

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Special Meeting # 10-2008**  
**Tuesday, May 27, 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

**Reports and Correspondence**

Chairman Lynch thanked the organizers and participants of the Memorial Day Parade, with special mention to Jimmy Cox.

She also reminded the public that every Wednesday in June students will be encouraged to walk or ride their bike to school.

Councilor Rowe spoke on his recent attendance at the annual Fire Department Appreciation Night.

Councilor McKenney announced there are now 22 communities collaborating for use of the approved Regional Crime Lab.

**Citizens Discussion of Items Not on the Agenda**

None for the period.

**Public Hearing-Sign Ordinance**

Chairman Lynch opened the public hearing at 7:33pm.

Councilor Dill introduced the item by providing information on the origin of the proposed ordinance amendment through her participation with the Cape Farm Alliance committee.

Penny Jordan expressed her gratitude to the Town Council for their continued support and interest.

**Item # 83-2008      Sign Ordinance**

**MOTION: C. Dill to approve requested changes to the Town Sign Ordinance as presented.**

**SECOND: J. Rowe.**

Discussion: The Council agreed to monitor these changes as approved with the understanding that the ordinance can be further defined, if necessary.

**VOTE: 7 in favor – 0 opposed**

**Items # 70-74-2008 FY 2009 Proposed Budget (tabled May 12, 2008)**

**MOTION: C. Dill to remove items #70- 74 – 2008 off the table.**

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed.**

**MOTION: Councilor Rowe to allocate \$2000 back into the budget to restore the Arts Commission.**

**SECOND: P. McKenney.**

Discussion: Councilors expressed their individual opinions on whether or not they would support the motion.

**VOTE: 4 in favor – 3 opposed**

**(Backer, Lynch, Swift-Kayatta)**

**MOTION: P. McKenney to adopt the FY 2009 amended budget as follows:**

**SECOND: C. Dill.**

**A. Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 12, 2008, does hereby adopt the General Fund Budget for Fiscal Year 2009 with gross expenditures of \$30,783,101 and gross revenues of \$7,819,002 and with the amount of \$22,964,099 to be raised from taxation, and to fix Thursday, October 2, 2008, and Thursday, April 2, 2009, 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 2009:**

<b>110</b>	<b>Administration</b>	<b>515,605</b>
<b>120</b>	<b>Assessing/Codes/Planning</b>	<b>348,743</b>
<b>130</b>	<b>Town Council</b>	<b>4,100</b>
<b>135</b>	<b>Legal and Audit</b>	<b>66,000</b>
<b>140</b>	<b>Elections</b>	<b>17,436</b>
<b>150</b>	<b>Boards and Commissions</b>	<b>20,055</b>
<b>160</b>	<b>Insurance</b>	<b>87,000</b>
<b>170</b>	<b>Employee Benefits</b>	<b>854,200</b>
<b>180</b>	<b>Debt Service</b>	<b>1,198,897</b>
<b>210</b>	<b>Police Department</b>	<b>1,080,362</b>
<b>215</b>	<b>Animal Control</b>	<b>19,384</b>
<b>220</b>	<b>Dispatching</b>	<b>285,072</b>
<b>225</b>	<b>WETeam</b>	<b>24,065</b>
<b>230</b>	<b>Fire Department</b>	<b>274,300</b>
<b>235</b>	<b>Fire/Police Unit</b>	<b>9,259</b>
<b>240</b>	<b>Misc. Public Protection</b>	<b>155,680</b>
<b>250</b>	<b>Emergency Preparedness</b>	<b>2,259</b>
<b>310</b>	<b>Public Works Department</b>	<b>1,014,227</b>
<b>320</b>	<b>Refuse Disposal</b>	<b>825,283</b>
<b>410</b>	<b>Human Services</b>	<b>26,484</b>
<b>510</b>	<b>Library</b>	<b>425,469</b>
<b>520</b>	<b>Contributions</b>	<b>7,950</b>
<b>530</b>	<b>Public Information</b>	<b>41,240</b>
<b>600</b>	<b>Facilities Management</b>	<b>149,281</b>
<b>610</b>	<b>Town Hall</b>	<b>27,000</b>
<b>615</b>	<b>Library Building</b>	<b>32,500</b>
<b>620</b>	<b>Town Center Fire Station</b>	<b>17,100</b>
<b>630</b>	<b>Police Station</b>	<b>40,500</b>
<b>635</b>	<b>Cape Cottage Fire Station</b>	<b>6,000</b>
<b>640</b>	<b>Parks &amp; Town Lands</b>	<b>58,926</b>
<b>641</b>	<b>School Grounds</b>	<b>146,997</b>
<b>645</b>	<b>Fort Williams Park Maintenance</b>	<b>162,729</b>
<b>655</b>	<b>Richards Pool/Fitness Center</b>	<b>322,432</b>
<b>660</b>	<b>Trees</b>	<b>19,397</b>
<b>710</b>	<b>Intergovernmental</b>	<b>20,658</b>
<b>715</b>	<b>Capital Projects</b>	<b>497,500</b>
	<b>Municipal Subtotal</b>	<b>8,804,090</b>
	<b>Education</b>	<b>19,656,037</b>
	<b>Community Services</b>	<b>1,080,963</b>
	<b>Cumberland County</b>	<b>1,010,011</b>
	<b>Local Homestead Exemption</b>	<b>232,000</b>
	<b>Total</b>	<b>30,783,101</b>

**VOTED: The Town of Cape Elizabeth hereby agrees to accept the following estimated state and federal funds:**

<b>Education</b>		<b>Municipal</b>	
<b>Adult Education Subsidy:</b>	<b>\$27,500</b>	<b>State Revenue Sharing</b>	<b>\$685,000</b>
<b>State Education Subsidy:</b>	<b>\$3,075,610</b>	<b>MDOT Block Grant</b>	<b>\$ 96,500</b>
<b>Title IA:</b>	<b>\$49,630</b>	<b>Misc. State to Municipal</b>	<b>\$ 30,000</b>
<b>Title IIA:</b>	<b>\$51,700</b>		
<b>Title IID:</b>	<b>\$725</b>		
<b>Title IVA:</b>	<b>\$5,530</b>		
<b>Title V:</b>	<b>\$3,072</b>		
<b>Local Entitlement:</b>	<b>\$380,000</b>		
<b>Food Service State Subsidy</b>	<b>\$50,000</b>		

#1 **VOTED: Cost Center Summary.** That the Town of Cape Elizabeth appropriate \$8,830,527 for Regular Instruction; \$2,321,456 for Special Education; \$49,694 for Career and Technical Education; \$582,451 for Other Instruction; \$2,122,205 for Student and Staff Support; \$598,436 for System Administration; \$950,436 for School Administration; \$627,389 for Transportation; \$2,007,632 for Facilities Maintenance; \$1,565,811 for Debt Service; \$0 for All Other Expenditures.

#2 **VOTED: State/Local EPS Funding Allocation.** That the Town of Cape Elizabeth appropriate \$14,581,012.39 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 \$11,505,402.50 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.*

#3 **VOTED: Non-State Funded Debt Service.** That the Town of Cape Elizabeth raise and appropriate \$1,565,811 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.*

- #4 **VOTED: Additional Local Funds.** That the Town of Cape Elizabeth raise and appropriate \$3,139,011.61 in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$2,761,807.17

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.*

- #5 **VOTED: Total School Budget Summary.** That the Town of Cape Elizabeth authorize the School Board to expend \$19,656,037 for the fiscal year beginning July 1, 2008 and ending June 30, 2009 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.
- #6 **VOTED: Adult Education.** That the Town of Cape Elizabeth appropriate for Adult Education, the sum of \$203,808 and the Town of Cape Elizabeth raise as the local share, the sum of \$82,951; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.
- #7 **VOTED: Special Funds.** That the town of Cape Elizabeth hereby appropriates, in addition to the school budget amounting to \$19,656,037, the sum of \$1,125,092, 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.
- #8 **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, 2008 and ending June 30, 2009.**

**In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,998,000.**

**VOTED: The school budget validation vote shall be held on June 10, 2008 which is ten business days from the date of adoption of this budget excluding Saturdays and Sundays. The polls shall be open at Cape Elizabeth High School from 7:00 a.m. prevailing time to 8:00 p.m. prevailing time and the warrant for said vote shall be signed by the Municipal Officers.**

Discussion: Councilor McKenney asked for the support of his fellow Councilors in the support of the adoption of this budget.

Councilor Dill said she will support the 4.6% budget as a compromise.

Councilor Swift-Kayatta spoke in opposition to a 4.6% spending increase as too high but that a 4.3% spending increase would be appropriate.

Councilor Rowe feels a responsibility to keep spending down and he has consistently supported a lower budget of 4.3% which is a balance sufficient to meet needs and services.

Councilor Backer said he will support the motion although he would have preferred to see an increase of 4.92%.

Councilor Lennon stated she will not be supporting the motion to approve the budget as she favors a 6% budget.

Chairman Lynch feels a 4.6% budget increase is sufficient to maintain the quality of the schools and will therefore be supporting the motion.

**VOTE: 4 in favor – 3 opposed (Lennon, Rowe, Swift-Kayatta opposed)**

**Item # 84-2008      Year End Transfers**

Mr. McGovern provided an explanation of this item.

**MOTION: D. Backer ordered: in conformance with Article V. Sec 8 of the Council Manager Charter of the Town of Cape Elizabeth the following amounts are transferred to the indicated departments:**

<b>170    Employee Benefits    \$35,000</b>	<b>Separation Pay and Workers Comp.</b>
<b>210    Police Department    \$10,000</b>	<b>Overtime Due to Vacancies</b>
<b>310    Public Works          \$65,000</b>	<b>Overtime and Fuels- Difficult winter</b>
<b>635    Cape Cottage Fire S. \$ 1,000</b>	<b>Heat</b>

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed.**

**Citizens Discussion of Items Not on the Agenda**

None for the period.

**Item # 85-2008      Collective Bargaining**

**MOTION: M. Lynch to enter executive session in accordance with 1 MRSA §405 6 D to review the status of collective bargaining. The contracts to be discussed are with public works employees and police department employees.**

**SECOND: J. Rowe.**

**VOTE: 7 in favor – 0 opposed.**

**\*\*Councilor Backer left for the evening at 9:50pm.**

**MOTION: P. McKenney to return to public session at 9:50pm.**

**SECOND: J. Rowe.**

**VOTE: 6 in favor – 0 opposed.**

**Adjournment - 9:50pm.**

**MOTION: P. McKenney.**

**SECOND: J. Rowe.**

**VOTE: 6 in favor – 0 opposed.**

Respectfully submitted,

Ruth M. Noble  
Town Clerk