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TOWN COUNCIL MEMBERS

Henry Berry	6/2003	110 Two Lights Road
Anne Swift-Kayatta	6/2002	14 Stone Bridge Road
Carol Fritz	6/2003	1 Stirrup Road
Mary Ann Lynch	6/2004	2 Olde Colony Lane
John (Jack) E. Roberts Jr.	6/2002	185 Fowler Road
John W. McGinty	6/2004	86 Brentwood Road
Penelope P. Carson	6/2003	36 Trundy Road

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Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Special Meeting # 16-01-02

Tuesday, May 28, 2002

7:30 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Presentation from Cape Elizabeth Middle School Student Council to Police and Fire Departments

Reports and Correspondence

Citizens' Discussion of Items not on the Agenda

Minutes of Meeting # 15-01-02 held May 13, 2002

Public Hearings

Item # 147-01-02 Proposal to eliminate spring clean-up week

The Finance Committee recommends that cleanup weeks occur in the fall of the year only, thus saving \$15,000 in the municipal budget.

Item # 148-01-02 Municipal, School, Community Services and County

Budgets

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the General Fund Budget for Fiscal Year 2003 with gross expenditures of \$23,485,130 and gross revenues of \$6,738,992 and with the amount of \$16,746,138 to be raised from taxation, and to fix Thursday, October 3, 2002, and Thursday, April 3, 2003, 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 eleven and one half percent (8.75%) 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 annual rate of 7.5% per annum.

Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for **Fiscal Year 2003**:

- Education \$14,846,677 Finance Chairs Alternate: \$14,918,677
- Community Services 752,521
- County Government 763,183

110 Administration 420,517

120 Assessing, Codes/Planning 274,817

130 Town Council 11,137

135 Legal and Audit 63,000

140 Elections 6,945

150 Boards and Commissions 17,833

160 Insurance 54,000

170 Employee Benefits 605,550

180 Debt Service 1,068,940

210 Police Department 798,856

215 Animal Control 33,011

220 Dispatching 215,403

225 WETeam 16,750

230 Fire Department 213,187

240 Misc. Public Protection 148,462
 250 Emergency Preparedness 2,300
 310 Public Works Department 736,664
 320 Refuse Disposal 587,479
 410 Human Services 28,833
 510 Library 358,083
 520 Contributions 6,950
 530 Public Information 32,951
 600 Facilities Management 64,903
 610 Town Hall 24,800
 616 Rental Units 10,000
 620 Town Center Fire Station 17,000
 630 Police Station 41,300
 635 Cape Cottage Fire Station 7,300
 640 Parks 35,097
 641 School Grounds 85,504
 645 Fort Williams Maintenance 96,559
 655 Richards Pool/Fitness Center 352,905
 660 Trees 17,808
 710 Intergovernmental 19,905
 715 Capital Projects 648,000
 Total \$23,485,130 (Finance Chairs \$23,557,130)

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	750,000
General Assistance	2,000

Veterans Exemption Reimbursement	11,500
Tree Growth Reimbursement	3,000
Local Road Assistance	100,000
Library Per Capita Grant	1,470
Snowmobile Registration Funds	450
Other State Funds	?
Homestead Tax Relief	350,000
Adult Education Subsidy	28,900
State Education Subsidy	As Appropriated
Title IA	60,000
Title VI	12,000
Title II	9,500
Local Entitlement	185,000
Title IV	9,000
Title VI- Class Size Reduction	25,000

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,712,593

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$10,226,558.72 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$8,387,822.38.

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 \$2,968,638.62.

Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 2002, and ending on June 30, 2003, 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 \$14,846,677. (Finance Chairs \$14,918,677)

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$143,335.67 and the Town of Cape Elizabeth raises as the local share, the sum of \$32,782.

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$965,826 and the Town of Cape Elizabeth raises as the local share the sum of \$965,826

Item #149-01-02 Sewer Fund Budget

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Sewer Fund with expenditures of \$1,487,280 and gross revenues of \$1,355,000

Item #150-01-02 Riverside Cemetery Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Riverside Cemetery Fund with expenditures of \$ 21,476 and gross revenues of \$42,000.

Item #151-01-02 Museum at Portland Head Light Fund Budget

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Portland Head Light Fund with expenditures of \$486,163 and gross revenues of \$520,300.

Item # 152-01-02 Spurwink Church Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Spurwink Church Fund with expenditures of \$ 10,220 and gross revenues of \$13,300.

Item # 153-01-02 Fort Williams Park Capital Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Fort Williams Park Capital Fund with expenditures of \$ 88,305 and revenues of \$55,700.

Item #154-01-02 Thomas Jordan Trust Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Thomas Jordan Trust with expenditures of \$25,375 and revenues of \$12,000.

Item # 155-01-02 Rescue Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Tuesday, May 28, 2002, does hereby adopt the Fiscal Year 2003 Budget for the Rescue Fund with expenditures of \$140,650 and revenues of \$150,000 with the excess of revenues over expenditures to be retained in the Rescue Equipment Replacement Fund.

Item #156-01-02 Codes Office Fees

Ordered: The Cape Elizabeth Town Council hereby approves the following fee schedule effective July 1, 2002.

PERMIT TYPE	PRESENT	PROPOSED
Building permit min. fee up to \$1000	\$10.00	\$25.00
Per additional \$1000 value	5	7
Late fee	35	Double fee
Penalty fee	50	Eliminate
Change of use, use permit	50	50
Moving or Demolition of sheds and garages	50	50
Moving dwellings	500	500
Demolition dwellings	50	50
Elevators & Towers		
Min. fee up to \$1000	10	25
Per additional \$1000 value	5	7
Sign Permit	10	25
Flood Hazard Dev. Permit	100	100
Pumps, tanks for flammables	50	50
Temporary stands, booths sale of		
merchandise or other business	15	25
Ventilation, Sprinklers, Automatic fire detection	5	25
Electrical – minimum fee	10	25
Wiring permit		
1-24 light, recept., switch outlets	10	25

25-50 light, recept., switch outlets	15	50
+ 50 light, recept., switch outlets	20	75
Service/alteration		
100. 200, 3 phase (each)	10	25
Each additional meter, sub-panel	10	25
Range, Heater, Water heater, Dryer, Washing		
Machine, Dishwasher, Disposal (Each)	3	5
Space Heater	10	25
Signs & outdoor wiring	10	25
Refrigeration, Air conditioning	10	25
Heating Permit – install. of		
Boilers, Furnaces, etc.	15	50
Plumbing Permit (Internal)		
1-3 fixtures	24	24
each additional fixture	6	6
Hook-up fee (new water distribution and/or		
drainage pipes with no new fixtures	24	24
Subsurface Wastewater Disposal	Varies	No change
Late fee for plumbing and disposal permits	Double fee	Double fee
Late fee for electrical & heating permits	35	Double fee

Item# 157-01-02 Zoning Board Application Fee

Ordered: The Cape Elizabeth Town Council hereby sets the Zoning Board application fee at \$150.00 effective July 1, 2002.

Item # 158-01-02 Fees for Notary Public and Dedimus Justice services

Ordered: The Cape Elizabeth Town Council hereby approves the following fee schedule for notary public and Dedimus justice services effective July 1, 2002.

The Town provides Notary Public and Dedimus Justice services for town residents and Cape Elizabeth businesses only. The first use per year of such services is free. Any additional services are \$3.00 per signature except that any notary services involving town government transactions are free and shall not be counted toward the one time per year limit. There is also no charge for notarizing petitions submitted to the Town of Cape Elizabeth for verification purposes.

Item # 159-01-02 Photocopy Fees

Ordered: The Cape Elizabeth Town Council hereby approves the following fee schedule effective July 1, 2002.

The Town photocopy fee is \$.25 per page for up to and including 11 x 17 copies. The fee for copying materials for non-circulating reference materials at the Thomas Memorial Library is \$.05 per page with the first five pages waived.

There is **no charge** for the following:

Copies needed to conduct a transaction with the municipal government except that applicants for Planning Board and Zoning Board matters shall provide the requisite number of copies of material as required by board policies.

Copies of proposals pending before the Town Council provided the proposal has not been posted on the Town website. If the proposal has been web-posted, the photocopy fee shall be \$.25 per page.

Reports:

The fee for a copy of a report or ordinance the Town has had printed by a private vendor shall be the direct cost of the printing, plus 10%, and then shall be rounded to the next highest dollar.

The fee for copies of police reports are as follows:

\$10.00 for any report up to 10 pages

\$1.00 per page for any report exceeding 10 pages

Oversize Documents, Maps, Computer Runs, GIS Products and Color Documents

The fee for any document that is oversized or that requires special preparation shall reflect the cost of production and shall be agreed upon prior to copies being made. The cost of production shall include actual printing, ink and paper costs and the time of the employee(s) spent working on the project. The exact fees for these individualized products shall be set by the appropriate department head and may be adjusted by the town manager if the department head and the customer are unable to agree upon a fee.

Item # 160-01-02 Insurance Card Fax Fee

Ordered: The Cape Elizabeth Town Council hereby approves a fee of \$2.00

per insurance card faxed to the Town Office effective July 1, 2002.

Item # 161-01-02 Parking Violation and Towing Fees

In accordance with Sec. 13-2-4 and Sec 13-3-1 d. of the Traffic Regulations of the Town of Cape Elizabeth, the Cape Elizabeth Town Council hereby approves and adopts effective July 1, 2002, the following waiver fees, fines and towing charges for traffic and parking violations:

Overnight Parking \$15.00

Parking in "No Parking Area" \$25.00

Parking in Hazardous Area \$30.00

Parking in Snow Removal Area \$30.00

Parking in Tow Zone \$30.00 plus cost of tow

Parking in Handicapped Zone w/o Permit \$100.00

Other Violation \$25.00

Item # 162-01-02 Consideration of proposed revised policy for checks written on accounts with insufficient balances.

Ordered: The Cape Elizabeth Town Council hereby approves the following policy for returned checks:

Returned Checks

Purpose

In order to reduce administrative overhead and ensure proper payment for services rendered, the Town of Cape Elizabeth has adopted the following policy for checks returned for insufficient funds, and returned checks.

1st Instance

The Town will attempt to redeposit the check.

A letter will be sent to the check signer indicating the check was returned. If the check is still unpaid, the letter will indicate the check signer has 10 days in which to cover the check. The Town will accept a money order, bank certified check or cash for the exact amount.

The letter shall state that if the check signer and/or the checking account remits a second check to the Town over the next 24 months which is returned for insufficient funds, then the Town and all of its departments will not accept checks from the check signer and/or from the account for a period of 12 months.

The Town will charge the check signer a fee of \$25.00 for the returned check. The check signer has 10 days in which to remit payment. The Town

will accept a money order, bank certified check or cash for the exact amount.

Any check remaining unpaid will result in the Town declining specific services for which the check was written excluding property tax and sewer payments.

2nd Instance

The Town will attempt to redeposit the check.

A letter will be sent to the check signer indicating the check was returned. If the check is still unpaid, the letter will indicate the check signer has 10 days in which to cover the check. The Town will accept a money order, bank certified check or cash for the exact amount.

The letter shall state that the Town and all of its departments will not accept checks from the check signer and/or from the account for a period of 12 months.

Notice shall be provided to all municipal and school personnel who accept checks.

The Town will charge the check signer a fee of \$25.00 for the returned check. The check signer has 10 days in which to remit payment. The Town will accept a money order, bank certified check or cash for the exact amount.

Any check remaining unpaid will result in the Town declining specific services for which the check was written excluding property tax and sewer payments.

Take Note:

The \$25.00 returned check fee is charged per check, for **all** returned checks.

The Town reserves the right to prosecute for negotiating a worthless instrument.

Citizens/Customers with severe financial hardships are encouraged to seek assistance from the Town in the form of abatements, fee waivers, etc.

Motor vehicle registrations are cancelled by the State of Maine if motor vehicle registrations are paid with checks that cannot be collected.

Item # 163-01-02 Mooring Fees

In accordance with Sec. 10-5-8 of the Coastal Waters and Harbors Ordinance of the Town of Cape Elizabeth, the Cape Elizabeth Town Council hereby adopts effective July 1, 2002 the following fees for moorings in the coastal waters and harbors of Cape Elizabeth.

Mooring Permits Annual Fee

Resident \$ 50.00

Non-Resident \$ 200.00

Mooring permits are valid for two years and expire on April 30th. The annual fee is due and payable each year on April 30th. Permits are considered delinquent on June 1st. If the mooring permit fee is not paid by June 1st, the mooring permit shall be abandoned. Any fee paid after July 1st shall also remit a \$20.00 late fee.

Item # 164-01-02 Rescue Fees

Ordered: The Cape Elizabeth Town Council hereby approves the following fee schedule effective July 1, 2002.

Procedure	Medicare Allowable	Current	Proposed
ALS 1 Emergency	\$ 259.04	\$ 200.00	\$ 250.00
BLS Base Rate	\$ 208.13	\$ 175.00	\$ 200.00
BLS/ALS Mileage	\$ 8.00	\$ 5.00	\$ 8.00
IV Drug Administration	\$ 88.00	\$ 75.00	\$ 88.00
Oxygen	\$ 40.00	\$ 35.00	\$ 40.00
Cardiac Monitor	\$ 80.00	\$ 75.00	\$ 80.00
Defib	\$ 60.00	\$ 60.00	\$ 60.00
ET	\$ 60.00	\$ 60.00	\$ 60.00

Item # 165-01-02 General Fund Overhead Fee

Ordered, effective July 1, 2002, it shall be policy to charge all special funds an administrative overhead fee of 1.5% of budget for all administrative overhead including revenue collection, accounts payable and management overhead. The proceeds are general fund unallocated revenues.

Item # 166-01-02 Consideration of adjusting certain library fines and fees

Ordered, effective July 1, 2002, the Cape Elizabeth Town Council hereby adopts the following library fees.

Adult and Family fines : \$.10/day per item.

\$1.00/day per video for all patrons who pay fines

Maximum fine amount for children is \$3.00

Citizen's Discussion of Items Not on the Agenda

Adjournment

DRAFT MINUTES OF November 14, 2001 COUNCIL MEETING

Cape Elizabeth Town Council

Regular Meeting #11-01/02

Monday, March 11, 2002 7:30 p.m.

ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
Henry Berry	6/2003	110 Two Lights Road	799-6500	X	
Ann E. Swift-Kayatta	6/2002	14 Stone Bridge Road	767-5754	X	
Carol Fritz	6/2003	1 Stirrup Road	767-3737	X	
Mary Ann Lynch	6/2004	2 Olde Colony Lane	741-2709	X	
John E. "Jack" Roberts	6/2002	185 Fowler Road	767-4526	X	
John W. McGinty	6/2004	86 Brentwood Road	767-0139	X	
Penelope P. Carson	6/2003	36 Trundy Road	799-8029		X

STUDENT REPRESENTATIVES

Julia Dunfey					X
Mariah Nelson					X

TOWN STAFF

Michael McGovern				X	
Debra Lane				X	

Pledge of Allegiance to the Flag

Presentations

Proclamation

Cape Elizabeth Girls Swim Team 2002 Maine Class "A" State Championship

Reports and Correspondence

Councilor Roberts

Councilor Roberts, Lynch and Chairman Swift-Kayatta attended the school budget workshop on March 2. Mr. Roberts encouraged residents to contact the Office of the Governor if they are concerned with Cape Elizabeth losing approximately \$600,000 in school subsidy. Mr. Roberts said, "no one school district should lose that much money in one year."

Councilor Fritz encouraged high school seniors to enter the essay contest sponsored by RWS. A \$1500 scholarship, for 2 or 4-year college, will be awarded. The deadline is April 15, 2002.

Chairman Swift-Kayatta

Congratulations to the volunteers and organizers of the following fundraisers:

- Cape Play - Auction held March 8, 2002 at the Purpoodock Club.
- Fire Department - Lobster Stew Dinner held March 9, 2002 at the Middle School Cafetorium

Town Manager's Report

- Congratulations to Sandra Hanscom on her retirement. For over 20 years, Sandra served the town in the tax office, assessing/codes/planning and public safety. Thank you for your service, and congratulations.
- The police station will be completed in approximately one month, provided the communications equipment is installed. The project is under budget. An open house will be held Memorial Day at the police and fire stations.

Citizens' Discussion of Items not on the Agenda

Minutes of Meeting # 10-01-02 held February 11, 2002

Moved by P. Carson and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #10-01/02 held February 11, 2002 as amended. Councilor Lynch's phone number has changed to

767-5788.

(7 yes) (0 no)

Item # 93-01-02

Present - Maureen O'Meara, Town Planner

Intro - Mike Duddy, Chairman Conservation Commission

Moved by M. Lynch and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council authorizes the Conservation Commission to proceed with the St. Bartholomew's easement area boardwalk using existing greenbelt trail funds.

(6 yes) (1 no H. Berry)

See attachment.

Item # 94-01-02

Intro - Laura Briggs, Co-Chairman CapePlay

Pat Carroll, Landscape Architect

Moved by J. Roberts and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the request of CapePlay to move forward with proposed playground improvements for Pond Cove Elementary School and Cape Elizabeth Middle School. The total cost of this phase is projected to be \$239,000. An additional \$23,000 "add-alternate" element in the bid documents to be spent towards additional site work and hard-surface play areas if CapePlay is able to raise these additional funds over the next three months or if the construction bids come in below the estimate.

(7 yes) (0 no)

Item # 95-01-02

Intro - Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the proposed abatement of property taxes of \$139.02 for FY 2000 and \$142.10 for FY 2001 for an error in the Town's records for the homestead exemption for 45 Stonegate Road, Map U50 Lot 32 owned by Jeffrey and Jean Sosnaud.

(7 yes) (0 no)

Item # 96-01-02

Intro - Debra Lane, Town Clerk

Moved by H. Berry and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the burial and foundation fee schedule for 2002 as presented:

Regular Burial Weekday \$425

Regular Burial Saturday & Holiday \$450

Cremation Weekday \$275

Cremation Saturday & Holiday \$300

Placement of foundation \$.30 per square inch

(7 yes) (0 no)

Item # 97-01-02

Intro - Debra Lane, Town Clerk

Moved by M. Lynch and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council signs the 2002 Municipal Warrant for Prosecuting Unlicensed Dog Owners-Keepers, as presented.

(7 yes) (0 no)

Item # 98-01-02

Intro - Manager McGovern

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council accepts the quitclaim deed from D. Brock and Helaine C. Hornby for a portion of Island View Road.

(7 yes) (0 no)

See attachment.

Item # 99-01-02

Intro - Manager McGovern

Moved by M. Lynch and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council accepts the drainage easement from Shannon McDougall and Gregory Haskell off Pleasant Avenue.

(7 yes) (0 no)

See attachment.

Item # 100-01-02 Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council refers the proposed FY 2003 General Fund Budget and Special Funds Budgets to the Finance Committee.

(7 yes) (0 no)

Citizens' Discussion of Items not on the Agenda

Item # 101-01-02 Moved by C. Fritz and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council enters into executive session at 9:01PM to discuss the annual evaluation of the town manager.

(7 yes) (0 no)

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 11:06PM.

(7 yes) (0 no)

Adjournment

Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council adjourns at 11:06PM.

Debra M. Lane, Town Clerk

Upcoming Meetings

All meetings are at 7:30 p.m. in the Town Hall

Boards and Commissions Orientation March 21, 2002

Town Council Finance Committee March 25, 2002

Town Council Finance Committee April 1, 2002

Town Council Regular April Meeting April 8, 2002

Town Council Finance Committee April 9, 2002

Town Council Finance Committee April 24, 2002

Town Council Finance Committee April 29, 2002

Town Council Finance Committee May 2, 2002

Town Council Regular May Meeting May 13, 2002

Public Hearing and Adoption of Budget May 28, 2002

POLICIES

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