

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 9-2008

Monday, May 12, 2008

7:30 p.m.

Roll Call by the Town Clerk

				Present
Mary Ann Lynch, Chairman	2 Olde Colony Lane	232-1048	12/2010	X
David J. Backer	2 Rugosa Way	253-0529	12/2009	X
Cynthia Dill	1227 Shore Road	767-7197	12/2008	X
Sara W. Lennon	54 Cranbrook Drive	741-5139	12/2009	X
Paul J. McKenney	5 Katahdin Road	899-0045	12/2010	X
James S. Rowe	127 Oakhurst Road	799-5825	12/2009	X
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	12/2008	X

Town Manager Mike McGovern

X

Town Clerk Ruth Noble

X

Pledge of Allegiance to the Flag

Review of Minutes of Meeting # 8 held April 14, 2008

MOTION to accept: D. Backer with noted corrections.

SECOND: P. McKenney.

Vote: 7 in favor – 0 opposed.

Reports and Correspondence

J. Rowe spoke on the recent passing of Keith Weatherill, former long-term School Board member.

C. Dill publicly thanked outgoing School Board member Jack Kennealy for his time and contribution to the Board.

M. Lynch announced the Wellness Committee is promoting physical fitness during the month of June and encourages students to bike or walk to school each Wednesday and asked that drivers be aware.

Town Manager's Report

None for the period.

Citizens Discussion of Items Not on the Agenda

None for the period.

Item # 67-2008 Requested Ordinance Amendment

Chairman Lynch recused herself once again from discussion on this item and Councilor Rowe took the Chair for this portion of the meeting.

MOTION: D. Backer to remove this item from the table.
SECOND: A. Swift-Kayatta.

Councilor Dill requested that a letter from Mr. Filliettaz calling for the ordinance amendment be included in the record.

VOTE: 7 in favor – 0 opposed.

Attorney P. McGehee questioned the legality of the Council's actions and asked for last months decision be reversed in favor of a full hearing before the Planning Board.

Mr. Filliettaz addressed the Town Council with his request to amend the ordinance and asked for due process.

Attorney Vaniotis representing Mr. Nelson the abutter, urged the Council to uphold the policy as it is written within the Town ordinance.

MOTION: D. Backer to reconsider the vote on the motion made at the last meeting.
SECOND: A. Swift-Kayatta.

Discussion followed with several Councilors voicing their support of the motion procedurally which are not an expression of opinion on the merits of the actual request itself.

MOTION: Councilor Swift-Kayatta asked to move the question.
VOTE: 5 in favor – 1 opposed (Rowe opposed)

MOTION: C. Dill to refer the request for an ordinance change to the Planning Board
SECOND: A. Swift-Kayatta.
VOTE: 5 in favor – 1 opposed (Rowe)

Councilor Lynch resumed her position as Chairman.

Item # 69-2008 Ordinance Committee Report-Sign Ordinance

MOTION: M. Lynch to recommend that a public hearing be scheduled for Tuesday, May 27, 2008, at 7:30 p.m. at the Cape Elizabeth Town Hall on proposed changes to the Sign Ordinance
SECOND: C. Dill.
VOTE: 7 in favor -0 opposed.

Discussion: Councilor Rowe, Finance Committee Chairman, spoke on the 2009 proposed budget and process.

	FY 2008	FY 2009	FY 2009	FY 2009
	BUDGET	BUDGET	BUDGET	BUDGET
EXPENDITURES			\$ Change	% Change
TOWN SERVICES	\$ 8,515,390	\$ 8,802,090	286,700	3.37%
COUNTY ASSESSMENT	\$ 936,220	\$ 1,010,011	73,791	7.88%
SCHOOL DEPARTMENT	\$ 18,791,623	\$ 19,656,037	864,415	4.60%
COMMUNITY SERVICES	\$ 976,236	\$ 1,080,963	104,727	10.73%
Local Homestead Exemption	\$ 240,000	\$ 232,000	(8,000)	-3.33%
	\$ 29,459,469	\$ 30,781,101	\$1,321,633	4.49%
REVENUE				
TOWN SERVICES	\$ 3,667,560	\$ 3,450,500	(217,060)	-5.92%
SCHOOL DEPARTMENT	\$ 3,234,486	\$ 3,445,812	211,326	6.53%
COMMUNITY SERVICES	\$ 824,236	\$ 922,690	98,454	11.94%
TOTAL	\$ 7,726,282	\$ 7,819,002	92,720	1.20%
NET TO TAXES				
TOWN SERVICES	\$ 4,847,830	\$ 5,351,590	503,760	10.39%
COUNTY ASSESSMENT	\$ 936,220	\$ 1,010,011	73,791	7.88%
SCHOOL DEPARTMENT	\$ 15,557,137	\$ 16,210,225	653,089	4.20%
COMMUNITY SERVICES	\$ 152,000	\$ 158,273	6,273	4.13%
Local Homestead Exemption	\$ 240,000	\$ 232,000	(8,000)	-3.33%
TOTAL	\$ 21,733,187	\$ 22,962,099	1,228,913	5.65%
TAX RATES (Rounded to nearest ¢)				
TOWN SERVICES	\$ 3.67	\$ 4.04	\$ 0.37	10.1%
COUNTY ASSESSMENT	\$ 0.71	\$ 0.76	\$ 0.05	7.4%
SCHOOL DEPARTMENT	\$ 11.79	\$ 12.24	\$ 0.45	3.8%
COMMUNITY SERVICES	\$ 0.12	\$ 0.12	\$ (0.00)	-0.4%
SUBTOTAL	\$ 16.29	\$ 17.17	\$ 0.88	5.4%
Local Homestead Exemption	\$ 0.17	\$ 0.18	\$ 0.01	3.1%
TOTAL	\$ 16.46	\$ 17.34	\$ 0.88	5.4%
TAX RATE VALUATION BASIS	\$1,320,000,000	\$1,324,000,000		

Chairman Lynch opened the public hearing at 8:20pm.

The following citizens spoke in support of an increased budget:

L. Carey
E. Briggs
C. Colburn for M. Turesky
P. Pelham

S. Friedman
A. Pezzulo
G. Razspiller, 115 Spring Street, Portland
D. Fisher, 9 High Bluff Road
K. Lualdi, 33 Trundy Road
S. Abernathy
T. Melanson
H. Jones, 5 Wilton Lane
G. Atkins, Shore Road
J. Zimmerman, 81 Oakhurst Road
R. Millett, 12 Waumbek Rd, School Board Member
R. Blumberg
A. Tranfaglia, 6 Evergreen Circle
P. Carey, 36 Brentwood Road
L. Melanson, 3 Rock Wall Road
S. Lavallee, 57 Brentwood Road
G. Pomeroy
D. Hillman, 22 Cranbrook Drive
T. Brigham, 34 Rock Crest Drive
M. Townsend, 5 Pearl Street,
D. Greer, 4 Dean Way
T. Wasserman, 3 Running Ride Road
K. Sweeney, 7 Philip Road
J. Meyers, 96 Eastman Road
S. Theriault
D. Fishbein, Salt Spray Lane
S. Watson

The following citizens spoke on behalf of the he Cape Elizabeth Arts Commission:

G. Berry, 3 Seal Cove Road
C. Cohan, 15 Beach Bluff Terrace

The public hearing was closed at 9:45PM.

There was a 3 minute recess.

Item # 70-2008 FY 2009 Proposed Municipal Budget

MOTION: J. Rowe to table adoption of the proposed FY2009 municipal budget recommending \$8,802,090 in expenditures (increase of \$286,700 or 3.37%) \$3,450,500 in revenues from sources other than the property tax (decrease of \$217,060 or 5.92%) with \$5,351,590 to be borne by taxation (increase of \$503,760 or 10.39%) with a projected tax rate of \$4.04 per thousand dollars of assessed valuation.

SECOND: P. McKenney

VOTE: 7 in favor – 0 opposed.

110	Administration	515,605
120	Assessing/Codes/Planning	348,743
130	Town Council	4,100
135	Legal and Audit	66,000
140	Elections	17,436
150	Boards and Commissions	18,055
160	Insurance	87,000
170	Employee Benefits	854,200
180	Debt Service	1,198,897
210	Police Department	1,080,362
215	Animal Control	19,384
220	Dispatching	285,072
225	WETeam	24,065
230	Fire Department	274,300
235	Fire/Police Unit	9,259
240	Misc. Public Protection	155,680
250	Emergency Preparedness	2,259
310	Public Works Department	1,014,227
320	Refuse Disposal	825,283
410	Human Services	26,484
510	Library	425,469
520	Contributions	7,950
530	Public Information	41,240
600	Facilities Management	149,281
610	Town Hall	27,000
615	Library Building	32,500
620	Town Center Fire Station	17,100
630	Police Station	40,500
635	Cape Cottage Fire Station	6,000
640	Parks & Town Lands	58,926
641	School Grounds	146,997
645	Fort Williams Park Maintenance	162,729
655	Richards Pool/Fitness Center	322,432
660	Trees	19,397
710	Intergovernmental	20,658
715	Capital Projects	497,500
Total		8,802,090

Discussion: Chairman Lynch explained that the motion to table is so that additional public comment can be considered before the next scheduled town Council meeting.

Item # 71-2008 FY 2009 Proposed Education Budget

Discussion: A. Swift-Kayatta clarified several areas of misconception surrounding the education budget as well as the wording of the school budget ballot question and the

origin of the language, which is State mandated. Councilor Swift-Kayatta explained she will propose the addition of a non-binding advisory question (too high/too low) which would provide useful direction should the school budget fail to receive voter approval requiring then another vote.

MOTION: A. Swift-Kayatta to include the addition of a non binding advisory question to the June 10th 2008 Election, parallel to that which she has presented.

SECOND: J. Rowe.

Discussion: C. Dill expressed some unease that the advisory ballot was not on the agenda for discussion and possibly lacked sufficient notice.

Members of the Council expressed individual concerns on the concept of adding polling information to the ballot question.

MOTION: C. Dill to table.

The motion failed for lack of a second.

MOTION: A. Swift-Kayatta moved the question.

VOTE to move the question: 7 in favor – 0 opposed.

VOTE on motion: 7 in favor – 0 opposed.

MOTION: J. Rowe to table the proposed FY 2009 Cape Elizabeth School Department budget recommending \$19,656,037 in expenditures (increase of \$864,415 or 4.6%) \$3,445,812 in revenues from sources other than the property tax (increase of \$211,326 or 6.53%) with \$16,210,225 to be borne by taxation (increase of \$653,089 or 4.20%) with a projected property tax rate of \$12.24 per thousand dollars of assessed valuation.

SECOND: P. McKenney.

VOTE: 7 in favor – 0 opposed.

Item # 72-2008 FY 2009 Proposed Cumberland County Assessment

MOTION: J. Rowe to table the 2008 Cumberland County Assessment as part of the Fiscal Year 2009 budget.

SECOND: A. Swift-Kayatta.

VOTE: 7 in favor – 0 opposed.

Item # 73-2008 FY 2009 Proposed Community Services Budget

MOTION: J. Rowe to table the proposed Fiscal Year 2009 Community Services budget.

SECOND: C. Dill.

VOTE: 7 in favor – 0 opposed.

Item # 74-2008 FY 2009 Proposed State/Local Homestead Exemption Budget

MOTION: J. Rowe to table the proposed Fiscal Year 2009 Homestead Exemption budget.

SECOND: A. Swift-Kayatta.

VOTE: 7 in favor – 0 opposed.

MOTION: J. Rowe to combine approval of items # 75-2008 - #81-2008.

SECOND: A. Swift-Kayatta.

VOTE: 7 in favor – 0 opposed.

MOTION: J. Rowe to approve budget items # 75-2008 - #81-2008 as presented in the packet.

SECOND: P. McKenney.

VOTE: 7 in favor – 0 opposed.

Item # 75-2008 FY 2009 Proposed Rescue Fund Budget

Ordered to accept the proposed FY 2009 Rescue Fund budget recommending expenditures of \$202,787 (decrease of \$20,550 or 9.2%) and with projected revenues of \$168,000.

Item # 76-2008 FY 2009 Proposed Sewer Fund Budget

Ordered to accept the proposed FY 2009 Sewer Fund budget recommending expenditures of \$1,435,322 (decrease of \$72,826 or 4.8%) and with projected revenues of \$1,515,000.

Item # 77-2008 FY 2009 Proposed Spurwink Church Fund Budget

Ordered to accept the proposed FY 2009 Spurwink Church budget recommending expenditures of \$13,244 (increase of \$2,204 or 20%) and with projected revenues of \$3,000.

Item # 78-2008 FY 2009 Proposed Riverside Cemetery Budget

Ordered to accept the proposed FY 2009 Riverside Cemetery budget recommending expenditures of \$46,678 (increase of \$2,372 or 5.4%) and with projected revenues of \$46,678.

Item # 79-2008 FY 2009 Proposed Fort Williams Park Capital Budget
Ordered to accept the proposed FY 2009 Fort Williams Park Capital budget recommending expenditures of \$31,688 (decrease of \$1,062 or 3.0%) and with projected revenues of \$28,000.

Item # 80-2008 FY 2009 Proposed Portland Head Light Budget
Ordered to accept the proposed FY 2009 Portland Head Light budget recommending expenditures of \$517,410 (increase of \$26,134 or 5.3%) and with projected revenues of \$532,400.

Item # 81-2008 FY 2009 Proposed Thomas Jordan Trust Budget
Ordered to accept the proposed FY 2009 Thomas Jordan Trust recommending expenditures of \$35,000 (no change) and projected revenues of \$35,525.

Item # 82-2008 Proposed Thomas Memorial Library Policies

MOTION: P. McKenney to accept the proposed changes to the Thomas Memorial Library Circulation Policy and to the Thomas Memorial Library Building Use as recommended by the Trustees.

SECOND: A. Swift-Kayatta.

VOTE: 7 in favor – 0 opposed.

Item # 83-2008 Collective Bargaining Update

MOTION: Chairman Lynch to enter executive session at 10:35pm in accordance with 1 MRSA §405 6 D to review the status of collective bargaining agreements with public works employees and police department employees.

SECOND: J. Rowe

VOTE: 7 in favor – 0 opposed.

Citizens Discussion of Items Not on the Agenda

Mr. McGovern recognized reporter Linda Maule's retirement from the Forecaster and wished her well.

MOTION: P. McKenney to reenter public session at 10:55pm.

SECOND: J. Rowe.

VOTE: 7 in favor – 0 opposed.

No action was taken.

Adjournment - 11:15pm.

MOTION: P. McKenney

SECOND: J. Rowe

VOTE: 7 in favor – 0 opposed.

Respectfully submitted,

Ruth M. Noble
Town Clerk