

**CAPE ELIZABETH TOWN COUNCIL MEETING**  
**Regular Meeting # 19-03-04**  
**Monday, May 10, 2004**  
**7:30 p.m.**

		Present	Absent	
<b>Mary Ann Lynch, Chairman</b>	<b>2 Olde Colony Lane</b>	X	767-5788	6/2004
<b>David J. Backer</b>	<b>2 Rugosa Way</b>	X	799-2397	6/2006
<b>Carolyn M. Fritz</b>	<b>1 Stirrup Road</b>	X	767-3737	6/2006
<b>John W. McGinty</b>	<b>86 Brentwood Road</b>	X	767-0139	6/2004
<b>Michael D. Mowles, Jr.</b>	<b>423 Ocean House Road</b>	X	741-2552	6/2006
<b>John E. "Jack" Roberts, Jr</b>	<b>185 Fowler Road</b>	X	767-4526	6/2005
<b>Anne E. Swift-Kayatta</b>	<b>14 Stone Bridge Road</b>	X	767-5754	6/2005

<b>Student Representative</b>	<b>Schuyler Armstrong</b>		X
<b>Student Representative</b>	<b>Brean Flynn</b>		X
<b>Manager Michael McGovern</b>		X	
<b>Town Clerk Deborah Cabana</b>		X	

**Roll Call by the Town Clerk**

**Pledge of Allegiance to the Flag**

**Reports and Correspondence**

Councilor Roberts thanked the election workers and those who voted at the municipal election on May 4<sup>th</sup>. He congratulated the two new School Board members, Rebecca Millett and Patricia Brigham, and Councilors Lynch and McGinty on being re-elected.

Councilor McGinty thanked the voters for their support.

Chairman Lynch stated that it was a privilege to serve the Town as Town Councilor and thanked voters for their support. She also commented that she and other Councilors recently attended an appreciation dinner in honor of Cape Elizabeth's Fire and Rescue volunteers.

Councilor Swift-Kayatta reminded the public of the upcoming June 8<sup>th</sup> special municipal election and the state primaries and referenda election. She asked that voters be informed of the candidates/issues and encouraged them to vote.

Councilor Backer discussed the upcoming "MMA" referendum questioned and renewed his pledge that any increase realized by passage of this proposal would be used to decrease the amount raised from property taxes.

**Town Manager's Report**

Manager Michael McGovern indicated he had no report.

Darren McLellan, Chairman of the Recycling Committee stated that the prices of recycled products are "up" and emphasized that this is good time for the public to get involved and recycle. He reminded the public that Saturday is hazardous waste collection at the Recycling Center. The Cape Elizabeth Recycling Committee is also offering home compost bins for Cape Elizabeth residents.

**Citizens' Discussion of Items not on the Agenda - None**

**Minutes of Meeting #16-03-04 held April 12, 2004, Minutes of Special Meeting #17-03-04 held April 14, 2004, Minutes of Special Meeting #18-03-04 held April 28, 2004**

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

Ordered the Cape Elizabeth Town Council approve the minutes of meetings #16-03-04 held April 12, 2004, # 17-03-04 held April 14, 2004, and # 18-03-04 held April 28, 2004.

(7 yes) (0 no)

**Public Hearing on the Budget:** The Public Hearing opened at: 7:47 PM.

- Nathan Speckman – 18 Jewett Road – is a high school student. He shared how much it has meant to him to be involved in the Theatre during his four years of high school. He understood that the budget for the Theatre would be decreased by 1/3 if the total amount requested by the School Board were not approved. He requested that the Council not reduce the school budget amount initially requested.
- Gail Atkins – 1189 Shore Road – requested that the Council increase the school budget and specifically was concerned about Latin being offered at the high school.
- Thomas Egan – 41 Hannaford Cove Road - requested that the Council increase the school budget or look more closely at potential revenue sources (such as Fort Williams) so that students would not have to pay a sports participation fee.
- Brian Hansen – 4 Brook Road – suggested that the anticipated \$70,000 for the Jordan Land Trust be given to the schools instead.
- Hillary Egan – 41 Hannaford Cove Road – was concerned about the cuts to the athletic budget and requested that the school budget be increased.

The Public Hearing closed at 8:21 PM

Councilor Swift-Kayatta, Chairman of the Finance Committee, gave a report from the Finance Committee regarding the budget procedure. She thanked everyone involved in the cooperation and participation of the budget process.

**Item #142-03-04      Municipal, School, Community Services and County Budgets**

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

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 2004, does hereby adopt the General Fund Budget for Fiscal Year 2005 with gross expenditures of \$26,065,566 and gross revenues of \$6,470,761 and with the amount of \$19,594,805 to be raised from taxation, and to fix Tuesday, October 5, 2004, and Tuesday, April 5, 2005, 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 six and one half percent (6.5%) 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 minimum annual rate per annum set by the State of Maine.

Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for **Fiscal Year 2005:**

	Education	\$16,555,861
	Community Services	891,097
	County Government	857,238
110	Administration	458,475
120	Assessing/Codes/Planning	277,261
130	Town Council	4,100
135	Legal and Audit	58,000
140	Elections	8,972
150	Boards and Commissions	15,833
160	Insurance	69,500
170	Employee Benefits	748,600
180	Debt Service	1,120,208
210	Police Department	830,783
215	Animal Control	32,154
220	Dispatching	234,524
225	WE Team	21,027
230	Fire Department	231,772
240	Misc. Public Protection	147,265
250	Emergency Preparedness	2,000
310	Public Works Department	799,188
320	Refuse Disposal	822,934
410	Human Services	30,833
510	Library	345,130
520	Contributions	450
530	Public Information	33,799
600	Facilities Management	127,261
610	Town Hall	17,500
615	Library Building	19,650
620	Town Center Fire Station	10,700
630	Police Station	29,000
635	Cape Cottage Fire Station	3,300
640	Parks	40,213
641	School Grounds	99,880
645	Fort Williams Maintenance	107,998
655	Richards Poll/Fitness Center	381,273
660	Trees	15,998
710	Intergovernmental	19,768
715	Capital Projects	551,073
Total		\$26,065,566

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	725,000
General Assistance	2,000
Veterans Exemption Reimbursement	10,500
Tree Growth Reimbursement	3,000
Local Road Assistance	92,000
Other State Funds	?
Homestead Tax Relief	As established by Maine Legislature
Adult Education Subsidy	27,000
State Education Subsidy	1,831,434
Title IA	90,000
Title V	12,000
Title II A	52,000
Local Entitlement	330,234
Title IV A	7,189
Title II D	3,500

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,536,297.

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$10,851,044.70 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$9,019,610.64.

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 \$4,030,034.36

Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 2004, and ending on June 30, 2005, 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 \$16,555,861

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$195,523 and the Town of Cape Elizabeth raises as the local share, the sum of \$68,902.74

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$1,324,052 and the Town of Cape Elizabeth raises as the local share the sum of \$1,324,052

Ordered, the Cape Elizabeth Town Council hereby appropriates, in addition to the school budget amounting to \$16,555,861, the sum of \$1,046,923, [said amount being the estimated amount expected to be received as revenues from the school lunch program](#), Title 1A, Title IIA, Title IID, Title IVA, Title V and Local Entitlement Funds. If the actual revenues shall be less than the appropriated funds, then the appropriation shall be lowered to an equivalent level.

(5 yes) (2 no) – J. Roberts and M. Mowles

Moved by A. Swift-Kayatta and seconded by C. Fritz to vote items #143-3-04 through item #149-03-04 en bloc.

(7 yes) (0 no)

**Items #143-03-04 through #149-03-04 en bloc.**

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

Ordered the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for items #143-03-04 through item 149-03-04.

**Item #143-03-04 Sewer Fund Budget**

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Sewer Fund with expenditures of \$1,395,626 and gross revenues of \$1,394,000

**Item #144-03-04 Riverside Cemetery Fund Budget**

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Riverside Cemetery Fund with expenditures of \$ 43,535 and gross revenues of \$49,400.

**Item #145-03-04 Museum at Portland Head Light Fund Budget**

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Portland Head Light Fund with expenditures of \$484,750 and gross revenues of \$536,700.

**Item #146-03-04 Spurwink Church Fund Budget**

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Spurwink Church Fund with expenditures of \$ 17,890 and gross revenues of \$13,300.

**Item #147-03-04 Fort Williams Park Capital Fund Budget**

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Fort Williams Park Capital Fund with expenditures of \$ 82,780 and revenues of \$59,780.

**Item #148-03-04 Thomas Jordan Trust Fund Budget**

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Thomas Jordan Trust with expenditures of \$20,000 and revenues of \$12,000.

**Item #149-03-04 Rescue Fund Budget**

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Rescue Fund with expenditures of \$147,290 and revenues of \$140,000

(7 yes) (0 no)

**Item #150-03-04. Acceptance of Grants**

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

Ordered, the Cape Elizabeth Town Council hereby accepts the following grants pursuant to the indicated conditions:

- a) Homeland Security Grant Program \$71,850.74 with exact uses to be approved at a later date by the town council
- b) Law Enforcement Terrorism Prevention Program \$36,758.81 with exact uses to be approved at a later date by the town council
- c) Seat Belt Enforcement Project Grant for three radar units
- d) FY 2003 Supplemental State Homeland Security Grant, \$134,627 for the uses listed in the April 26, 2004 letter from Maine Emergency Management Agency Director Arthur W. Cleaves to Chief of Police Neil R. Williams
- e) \$11,000 from the Fort Williams Foundation for an engineering study of the Goddard Mansion and for repairs to the Goddard Mansion

(7 yes) (0 no)

**Item #151-03-04. Authorization of Grant Application**

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

Ordered the Cape Elizabeth Town Council hereby approves a grant application to the Maine Library of Geographic Information Board for a \$10,000 grant to upgrade parcel maps.

(7 yes) (0 no)

**Item #152-03-04. Approval of Fort Williams Park Uses**

Moved by M. Mowles and Seconded by C. Fritz

Ordered, the Town Council approves the following uses of Fort Williams Park

- a) Family Fun Day, June 19, 2004 with a rain date of June 26<sup>th</sup>.
- b) USCG Change of Command Ceremony: July 23, 2004
- c) Haunted Lighthouses Ghost Walks: October 9 and 23<sup>rd</sup> after hours

(7 yes) (0 no)

**Item #153-03-04 School Building Project Issues**

Moved by C. Fritz and Seconded by D. Backer

Ordered: The Cape Elizabeth Town Council hereby approves the selection of Payton Construction as the construction manager for the High school renovation project

(7 yes) (0 no)

Moved by M. Lynch and Seconded by M. Mowles

Ordered: The Cape Elizabeth Town Council amends the building committee charge to return to the original charge.

(7 yes) (0 no)

**Item #154-03-04          Small Alewife Brook Lot**

Moved by M. Mowles and Seconded by A. Swift Kayatta

Ordered: The Cape Elizabeth Town Council pursuant to a recommendation from the Conservation Commission requests the Portland Water District to transfer a small lot adjacent to Alewife Brook at Old Ocean House Road to the Town of Cape Elizabeth for the amount of \$2,500 which shall be an expense to the greenbelt account, a revenue to the sewer fund and a donation from the sewer fund back to the greenbelt account thus having zero net cost to the town.

(4 yes) (3 no) J. Roberts, D. Backer and M. Lynch

**Item #155-03-04          Appointment of Warden**

Chairman Lynch thanked Henry C. Adams for his dedication to the Town of Cape Elizabeth and noted his 20 years of service as Warden for over 50 elections. Mr. Adams is a school board candidate at the special election and cannot serve as Warden.

Moved by J. Roberts and Seconded by M. Mowles

Ordered: The Cape Elizabeth Town Council pursuant to a recommendation from the Town Clerk hereby appoints Sharon J. Gower as the Election Warden for the Town of Cape Elizabeth for calendar year 2004.

(7 yes) (0 no)

**Item #156-03-04          Settlement Ram's Head Partners, LLC v. Town of Cape Elizabeth**

Moved by J. McGinty and Seconded by J. Roberts

Ordered: The Cape Elizabeth Town Council hereby authorizes the town manager to sign a settlement agreement with Ram's Head Partners, LLC in the matter of Ram's Head Partners LLC. v. Town of Cape Elizabeth

(7 yes) (0 no)

**Citizen's Discussion of Items Not on the Agenda - None**

**Adjournment**

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

Ordered the Cape Elizabeth Town Council adjourn at 9:30 p.m.

(7 yes) (0 no)

**Upcoming Meetings**

The first meeting of 2004-2005 Town Council: June 14, 2004 7:30 p.m.

Respectfully submitted,

Deborah S. Cabana  
Town Clerk