Council Reports and Correspondence

Councilor Berry indicated the Historic Preservation Study Committee will be requesting a 6 month extension at the June Town Council Meeting. A public forum was held on April 29, 1999. The Historic Preservation Study Committee will meet June 17, July 15 and August 5.

Town Manager Update

Councilor Berry will represent the Town Council at the Lions' Club 50th Anniversary on May 14.

Chairman Groff, Councilor Berry and Manager McGovern attended the dedication of the new ballfield at Lions' Field on May 1.

Projects at the Donald Richard's Pool and Riverside Memorial Cemetery are progressing.

Town Council Workshop - May 17, 7:30PM re: sewer billing(apartments and school), technical amendments to the Zoning Ordinance, update on goals. A caucus for 1999-2000 Town Council appointments will begin at 7PM.

Manager McGovern thanked Chairman Groff and Councilor Reid for their service on the Town Council.

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #13-98/99 held April 12, 1999 as amended on Page 2, first paragraph to clarify a public forum was held regarding a historic site ordinance(to date, an ordinance has not been drafted), and Special Meeting #14-98/99 held April 14, 1999 as written.

(6 yes) (0 no)

Public Hearings and Action on Proposed General Fund and Special Funds Budgets

ITEM #132-98/99 Moved by R. Watson and Seconded by H. Berry

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Municipal Budget for Fiscal Year 2000 with gross expenditures of \$20,103,222 and gross revenues of \$5,987,317 and with the amount of **\$14,045,905** to be raised from taxation, and does further fix Tuesday, October 5, 1999, and Tuesday, April 4, 2000, 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. In accordance with 36 M.R.S.A. Section 506, the Tax Collector and Town Treasurer are authorized to accept 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 in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of 6.0% annum.

The net from taxation amount reflects a \$70,000 adjustment from the amount that was set for public hearing. The School Board is to file with the Town Clerk by May 27, 1999, an amended budget with changes in revenues and/or expenditures amounting to a net reduction of \$70,000. The total amounts in this motion for education revenue and expenditures and for total expenditures and revenue shall be adjusted in accordance with the School Board filing and shall be included as the final budget amounts in the minutes of this meeting presented for approval at the June 14, 1999 Town Council meeting.

Furthermore, any additional approved state school funding amounts above those amounts included in this budget shall increase the total amount of school revenues and reduce the net amount from local taxation provided that the Town receives notice of said state school funding amounts prior to July 1, 1999.

Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for Fiscal Year 2000:

Education	\$12,981,072 (Subject to change from School Board Filing)
Community Services	583,012
110 Administration	402,199
120 Assessing	122,175
121 Codes	72,580
125 Planning	73,056
130 Town Council	22,137
135 Legal and Audit	68,800
140 Elections	9,935
150 Boards and Commissions	31,080
160 Insurance	41,600
170 Employee Benefits	14,000
180 Debt Service	355,581
210 Police Department	802,319
215 Animal Control	33,080
220 Dispatching	239,749
225 WETeam	8,508
230 Fire Department	191,175
235 Rescue Unit	15,808
240 Misc. Public Protection	149,900
250 Emergency Preparedness	3,827
310 Public Works Department	750,012
320 Refuse Disposal	503,659
410 Human Services	31,900
510 Library	338,878
520 Contributions	13,450
530 Public Information	30,742
600 Facilities Management	64,372
610 Town Hall	20,752
615 Community Center	2,855
616 Rental Units	5,000
630 Public Safety Building	14,900
635 Engine One Station	4,700
640 Parks	24,006
641 School Grounds	79,567
645 Fort Williams Maintenance	90,356
655 Community Pool Expenditures	208,149
660 Trees	22,603
710 Intergovernmental Assessments	542,928

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715 Capital Projects	681,500
875 Facilities 2000 Initiative	451,300
Total	\$20,103,222 (Total subject to change from School Board Filing)

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

Category	Estimated Amount
Revenue Sharing	\$680,000
General Assistance	3,000
Veterans Exemption Reimbursement	11,500
Tree Growth Reimbursement	3,000
Local Road Assistance	75,000
Library Per Capita Grant	1,470
Snowmobile Registration Funds	450
Other State Funds	?
Homestead Tax Relief (100% to Taxpayers)	?
Adult Education Subsidy	\$30,000
State Education Subsidy	2,290,132 (Subject to change)
Title IA	30,000
Title VI	11,000
Title II	7,000
Local Entitlement	110,000
Drug Free Grant	12,000

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement.

Ordered: The Town Manager is hereby authorized to sign leases for a municipal vehicle and for a photocopier for the police department with copies of said leases to be provided to the Town Council.

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$ 7,853,009.47 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$5,562,877.83. **(Subject to change from School Board Filing)**

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Ordered, the Cape Elizabeth Town Council hereby raises in additional local education funds under the provisions of 20-A MRSA, Sec 15614, the sum of \$4,842,250.17. **(Subject to change from School Board Filing)**

Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 1999, and ending on June 30, 2000, 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 \$12,981,072. **(Subject to change from School Board Filing)**

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$132,302.07 and the Town of Cape Elizabeth raises as the local share the sum of \$39,302.07.

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$1,055,087 and the Town of Cape Elizabeth raises as the local share the sum of \$1,055,087.

Chairman Pro-Tem Reid opened the hearing for public comments at 7:52PM.

Keith Witherell, 15 Campion Road - School Board Finance Committee Chairman
Mr. Witherell urged the Town Council to approve the school budget as requested - a "needs-based" budget. Mr. Witherell expressed his disappointment with the Town Council and School Board budget review process.

Julie Boesky, 19 Park Circle - Supports the school budget as recommended by the School Board. Ms Boesky expressed concern about the review process, and thought there was a consensus of the Town Council to support the proposed budget at the workshop.

Terry Ann Scriven, 1 Granite Ridge Road - Ms Scriven requested an opportunity to hear from the Town Council.

Chairman Pro-Tem Reid closed the hearing to the public at 8:05PM to allow the Town Council to express their opinions.

Chairman Pro-Tem Reid reopened the hearing to the public at 8:24PM

Charlie Greer, 3 Wentworth Road - Mr. Greer suggested a review and clarification of the school budget review process between the Town Council and School Board.

Frank Potenzo, 8 Ivie Road - Mr. Potenzo asked for surplus to be used to cut the tax rate.

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Elaine Maloney - Supports the school budget as recommended by the School Board.

Trish Brigham, 34 Rock Crest Drive - Supports the school budget as recommended by the School Board.

Kathy Perkins, 415 Mitchell Road - Supports the school budget as recommended by the School Board.

Jennifer DeSena, 4 Ivie Road, School Board Member - Mrs. DeSena stated that the School Board was never formally told that there was not a consensus to approve the recommended school budget. Mrs. DeSena encouraged the Town Council to approve the recommended budget.

Debbie Cushing, 18 Channel View Road - Ms Cushing suggested a "failure of the process," and that it is "distressing not knowing where it will end up."

Beth Currier, 18 Belfield Road, School Board Member - Mrs. Currier feels the Town Council is "putting a problem one year down the line," if the budget is cut.

George Entwistle, 2 Avon Road, Chairman School Board - Mr. Entwistle stated that the proposed cut "is a surprise." It is a "shift of burden from this year to the next." The School Board will "do what it needs," if the motion passes.

Manager McGovern clarified that the School Board was informed, through the Superintendent at a workshop, that there may be a request to cut the budget as members of the Town Council questioned the school surplus following the joint workshop. Prior to the meeting this evening, the Town Council could not formally take a vote on the budget.

Carl Pearson, 8 Russet Lane - Mr. Pearson encouraged both boards to move on. If there has been a failure in the system, review the process for next year.

Terry Ann Scriven, 1 Granite Ridge Road - Ms Scriven questioned the difference between a cut in the budget, and an adjustment as been suggested by the Town Council.

After hearing no further comments, the public hearing was closed at 8:59PM.

Vote: (6 yes) (0 no)

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Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council votes ITEM ##133-138 into one motion.
(6 yes) (0 no)

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves ITEM ##133-138 as presented:

Item # 133-98/99

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Fiscal Year 2000 Budget for the Sewer Fund with expenditures of \$1,649,774 and gross revenues of \$1,649,774.

Item #134-98/99

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Fiscal Year 2000 Budget for the Riverside Cemetery Fund with expenditures of \$ 25,869 and gross revenues of \$ 35,000.

Item #135-98/99

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Fiscal Year 2000 Budget for the Portland Head Light Fund with expenditures of \$368,973 and gross revenues of \$ 389,800.

Item #136-98/99

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Fiscal Year 2000 Budget for the Spurwink Church Fund with expenditures of \$ 6,000 and gross revenues of \$10,000.

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Item # 137-98/99

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Fiscal Year 2000 Budget for the Fort Williams Park Capital Fund with expenditures of \$ 118,000 and revenues of \$118,000.

Item #138-98/99

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby adopt the Fiscal Year 2000 Budget for the Thomas Jordan Trust with expenditures of \$40,000 and revenues of \$45,000.

Vote: (6 yes) (0 no)

Item #139-98/99 Intro - Councilor Watson, Appointments Committee

Moved by R. Watson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Lawrence Nelson of 32 Cliff Avenue to the Arts Commission for a term to expire on 01/01/2002.

(6 yes) (0no)

Item #140-98/99 Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves ITEM ##140-A and 140-B for the use of Fort Williams Park, as presented:

ITEM #140A-98/99 June 11, 1999 Cape Elizabeth High School Graduation
2:00 p.m.- 6:00 p.m.
Parade Ground Field
Requested by Cape Elizabeth High School

ITEM #140B-98/99 August 24, 1999 Vidbel's Old Tyme Circus
Two Shows: 4 p.m. and 7 p.m.
Parade Ground Field
Requested by Cape Elizabeth High School
(6 yes) (0 no)

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Item #141-98/99

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the annual dog warrant as presented.
(6 yes) (0 no)

Item #142-98/99

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council authorizes the Town Treasurer to execute a discharge of a tax lien for Map U42, Lot 1-12, assessed to Dirigo Builders, Inc. for property located at 12 Eastfield Road.

(6 yes) (0 no)

Item #110-98/99

(tabled 3/10/99 and 4/12/99)

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council takes ITEM #110-98/99 tabled from March 10 and April 12, 1999 regarding a Town Center Zone amendment request off the table.

(6 yes) (0 no)

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council tables indefinitely ITEM #110-98/99.

(6 yes) (0 no)

Note: Gendron Retail, the initiator of the zone amendment request, has informed the Town that they are no longer pursuing a project on the privately owned lot next to the Town Hall.

Manager McGovern announced that the Town-owned lot in Elizabeth Farms remains on the market, a potential sale is no longer pending.

Citizen's Discussion Of Items Not On The Agenda

Moved by P. Carson and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council adjourns at 9:19PM.

(6 yes) (0 no)

Monday, May 17, 1999 Town Council Workshop 7:30PM Town Hall

Debra M. Lane, CMC
Town Clerk

