

# CAPE ELIZABETH TOWN COUNCIL MINUTES

Special Meeting # 12-2008

Thursday, June 26, 2008

7:00 a.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

Minutes of Meetings: May 12, May 27 and June 9.

**MOTION to approve minutes as presented with noted corrections: A. Swift-Kayatta.**

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed**

## Reports and Correspondence

None

## Item # 93-2008 School Budget

**MOTION: C. Dill to accept the school budget as presented by the School Board and set a public hearing on the budget on Monday, July 14, 2008 and set a budget validation vote on Tuesday, July 22, 2008 with the polls open from 7:00 am to 8:00 p.m. at Cape Elizabeth High School.**

**SECOND: J. Rowe.**

Discussion: The Council asked Mr. McGovern to comment on his recommendations that a second public hearing be held as well as the origin of the proposed date of July 22<sup>nd</sup> to hold the referendum election.

Council members each expressed differing opinions on both of these matters.

Councilor Swift-Kayatta proposed dividing the question so councilors votes could reflect their support of the proposed 6% budget schedule as provided by the Town Manager and then a separate vote on the proposed referendum date of July 22<sup>nd</sup>.

**MOTION to amend: A. Swift-Kayatta to divide the question.**

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed.**

**VOTE on motion to set a public hearing for July 14<sup>th</sup> followed by a budget validation vote on July 22nd:**

**5 in favor – 2 opposed.**

**(Backer, Lennon)**

**MOTION: J. Rowe proposed a compromised school spending increase of 5.3%.**

**SECOND: P. McKenney.**

**VOTE: 2 in favor – 5 opposed**

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

**MOTION: C. Dill to authorize the revised school department budget with a 6% spending increase as presented to the Town Council.**

**SECOND: S. Lennon.**

**VOTE: 5 in favor – 2 opposed.**

**(McKenney, Rowe)**

**MOTION: A. Swift-Kayatta to include the non-binding advisory expression of opinion on the second ballot.**

**SECOND: D. Backer.**

Discussion: Council members expressed differing opinions on the need to include the advisory language on the second budget referendum ballot.

**VOTE: 5 in favor – 2 opposed.**

**(Lennon, Lynch)**

**MOTION: A. Swift-Kayatta moved to enter executive session to discuss the remaining items in accordance with 1 MRSA §405 6 C to discuss property leases and also 1 MRSA 450 6 D to review the status of collective bargaining with the units representing police and public works employees.**

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed**

**Item # 94-2008      Fitness Center Lease**

**Item # 95-2008      Negotiations**

**MOTION: A. Swift-Kayatta to return to public session at 8:47am.**

**SECOND: D. Backer.**

**VOTE: 7 in favor – 0 opposed.**

**MOTION: A. Swift-Kayatta to authorize the Town Manager to execute a lease with Susan Janosik for the operation of a fitness center adjacent to the Donald Richards Community Pool.**

**SECOND: D. Backer.**

**VOTE: 7 in favor – 0 opposed.**

**MOTION: A. Swift-Kayatta to authorize the Town Manager to sign a successor collective bargaining agreement with the Cape Elizabeth Police Benevolent Association per the Town's June 2, 2008 proposal to the Association provided the Town Manager first receives notice of the Association's agreement with the terms of the Town's proposal.**

**SECOND: D. Backer.**

**VOTE: 7 in favor – 0 opposed.**

**MOTION: A. Swift-Kayatta to authorize the Town Manager to sign a resolution with the Maine Public Employees Retirement System for the participation of the Town's law enforcement personnel in Special Plan 2-C of MainePERS. This is contingent upon the establishment of a new participating local district for the law enforcement personnel, that all buyback costs for any previous service are the responsibility of the enlisting employees and that the resolution not be signed until after the execution of a successor collective bargaining agreement with the Cape Elizabeth Police Benevolent Association which includes participation in Special Plan 2-C.**

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed**

**Adjournment - 8:52 am.**

**MOTION: J. Rowe.**

**SECOND: S. Lennon.**

**VOTE: 7 in favor – 0 opposed.**

Respectfully submitted,

Ruth M. Noble  
Town Clerk