



CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 14-99-00

May 8, 2000

7:30 p.m.

Present

Absent

Roll Call by the Town Clerk

| | | | | |
|------------------------------|----------------------|---|----------|--------|
| Penelope P. Carson, Chairman | 36 Trundy Road | X | 799-8029 | 6/2000 |
| Henry N. Berry III | 110 Two Lights Rd. | X | 799-6500 | 6/2000 |
| Carol Fritz | 1 Stirrup Road | X | 767-3737 | 6/2000 |
| Ruth E. McCleery Watson | 7 Winding Way | X | 799-3559 | 6/2001 |
| John W. McGinty | 86 Brentwood Road | X | 767-0139 | 6/2001 |
| John E. "Jack" Roberts, Jr. | 185 Fowler Road | X | 767-4526 | 6/2002 |
| Anne E. Swift-Kayatta | 14 Stone Bridge Road | X | 767-5754 | 6/2002 |

Michael McGovern, Town Manager

X

Debra Lane, Town Clerk

X

Rebecca Boulos, Student Representative

X

Andrew Rowe, Student Representative

X

Pledge of Allegiance to the Flag

Presentations- Eagle Scouts

Andrew Clough

Matthew Barnes

Reports and Correspondence

Councilor Fritz announced the RWS Dedication to the Modernization of the Recycling Facility. The event will be held on Wednesday, May 24 4-6PM.

Councilor Watson reviewed the constitutional amendments and citizen's initiatives that will appear on the November ballot.

Town Manager's Report

Retirements:

David Cousins, Transfer Facility

Bruce Kempton, Parks Foreman

David Pickering, Chief of Police

Bob Malley gave an overview of the new public works facility, under construction at Gull Crest Farm.

Bids will be opened this week for the temporary Dispatch Center.

The Planning Board approved the new fire and police facilities.

Citizens' Discussion of Items Not on the Agenda

Minutes of Meetings # 12 held April 10, 2000 and # 13 held April 12, 2000

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #12-99/00 held April 10, 2000 and Meeting #13-99/00 held April 12, 2000 as written.

(7 yes) (0 no)

Item # 122-99/00

Public Hearing and Consideration of Adoption of the Annual Municipal, School and County Budget

Chairman Carson opened the public hearing at 7:47PM.

After hearing no comments, the public hearing was closed.

Intro – Manager McGovern

The recommended tax increase is .44 per or 2.23%. The State has confirmed the Town will receive the state subsidy at the same level as last year. However the Town will lose approximately \$45,000 from the circuit breaker program for the Portland Arts and Technology School.

Thanks to everyone for their cooperation.

Moved by R. Watson and Seconded by J. Roberts

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Municipal Budget for Fiscal Year 2001 with gross expenditures of \$21,446,298 and gross revenues of \$6,971,781 and with the amount of **\$14,474,517** to be raised from taxation, and does further fix Tuesday, October 3, 2000, and Tuesday, April 3, 2001, 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.

If the Town receives an additional \$45,000(+/-) for the Portland Arts and Technology School prior to the Assessor setting the tax rate, this amount shall reduce the amount that would have been otherwise set for the tax rate.

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Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for **Fiscal Year 2001**:

| | |
|---------------------------------|--------------|
| Education | \$13,617,956 |
| Community Services | 607,532 |
| 110 Administration | 444,541 |
| 120 Assessing | 126,086 |
| 121 Codes | 75,453 |
| 125 Planning | 88,586 |
| 130 Town Council | 22,137 |
| 135 Legal and Audit | 68,000 |
| 140 Elections | 9,615 |
| 150 Boards and Commissions | 30,635 |
| 160 Insurance | 41,600 |
| 170 Employee Benefits | 19,000 |
| 180 Debt Service | 1,039,059 |
| 210 Police Department | 835,700 |
| 215 Animal Control | 34,190 |
| 220 Dispatching | 236,918 |
| 225 WETeam | 11,341 |
| 230 Fire Department | 216,872 |
| 235 Rescue Unit | 17,300 |
| 240 Misc. Public Protection | 148,512 |
| 250 Emergency Preparedness | 2,043 |
| 310 Public Works Department | 795,852 |
| 320 Refuse Disposal | 569,824 |
| 410 Human Services | 32,433 |
| 510 Library | 358,556 |
| 520 Contributions | 13,450 |
| 530 Public Information | 30,773 |
| 600 Facilities Management | 66,446 |
| 610 Town Hall | 25,092 |
| 615 Community Center | 2,700 |
| 616 Rental Units | 5,000 |
| 630 Public Safety Building | 15,100 |
| 635 Engine One Station | 4,850 |
| 640 Parks | 25,017 |
| 641 School Grounds | 81,885 |
| 645 Fort Williams Maintenance | 97,865 |
| 655 Community Pool Expenditures | 315,177 |

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| | |
|-----------------------|--------------|
| 660 Trees | 17,676 |
| 710 Intergovernmental | 579,491 |
| 715 Capital Projects | 716,035 |
| Total | \$21,446,298 |

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 | \$810,000 |
| General Assistance | 2,000 |
| 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 | ? |
| Adult Education Subsidy | \$25,456 |
| State Education Subsidy | 2,535,115 |
| Title IA | 33,000 |
| Title VI | 12,000 |
| Title II | 8,000 |
| Local Entitlement | 145,000 |
| Drug Free Grant | 10,000 |
| Title VI- Class Size Reduction | 22,000 |

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

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$ 9,098,147.42 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$6,735,985.60.

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 \$2,907,365.40.

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Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 2000, and ending on June 30, 2001, 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 \$13,617,956

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$127,822.83 and the Town of Cape Elizabeth raises as the local share the sum of \$45,366.83.

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$1,025,057 and the Town of Cape Elizabeth raises as the local share the sum of \$1,025,057.

(6 yes) (1 no J. McGinty)

Chairman Carson opened the following public hearings for public comment at 8:17PM. After hearing no comments, the hearings were closed.

Public Hearing and Consideration of Proposed Sewer Fund Budget
Public Hearing and Consideration of Proposed Riverside Cemetery Fund Budget
Public Hearing and Consideration of Proposed Museum at Portland Head Light Fund Budget
Public Hearing and Consideration of Proposed Spurwink Church Fund Budget
Public Hearing and Consideration of Proposed Museum at Fort Williams Park Capital Fund Budget
Public Hearing and Consideration of Thomas Jordan Trust Fund Budget

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves ITEM ##123-128 as presented.

Item #123-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Sewer Fund with expenditures of \$1,535,155 and gross revenues of \$1,535,155

Item #124-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Riverside Cemetery Fund with expenditures of \$ 30,051 and gross revenues of \$41,000.

Item #125-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Portland Head Light Fund with expenditures of \$433,182 and gross revenues of \$515,400.

Item #126-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Spurwink Church Fund with expenditures of \$ 6,500 and gross revenues of \$11,000.

Item #127-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Fort Williams Park Capital Fund with expenditures of \$ 43,000 and revenues of \$48,954.

Item #128-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Thomas Jordan Trust with expenditures of \$40,000 and revenues of \$45,000.
(7 yes) (0 no)

Item # 129-99/00

Intro – Councilor Berry, Chairman Historic Preservation Study Committee

Moved by C. Fritz and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Report of the Cape Elizabeth Historic Preservation Study Committee and sets the report to a workshop. The workshop date to be determined.
(7 yes) (0 no)

Item # 130-99/00

Present Paul Vose, Petitioner
Tom Tinsman, 89 Sunnybank Road
Marguerite Prentice, 18 Ocean Avenue
Jim Haddow, Counsel for Ms Prentice

Councilor Watson asked for a Town Council consent regarding her abstention from voting on this item as Mrs. Watson works in the same office as Tom Tinsman. The Town Council let Councilor Watson decide. Councilor Watson decided to abstain from voting on this item.

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Tom Tinsman gave a history on the lot as he sold the lot to Paul Vose in 1996. Mr. Tinsman stated the lot was buildable prior to the revised zoning ordinance in 1997.

Mr. Haddow encouraged the Town Council to dismiss the request for the amendment stating that it is not consistent with town policy.

Moved by J. McGinty and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council sends to the Planning Board for their recommendation a request from Paul Vose to amend the Zoning Ordinance to permit construction on certain lots, which received a state minimum lot size waiver and a local public access waiver prior to August 11, 1999.

(5 yes) (1 no C. Fritz) (1 Abstention R. Watson)

Item # 131-99/00 Moved by A. Swift-Kayatta and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council sets the opening hours for the June 13, 2000 Primary for 7:00AM.

Item # 132-99/00

Intro – Manager McGovern

Moved by R. Watson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the proposed acceptance of a utility easement for the Tides Edge Road area drainage project, provided the property owner, John M. Robinson, signs the easement. Mr. Robinson is out of the country until May 15, 2000.

(7 yes) (0 no)

Item # 133-99/00

Intro – Councilor Swift-Kayatta, Chairman Appointments

Committee

Moved by A. Swift-Kayatta and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the recommendation from the Appointments Committee for the following appointments:

| | | |
|--------------------|-----------------------|--|
| Peter Rich | 7 Smugglers Cove Road | Term to expire 1/1/2001 Recycling |
| Michael Tranfaglia | 6 Evergreen Circle | Term to expire 1/1/2003 Family Fun Day |

(7 yes) (0 no)

Citizens Discussion of Items Not on the Agenda

Councilor Roberts The Roberts Family recently hosted a resident from the Republic of Georgia, formerly part of the Soviet Union. The program, through Project Harmony, taught the free enterprise market system.

Recess 8:47PM Workshop to review the strategic plan of the rescue unit.
Workshop Adjournment 10:20PM.

Item # 134-99/00 Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council enters into executive session to receive an update from the town manager on collective bargaining negotiations with Local 340 of the Teamsters representing public works personnel and with the Cape Elizabeth Police Benevolent Association representing police personnel.

(7 yes) (0 no)

Moved by R. Watson and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:37PM.

(7 yes) (0 no)

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 10:40PM.

(7 yes) (0 no)

Workshop: Monday, May 22

6:00PM Dinner

6:30PM Organizational Meeting – Annual Caucus

7:00PM Town Council discussion on proposed amendment to the Zoning Ordinance, which would provide for a practical difficulty standard for reviewing certain variance requests.

7:45PM Review of Report of the Fort Williams Charitable Trust Study Committee.

Times are approximate.

Debra M. Lane, Town Clerk