

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 10-2006
Monday, May 15, 2006 -6:30 p.m.

		Present	Absent
David J. Backer, Chairman	2 Rugosa Way	X	772-5845 ext 122 12/2006
Cynthia Dill	1227 Shore Road	X	767-7197 12/2008
Carolyn M. Fritz	1 Stirrup Road	X	767-3737 12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048 12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045 12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X*	741-2552 12/2006
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754 12/2008

Town Manager Michael McGovern X

Town Clerk Deborah Cabana X

Pledge of Allegiance to the Flag

Minutes of Meetings #6-2006, #7-2006, #8-2006 and #9-2006

- Meetings Held April 4, April 10, April 13 and April 26, 2006

Moved by C. Fritz and Seconded by P. McKenney

Ordered, the Cape Elizabeth Town Council approve the Minutes of Meetings #6-2006, #7-2006, #8-2006, #9-2006, held April 4, April 10, April 13 and April 26, 2006 as provided.

(6 Yes)

Item # 98-2006 Executive Session

Moved by C. Fritz and Seconded by P. McKenney

Ordered, the Cape Elizabeth Town Council enter into executive session in accordance with 1 MRSA Sec. § 405, paragraph 6D to discuss the status of negotiations with the Cape Elizabeth Police Benevolent Association.

(6 Yes)

* *Councilor M. Mowles* arrived at approximately 7:30 p.m.

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

Ordered, the Cape Elizabeth Town Council exits executive session at 7:32 p.m.

(7 Yes)

Reports and Correspondence

Councilor M.A. Lynch –

1. Comprehensive Planning Committee will conduct a public forum at Town Hall at 7:00 p.m. on June 15, 2006.
2. Fort Williams Pay Display Working Group will have their first meeting tomorrow (5/16/2006) at Town Hall.

Councilor A. Swift-Kayatta –

1. Comprehensive Planning Committee will be formally requesting an extension of the deadline for the final report, from November 2006 to January 2007.
2. The 2-1-1 Maine Call Center of the United Way Foundation Board will be available everywhere in Maine by July 2006, beginning with Cumberland and Washington Counties in February 2006.

Councilor C. Dill –

1. Property Tax Relief Forms are due at the end of May. Residents needing assistance with completing the forms may contact Tax Assessor Matthew Sturgis.

Councilor C. Fritz –

1. RWS hopes to improve the manner of recycling by single sorting of materials. The goal is to reduce costs of handling and hauling.

Town Manager's Report –

1. Hazardous Waste Disposal was provided last Saturday for Cape Elizabeth residents. He thanked everyone involved in making it very successful. The electronic waste collection aspect of the service will be provided 2 times a year (in the spring and in the fall).
2. Update regarding the 911 Dispatch Center. Manager McGovern met last Friday with representatives from Scarborough and South Portland. A formal recommendation will be presented to the Town Council at their next regular meeting in June to pursue merging this public safety answering point (PSAP) into South Portland.
3. Two employees will be retiring (Alan Westberry with 33 years of service to the town) and (Bob Williams (since 1965). A luncheon will be provided in their honor next Thursday at the Public Works Department.

Citizens Discussion of Items Not on the Agenda - none

Item # 99-2006 Municipal, School, Community Services and County Budgets

Moved by D. Backer and Seconded by A. Swift-Kayatta

Whereas, on September 13, 2004, 6 of the then 7 members of the Cape Elizabeth Town Council individually committed themselves to limit spending in the next three years to a level not more than the rate of the consumer price index, with the exception of voter approved debt and an allowance for additional school enrollment and population growth; and

Whereas, during the 2005 calendar year, the Consumer Price Index – All Urban Consumers, commonly referred to as the CPI-U, increased at a rate of 3.4%; and

Whereas, from the 2005 to the 2006 fiscal year, school enrollment in Cape Elizabeth increased by 21 students, or 1.15%; and

Whereas, from the 2004 to the 2005 fiscal year (the most recent year for which complete numbers are available) the number of new houses in Cape Elizabeth increased by 25, or .7%; and

Whereas, after applying the percentages of increase in school enrollment and new housing to the portions of the school and town budgets that are fairly considered to be variable with enrollment and population, an increase of \$93,247 for the school budget and \$38,025 for the town services budget, in addition to an increase of 3.4% based on the rate of increase of the CPI-U, is appropriate and consistent with the commitment made by Town Councilors on September 13, 2004,

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Wednesday, April 26, 2006, does hereby adopt the General Fund Budget for Fiscal Year 2007 with gross expenditures of \$28,394,728 and gross revenues of \$7,479,562 and with the amount of \$21,163,466 to be raised from taxation, and to fix Tuesday, October 3, 2006, and Tuesday, April 3, 2007, 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 percent (11.00%) 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 2007:

	Education	18,244,294
	Community Services	952,000
	County Government	888,249
110	Administration	494,314
120	Assessing/Codes/Planning	325,365
130	Town Council	4,100
135	Legal and Audit	63,500
140	Elections	13,032
150	Boards and Commissions	18,255
160	Insurance	74,284
170	Employee Benefits	780,135
180	Debt Service	1,069,510
210	Police Department	958,834
215	Animal Control	11,116
220	Dispatching	259,809
225	WE Team	22,315
230	Fire Department	251,950
240	Misc. Public Protection	152,730
250	Emergency Preparedness	2,105
310	Public Works Department	905,675
320	Refuse Disposal	816,385
410	Human Services	26,733
510	Library	392,806
520	Contributions	10,450
530	Public Information	40,600
600	Facilities Management	131,597
610	Town Hall	28,630
615	Library Building	29,650
620	Town Center Fire Station	16,146
630	Police Station	46,550
635	Cape Cottage Fire Station	5,422
640	Parks & Town Lands	51,927
641	School Grounds	112,106
645	Fort Williams Maintenance	123,137
655	Richards Pool/Fitness Center	392,426
660	Trees	19,151
710	Intergovernmental	20,440
715	Capital Projects	639,000
Total		28,394,728

Moved by M. Mowles (No Second)

Ordered, the Cape Elizabeth Town Council to amend the motion of the proposed budget to meet the following numbers:

School Budget	\$18,425,104
Town Services	8,311,160
Community Services	952,000
County Assessment	888,249
Total	\$28,578,513

(Motion Fails for lack of a second)

Moved by M.A. Lynch and Seconded by A. Swift-Kayatta

Ordered, the Cape Elizabeth Town Council to move the question.

(5 Yes) (2 No – M. Mowles, C. Dill)

The main motion passed (5 Yes) (2 No – M. Mowles, C. Dill)

Item # 100-2006 Acceptance of State Funds

Moved by D. Backer and Seconded by P. McKenney

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

Category	Estimated Amount
Revenue Sharing	680,000
General Assistance	2,500
Veterans Exemption Reimbursement	12,750
Tree Growth Reimbursement	3,000
Local Road Assistance	96,500
Other State Funds	No estimate available
Homestead Tax Relief	240,600
Adult Education Subsidy:	23,000
State Education Subsidy:	2,655,082
Title IA:	53,128
Title IIA:	49,267
Title IID:	1,311
Title IVA:	7,529
Title V:	5,955
Local Entitlement:	383,022
Food Service State Subsidy	55,000

(7 Yes)

Item # 101-2006 Education Budget

Additional Motions in Format Required by Maine Department of Education

Moved by D. Backer and Seconded by M.A. Lynch

VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate \$14,720,735.62 for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that the Town of Cape Elizabeth raise \$10,829,620 as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

VOTED: Non-State Funded Debt Service. That the Town of Cape Elizabeth raise and appropriate \$1,670,233 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town's contribution to the total cost of funding public education from kindergarten to grade 12.

VOTED: Additional Local Funds. That the Town of Cape Elizabeth raise and appropriate \$2,676,879 in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$1,440,844.94.

The School Board recommends an appropriation which exceeds the State Essential Programs and Services model for the following reasons:

The state's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new state Essential Programs and Services (EPS) model.

VOTED: Total School Budget Summary. That the Town of Cape Elizabeth authorize the School Board to expend \$18,244,294 for the fiscal year beginning July 1, 2006 and ending June 30, 2007 from the Town's contributions to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

VOTED: Adult Education. That the Town of Cape Elizabeth appropriate for Adult Education, the sum of \$207,739 and the Town of Cape Elizabeth raise as the local share, the sum of \$79,617.

VOTED: Special Funds. That the town of Cape Elizabeth hereby appropriates, in addition to the school budget amounting to \$18,244,294, the sum of \$1,136,618.00, said amount being the estimated amount expected to be received as revenues from the school lunch program, Per Pupil Professional Development, CEEF Achievement Center Grant, Title IA, Title IIA, Title IID, Title IV A, 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.

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,899,953.

(6 Yes) (1 No – M. Mowles)

Item # 102-2006 Municipal and Community Services LD 1 Compliance

Moved by D. Backer and Seconded by P. McKenney

Ordered, the Cape Elizabeth Town Council to certify that the FY 2006 tax commitment for municipal and community services excluding overlay was \$4,550,000. The Maine Statute governing municipal property tax levies permits an increase in spending equal to the percentage growth in statewide average personal income and the percentage adjustment in valuation resulting from growth. The average statewide increase in personal income was 2.62% in 2005. The Cape Elizabeth Tax Assessor has determined that the increase in local valuation from growth is 1.01%. The sum of both is 3.63%. A 3.63% increase from the FY 2006 tax commitment permits a municipal and community services tax levy limit of \$4,715,165. This adopted budget provides for a municipal and community services FY 2007 tax commitment of \$4,850,185. The Cape Elizabeth Town Council hereby declares its intent through the adoption of this motion to exceed the LD 1 voluntary tax levy limit by \$134,980.

(7 Yes)

Moved by M.A. Lynch and Seconded by M. Mowles

Ordered, the Cape Elizabeth Town Council to consider Item ## 103-2006 through 109-2006 en bloc.

(7 Yes)

Item # 103-2006 Sewer Fund Budget

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Sewer Fund with expenditures of \$1,565,332 and revenues of \$1,490,000.

Item # 104-2006 Riverside Cemetery Fund Budget

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Riverside Cemetery Fund with expenditures of \$51,079 and revenues of \$52,000.

Item # 105-2006 Spurwink Church Fund

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Spurwink Church Fund with expenditures of \$11,040 and revenues of \$11,040.

Item # 106-2006 Fort Williams Park Capital Fund

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Fort Williams Park Capital Fund with expenditures of \$35,880 and revenues of \$35,880.

Item # 107-2006 Thomas Jordan Fund

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Thomas Jordan Fund with expenditures of \$35,000, and revenues of \$35,000.

Item # 108-2006 Rescue Fund

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Rescue Fund with expenditures of \$155,800 and revenues of \$155,800.

Item # 109-2006 Portland Head Light Fund

Ordered, the Cape Elizabeth Town Council to adopt the recommended Fiscal Year 2007 Budget for the Museum at Portland Head Light Fund with expenditures of \$486,510 and revenues of \$526,400.

Moved by M.A. Lynch and Seconded by M. Mowles

Ordered, the Cape Elizabeth Town Council to approve Item ## 103-2006 through 109-2006 en bloc.

(7 Yes)

Item # 77-2006

Ordinance Committee-Mooring Permit Issue

No motion to remove this item from the table.

Item # 110-2006

Acceptance of Gift from Thomas Memorial Library Foundation

Moved by M.A. Lynch and Seconded by C. Fritz

Ordered, the Cape Elizabeth Town Council to receive a gift to the Town of \$2,500 to underwrite special programs at the Thomas Memorial Library on July 8, 2006 to commemorate the 20th anniversary of the last major library renovation.

(7 Yes)

Item # 111-2006 Nordic Ski Proposal

Members from the Cape Nordic (Muzzy Barton, David Roberts, and Peter Dunfey) made a presentation to the Town Council, requesting permission to begin fundraising and any required permitting for proposed competitive trails at the Gull Crest property.

Moved by M. Mowles and Seconded by C Dill

Ordered, the Cape Elizabeth Town Council to refer Item # 111-2006 to a workshop for further review.

(7 Yes)

Item # 112-2006 Kids Turf Proposal

Members from a citizens group (Michael Ott, Douglas Currier and Graham Smith) made a presentation to the Town Council, proposing to begin fundraising to convert the multi-purpose field behind Cape Elizabeth High School to a “Turf Field”.

Moved by M. Mowles and Seconded by P. McKenney

Ordered, the Cape Elizabeth Town Council to refer Item # 112-2006 to a workshop for further review.

(7 Yes)

Item # 113-2006 July 3, 2006

Moved by M. Mowles and Seconded by C. Fritz

Ordered, the Cape Elizabeth Town Council approves Monday, July 3, 2006 be a paid holiday for municipal employees. The recycling center would be open its usual hours. The Town Hall, Thomas Memorial Library, and the Public Works garage would be closed. All eligible employees including public works union employees would receive holiday pay pursuant to the pay provisions for holidays in the Personnel Code. Police union members would be credited with holiday time per the collective bargaining agreement.

(7 Yes)

Item # 114-2006 Cape Elizabeth TABOR Task Force

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

Ordered, the Cape Elizabeth Town Council authorizes the Town Council Chairman to invite citizens by individual letter and by open invitation to serve on a task force to plan for possible impacts of the Taxpayer Bill of Rights (TABOR) citizen initiative. The task force is to assist in citizen education and to prepare prior to the November vote, for Town Council consideration, an implementation plan if TABOR is adopted.

(6 Yes) (1 No – M. Mowles)

Citizen's Discussion of Items Not on the Agenda - none

Adjournment:

Moved by M. A. Lynch and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council adjourn at 10:08 p.m.

(7 Yes)

A True Copy Attest:

Deborah S. Cabana
Town Clerk

Minutes approved by the Cape Elizabeth Town Council on June 12, 2006