



**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Special Meeting # 16-01-02**  
**Tuesday, May 28, 2002**  
**7:30 p.m.**

**Roll Call by the Town Clerk**

**Present**

**Absent**

<b>Anne E. Swift-Kayatta, Chairman</b>	<b>14 Stone Bridge Road</b>	<b>X</b>	<b>767-5754</b>	<b>6/2005</b>
<b>Henry N. Berry III</b>	<b>110 Two Lights Rd.</b>	<b>X</b>	<b>799-6500</b>	<b>6/2003</b>
<b>Penelope P. Carson</b>	<b>36 Trundy Road</b>	<b>X</b>	<b>799-8029</b>	<b>6/2003</b>
<b>Carolyn M. Fritz</b>	<b>1 Stirrup Road</b>	<b>X</b>	<b>767-3737</b>	<b>6/2003</b>
<b>Mary Ann Lynch</b>	<b>2 Olde Colony Lane</b>	<b>X</b>	<b>767-5788</b>	<b>6/2004</b>
<b>John W. McGinty</b>	<b>86 Brentwood Road</b>	<b>X</b>	<b>767-0139</b>	<b>6/2004</b>
<b>John E. "Jack" Roberts, Jr.</b>	<b>185 Fowler Road</b>	<b>X</b>	<b>767-4526</b>	<b>6/2005</b>

**Student Representatives**

**Julia Dunfey**

**X**

**Mariah Nelson**

**X**

**Michael M. Mc Govern**

**X**

**Debra M. Lane**

**X**

**Pledge of Allegiance to the Flag**

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

Several students from the Cape Elizabeth Middle School presented Chief Williams, Chief McGouldrick and Chairman Swift-Kayatta signed prints from Jamie Wyeth of September 11. The Town of Cape Elizabeth thanks the students for their thoughtfulness and generosity.

**Reports and Correspondence**

Chairman Swift-Kayatta thanked everyone involved in the coordination and participation of the Memorial Day Parade and Public Safety Open Houses. Thank you to Jim Murray for once again agreeing to serve as chairman of the parade.

Portland Head Light recently received an award as a National Civil Engineer Historical Landmark.

Thank you to Jim Rowe, outgoing member of the School Board, for your time and service to the community.

## **Citizens' Discussion of Items not on the Agenda**

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

Moved by J. McGinty and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #15-01/02 held May 13, 2002 as written, with the addition that the PowerPoint presentation presented by Finance Chairman Jack Roberts is included as an attachment to the May 13 minutes.

(7 yes) (0 no)

### **Public Hearings**

7:46PM

Chairman Swift-Kayatta opened the public hearing regarding all items related to the fiscal year 2003 budget, including special funds, proposed elimination of spring clean-up week and proposed fee schedules.

Jim Rowe, 127 Oakhurst Road

Mr. Rowe encouraged the Town Council to approve the compromise budget and proposed by Finance Chairman Roberts and Finance Chairman Sweeney. Mr. Rowe thanked the Town Council for their support during his tenure as a member of the school board.

Sally Cox, 23 Salt Spray Lane

Ms Cox is concerned about the "direction of taxes." She requested copies of the town and school budget to be placed at the library. Goal – limit the 2004 budget to a zero percent increase. The town council should try to get the public more involved in budget discussions – utilize the website, local papers, group hearings.

7:54PM

After hearing no further comments, the public hearing was closed.

### **Item # 147-01-02** Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council tables indefinitely the recommendation of the Finance Committee to eliminate spring clean-up week, leaving a cleanup week in the fall of the year.

(7 yes) (0 no)

Note: Councilor Carson's motion intends to set the issue aside until other issues have been reviewed, e.g. state subsidy, revenues.

**Item # 148-01-02**

Moved by J. Roberts and Seconded by P. Carson

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 \$23,557,130 and gross revenues of \$6,810,992 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	\$14,918,677
	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		\$23,557,130

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 \$14,918,677.

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.

(6 yes) (1 no J. McGinty)

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council votes to take ITEM ##149-01/02 –155-01/02 en bloc.  
(7 yes) (0 no)

Moved by J. Roberts and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council votes to approve the following items:

**Item #149-01-02**

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**

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**

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**

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**

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**

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**

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.  
(7 yes) (0 no)

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Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council votes to take ITEM #156-01/02-166-01/02 en bloc.  
(7 yes) (0 no)

Moved by J. Roberts and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves ITEM #156-01/02 –166-01/02 as presented.

Moved by M. Lynch and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council amends ITEM #164-01/02 to set the Rescue Fees at the Medicare Allowable amount for all procedures, effective July 1, 2002.

**Item #156-01-02**

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

**Codes Office Fees**

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

<u>PERMIT TYPE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
<b>Building permit min. fee up to \$1000</b>	\$10.00	\$25.00
Per additional \$1000 value	5	7
Late fee	35	Double fee
Penalty fee	50	Eliminate
<b>Change of use, use permit</b>	50	50
<b>Moving or Demolition of sheds and garages</b>	50	50
<b>Moving dwellings</b>	500	500
<b>Demolition dwellings</b>	50	50
<b>Elevators &amp; Towers</b>		
Min. fee up to \$1000	10	25
Per additional \$1000 value	5	7
<b>Sign Permit</b>	10	25
<b>Flood Hazard Dev. Permit</b>	100	100
<b>Pumps, tanks for flammables</b>	50	50
<b>Temporary stands, booths sale of merchandise or other business</b>	15	25
<b>Ventilation, Sprinklers, Automatic fire detection</b>	5	25
<b>Electrical – minimum fee</b>	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
<b>Heating Permit – install. Of</b>		



<b>Boilers, Furnaces, etc.</b>	15	50
<b>Plumbing Permit (Internal)</b>		
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
<b>Subsurface Wastewater Disposal</b>	Varies	No change
<b>Late fee for plumbing and disposal permits</b>	Double fee	Double fee
<b>Late fee for electrical &amp; heating permits</b>	<b>35</b>	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 is 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**

Ordered the Cape Elizabeth Town Council 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
(7 yes) (0 no)	

**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**

Ordered the Cape Elizabeth Town Council 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 30<sup>th</sup>. The annual fee is due and payable each year on April 30<sup>th</sup>. Permits are considered delinquent on June 1<sup>st</sup>. If the mooring permit fee is not paid by June 1<sup>st</sup>, the mooring permit shall be abandoned. Any fee paid after July 1<sup>st</sup> 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 the Cape Elizabeth Town Council 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 the Cape Elizabeth Town Council 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

Amendment:     (7 yes) (0 no)  
Original Motion As Amended:                                         (7 yes) (0 no)

**Citizen’s Discussion of Items Not on the Agenda**

**Adjournment**

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council adjourns at 9:06PM.

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Debra M. Lane, Town Clerk