

CAPE ELIZABETH TOWN COUNCIL MINUTES

Special Meeting # 8-2007

Monday, May 14, 2007

7:30 p.m.

Roll Call by the Town Clerk

Paul J. McKenney, Chairman	5 Katahdin Road	899-0045	12/2007	PRESENT
David J. Backer	2 Rugosa Way	253-0529	12/2009	PRESENT
Cynthia Dill	1227 Shore Road	767-7197	12/2008	PRESENT
Sara W. Lennon	54 Cranbrook Drive	741-5139	12/2009	PRESENT
Mary Ann Lynch	2 Olde Colony Lane	232-1048	12/2007	PRESENT
James S. Rowe	127 Oakhurst Road	799-5825	12/2009	PRESENT
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	12/2008	PRESENT
Debra Lane, Asst. Town Manager				PRESENT
April D. Tracy, Town Clerk				PRESENT

Pledge of Allegiance to the Flag

Minutes for May 7 and 14, 2007 will be reviewed at the June meeting.

Reports and Correspondence

Councilor Rowe mentioned that he, Councilor Lynch and Councilor McKenney's wife Betsy participated in a spelling bee sponsored by the Cape Elizabeth Education Foundation at the Pond Cove Cafetorium on May 10th. He also mentioned that the Ordinance Committee would be meeting Friday, May 18th at 1:30PM in the Assessing/Codes/Planning Conference room to discuss the building and fire codes.

Councilor Lynch mentioned that the Town Council would be having two joint workshops with the Comprehensive Plan Committee on May 21st and 29th beginning at 7:30P.M in the Town Hall Council Chambers.

Councilor Lennon said that the Land Trust was doing a great job on the new building on Ocean House Road. She said everything looks great. She also mentioned that she attended the Fire Departments Appreciation Dinner and that she had a great time with the department members who attended.

Chairman McKenney echoed Council Lennon's comments on the Fire Departments Appreciation dinner and said that the Department only had one full time member and 125 volunteers and they worked as a great team.

Citizens Discussion of Items Not on the Agenda

Bill Burke, 7 Brook Road

Mr. Burke was given permission by Chairman McKenney to speak in regards to the School Budget since all discussion took place at the Public Hearing on May 7th. Mr. Burke wanted to address the possibility of the Latin program being removed from the schools curriculum if the school budget was cut. He said the council needed to know the ramifications of cutting the schools budget. He feels that the Latin program is very important and that other neighboring school districts offer Latin for all four years of high school.

Item # 89 Municipal, School, Community Services and County Budgets

Councilor Swift-Kayatta spoke of how she will be supporting the municipal budget; however, she will not be able to support the school budget at 3.0%. She spoke of the increase in the budget over the last few years and of the decline in student enrollment in our education system. She gave a brief history of the pledge taken three years ago and also of the voting history of the Town in regards to the two tax reform issues that have been on the ballot.

Councilor Backer echoed Councilor Swift-Kayatta's thoughts and will also not be supporting the 3.0% budget. He provided a brief history of LD1, the pledge and the TABOR and Palesky initiatives. He referenced the gentleman who spoke at the Public Hearing about moving to Maine from California to avoid the tax cap. Taking the pledge three years ago was to avoid a cap like that. He said he planned on supporting the pledge he took three years ago and did not have any plans to renew it in the future. He said he did support the municipal budget because it is within LD-1 and below the C.I.P.

Councilor Lynch said that, with regret, this was the first budget that she would not be supporting in six years. However, the school board deserves to be praised because she knows the money will be well spent and the town will do the same.

Councilor Dill supports this motion. She noted that a compromise needed to be made between the pledge and the budget that the school board presented. She thanked Councilor Lynch for her work leading the finance committee and also the School Board for putting together the budget.

Councilor Lennon thanked Mr. Burke for the remarks he made regarding the potential ramifications if the school budget was cut. She said she would be supporting a 3.0% budget, with regret. She thought the School Board put a great budget together and would prefer to have a 3.24% budget, but is grateful that the pledge is ending.

Councilor Rowe thanked Councilor Lynch for her leadership and thinks that the council always stayed on track due to Councilor Lynch's efforts.

Councilor McKenney thinks that the council has been very thoughtful and consciences when it came to the budget process. He wanted to thank those who took the pledge for keeping their word. He thanked the School Board for putting together a very well-crafted, fiscally responsible budget.

MOTION: J. Rowe

SECOND: C. Dill

VOTE: 4-3 (Backer, Lynch, Swift-Kayatta)

Ordered that the Cape Elizabeth Town Council, having held a public hearing on Monday, May 7, 2007, does hereby adopt the General Fund Budget for Fiscal Year 2008 with gross expenditures of \$29,219,469 and gross revenues of \$7,726,282 and with the amount of \$21,733,187 to be raised from taxation, and to fix Wednesday, October 3, 2007, and Thursday, April 3, 2008, 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 twelve percent (12.00%) 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 2008:**

	Education	18,791,623
	Community Services	976,236
	County Government	936,220

110	Administration	496,930
120	Assessing/Codes/Planning	337,428
130	Town Council	4,100
135	Legal and Audit	65,000
140	Elections	12,382
150	Boards and Commissions	19,055
160	Insurance	84,500
170	Employee Benefits	829,200
180	Debt Service	1,069,510
210	Police Department	1,006,820
215	Animal Control	11,390
220	Dispatching	271,576
225	WETeam	23,463
230	Fire Department	265,750
235	Fire/Police Unit	8,959
240	Misc. Public Protection	153,429
250	Emergency Preparedness	2,168
310	Public Works Department	930,948
320	Refuse Disposal	833,043
410	Human Services	28,355
510	Library	409,869
520	Contributions	10,450
530	Public Information	42,850
600	Facilities Management	141,657
610	Town Hall	25,630
615	Library Building	29,650
620	Town Center Fire Station	16,146
630	Police Station	39,050
635	Cape Cottage Fire Station	5,422
640	Parks & Town Lands	55,110
641	School Grounds	139,766
645	Fort Williams Maintenance	146,308
655	Richards Pool/Fitness Center	399,164
660	Trees	19,272
710	Intergovernmental	20,340
715	Capital Projects	560,700
Total		29,219,469

Item # 90-2006 Acceptance of State Funds

MOTION: M. Lynch

SECOND: C. Dill

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council hereby approves 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	?
Homestead Tax Relief	240,000
Adult Education Subsidy:	\$35,408
State Education Subsidy:	\$2,836,183
Title IA:	53,128
Title IIA:	48,881
Title IID:	746
Title IVA:	5,270
Title V:	2,961
Local Entitlement:	408,637
Food Service State Subsidy	45,000

VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate **\$15,234,324.72** 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 **\$11,759,664** 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.

Explanation: 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 is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.

VOTED: Non-State Funded Debt Service. That the Town of Cape Elizabeth raise and appropriate **\$1,620,233** 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.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

VOTED: Additional Local Funds. That the Town of Cape Elizabeth raise and appropriate **\$2,177,240** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$1,538,761.81**

The School Board recommends an appropriation which exceeds the State Essential Program 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 state Essential Programs and Services (EPS) model.

Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on non-state-funded school construction projects and the non-state-funded portion of school construction projects and minor capital projects that will help achieve the Town's budget for educational programs.

VOTED: Total School Budget Summary. That the Town of Cape Elizabeth authorize the School Board to expend **\$18,791,623** for the fiscal year beginning July 1, 2007 and ending June 30, 2008 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 **\$213,068** and the Town of Cape Elizabeth raise as the local share, the sum of **\$86,347**

VOTED: Special Funds. That the town of Cape Elizabeth hereby appropriates, in addition to the school budget amounting to **\$18,791,623**, the sum of **\$1,236,623**, said amount being the estimated amount expected to be received as revenues from the school lunch program, CEEF Grants, Title IA, 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.

VOTED: Additional Unanticipated State School Subsidy. That the town of Cape Elizabeth will reduce the additional local appropriation raised pursuant to Maine Revised Statutes, Title 20-A, §15690(3) for public schooling by the amount of any unanticipated state general purpose aid received for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,901,750.

Citizens' discussion of items not on the agenda

None

Adjournment

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 7-0

TIME: 8:13P.M

Ordered that the Cape Elizabeth Town Council adjourn Council Meeting # 8-2007.