

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Regular Meeting # 7-2009**  
**Cape Elizabeth Town Hall**  
**Monday, April 13, 2009**  
**7:30 p.m.**

**Roll Call by the Town Clerk**

		Present	Absent		
<b>James S. Rowe, Chairman</b>	<b>127 Oakhurst Road</b>	<b>X</b>		<b>799-5825</b>	<b>12/2009</b>
<b>David J. Backer</b>	<b>2 Rugosa Way</b>	<b>X</b>		<b>253-0529</b>	<b>12/2009</b>
<b>Penelope A. Jordan</b>	<b>349 Fowler Road</b>	<b>X</b>		<b>671-5341</b>	<b>12/2010</b>
<b>Sara W. Lennon</b>	<b>54 Cranbrook Drive</b>	<b>X</b>		<b>741-5139</b>	<b>12/2009</b>
<b>Paul J. McKenney</b>	<b>5 Katahdin Road</b>		<b>X</b>	<b>899-0045</b>	<b>12/2010</b>
<b>David S. Sherman, Jr.</b>	<b>74 Hunts Point Road</b>	<b>X</b>		<b>749-2668</b>	<b>12/2011</b>
<b>Anne E. Swift-Kayatta</b>	<b>14 Stone Bridge Road</b>	<b>X</b>		<b>767-5754</b>	<b>12/2011</b>
<b>Michael K. McGovern, Town Manager</b>		<b>X</b>			
<b>Debra M. Lane, Town Clerk</b>		<b>X</b>			

**The Pledge of Allegiance to the Flag**

**Citizen Opportunity for Discussion of Items Not on the Agenda - None**

**Town Manager's Report – No Report**

**Town Council Reports and Correspondence**

Councilor Swift-Kayatta – Member of the Maine Municipal Association Legislative Policy Committee. The committee met on April 9 to discuss pending legislation and took positions on various bills including taxation, education and unfunded mandates.

On March 19 Chairman Rowe participated with the Meal on Wheels program delivering meals to Cape Elizabeth residents. South Portland Mayor Blake and Scarborough Town Manager Hall also participated in their respective communities.

**Review of Minutes of Meetings held March 9, 2009 and March 30, 2009**

Moved by Councilor Backer and Seconded by Councilor Jordan

Ordered the Cape Elizabeth Town Council approves the minutes of meeting #5-2009 held March 9, 2009 as amended.

(5 yes) (0 no)

Councilor Swift-Kayatta did not vote on the minutes as she was absent from the meeting.

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves the minutes of special meeting #6-2009 held March 30, 2009 as presented.

(6 yes) (0 no)

**Item# 70-2009      Fiscal Year 2010 Municipal Budget**

**Public Hearing on Proposed Fiscal Year 2010 General Fund and Special Funds Budgets**

Town Manager McGovern provided an overview and background of the dispatch issue, as requested by Councilor Backer.

Chairman Rowe opened the public hearing at 7:39 p.m.

Randi Bollenbach, 51 Belfield Road – Supports the School Board’s proposed budget.

Ellen Enna, 20 Stonegate Road – Supports non-regionalization of local dispatch.

Waldeck Mainville, 29 Merrimac Place - Supports non-regionalization of local dispatch.

Frank Governali, 18 Old Ocean House Road - Supports the School Board’s proposed budget.

Helen Mainville, 29 Merrimac Place – Supports the non-regionalization of local dispatch.

Mark Zajkowski, 29 Ocean View Road – Supports the School Board’s proposed budget.

Mary Anne Denison, 1169 Sawyer Road – Supports the non-regionalization of local dispatch.

Boyce Sanborn, 6 Hermit Thrush Road – Supports the non-regionalization of local dispatch.

Laurel Grassin-Drake, 9 Wainwright Drive

Ms. Grassin-Drake stated that “the school’s use of contingency funds is irresponsible; contingency is for emergency not for planned budgeting.”

Paul Gaspar, Executive Director of the Maine Association of Police

“The sky will not fall if dispatch is regionalized,” however “there will be a level of change that will be tangible.”

Suzanne McGinn, 1180 Shore Road – Supports the School Board’s proposed budget.

Bill DeSena, 11 Wainwright Drive

“School budgets have outpaced the CPI since 2000.” Cape For All is “trying to establish facts and submit ideas for a well-managed school curriculum. We should be pulling together and spreading the pain.”

Tom Dunham, 11 Becky’s Cove Lane

Proposed salary increases should be cut or deferred. The town and school should look at a 3 year budget plan. Cape For All supports a zero or less impact on the taxes for fiscal year 2010.

Tom Kinley, 1159 Shore Road – Supports a zero percent increase for the school budget.

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Barbara Dunham, 30 Ocean View Road

Would like to see the school department categorize and cost out work and clarify the school budget so that residents can understand what is being proposed.

Ruth Anne Haley, 49 Brentwood Road

Concerned with “students in the middle.” Focus of school curriculum should center on math, English and measurable goals.

Sandra Dunham, 11 Becky’s Cove Lane – Supports a zero percent increase for the school budget.

David Hillman, 22 Cranbook Drive – Supports the School Board’s proposed budget. Commends both boards for working together.

Carl Pearson, 27 Fowler Road – Supports the non-regionalization of local dispatch.

Mary Townsend, 5 Pearl Street

Ms. Townsend addressed the Cape For All’s proposal to consolidate school administration. “This model is used in small schools, not for schools with the student population of Cape Elizabeth’s K-8.”

Casey Pearson, 27 Fowler Road – Supports the non-regionalization of local dispatch.

Charles Guthrie, 51 Bowery Beach Road – “Cape For All makes sense; you should listen to them.”

Richard Dunham, 30 Ocean View Road

Wanted to see a zero-based budget for this year, would like to see this process for next year.

Trish Brigham, 34 Rock Crest Drive – Supports the School Board’s proposed budget.

Christine MacKenzie, 58 Brentwood Road – Supports the School Board’s proposed budget.

Dan Fishbein, 19 Salt Spray Lane – Supports the School Board’s proposed budget.

Paula Banks, 30 Grover Road – Supports the non-regionalization of local dispatch.

David Griffin, 5 Channel View Road

Curtail spending now. We need to plan ahead as next year could be worse.

Harold Pachios, 882 Shore Road

The school does a good job and is important even with changes. Choices must be made and we must be prudent.

Fred Prince, 2 Rocky Hill Road

“Governments are broke, 5% salary increases – give me a break.”

Paul Catsos, 33 Columbus Road – Supports the School Board’s proposed budget.

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Karen Burke, 7 Brook Road – Supports the School Board’s proposed budget.

Jessica Sullivan, 38 Cranbrook Drive – Supports the non-regionalization of local dispatch.  
Supports a zero percent increase for the school budget.

Mary Page, 172 Two Lights Road – Supports the non-regionalization of local dispatch.

Anne Neelon, 81B Old Ocean House Road – Supports the non-regionalization of local dispatch.

Trish Wasserman, 3 Running Tide Road – Supports the School Board’s proposed budget.  
Jerry Angier, 32 Westminster Terrace – Supports the regionalization of dispatch.

Sheila Mayberry, 30 Trundy Road – Supports the School Board’s proposed budget.

Rosemary Townsend, 7 Fieldstone Road – Supports a zero percent increase for the school budget.

Carl Dittrich, 500 Ocean House Road – Supports the non-regionalization of local dispatch.

After hearing no further comments, the public hearing was closed at 9:46 p.m.

Intro – Councilor Swift-Kayatta, Finance Committee Chairman

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council hereby approves the proposed FY 2010 municipal budget including \$8,533,254 in expenditures (decrease of \$270,836 or 3.08%) \$3,152,500 in revenues from sources other than the property tax (decrease of \$295,000 or 8.56%) with \$5,380,754 to be borne by taxation (increase of \$24,164 or 0.45%) with a projected tax rate of \$4.03 per thousand dollars of assessed valuation. (decrease of \$.02 or 0.4%)

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The following amounts are appropriated to the departments and purposes named below:

110	<b>ADMINISTRATION</b>	489,260
120	<b>ASSESSING/CODES PLANNING</b>	357,074
130	<b>TOWN COUNCIL</b>	2,500
135	<b>LEGAL AND AUDIT</b>	58,000
140	<b>ELECTIONS</b>	33,002
150	<b>BOARDS AND COMMISSIONS</b>	10,603
530	<b>PUBLIC INFORMATION</b>	39,715
160	<b>INSURANCE</b>	92,500
170	<b>EMPLOYEE BENEFITS</b>	862,111
180	<b>DEBT SERVICE</b>	1,164,116
520	<b>CONTRIBUTIONS</b>	450
710	<b>INTERGOVT. ASSESSMENTS</b>	20,658
210	<b>POLICE DEPARTMENT</b>	1,113,298
215	<b>ANIMAL CONTROL</b>	20,020
220	<b>DISPATCHING</b>	168,000
225	<b>WETeam</b>	23,565
230	<b>FIRE DEPARTMENT</b>	274,200
235	<b>FIRE POLICE UNIT</b>	9,259
240	<b>MISC. PUBLIC PROTECTION</b>	150,224
250	<b>EMERGENCY PREPAREDNESS</b>	2,259
310	<b>PUBLIC WORKS</b>	1,013,144
320	<b>REFUSE DISPOSAL/RECYCLING</b>	844,804
410	<b>HUMAN SERVICES</b>	32,484
510	<b>LIBRARY</b>	431,196
600	<b>FACILITIES MANAGEMENT</b>	111,770
610	<b>TOWN HALL</b>	25,300
615	<b>LIBRARY BUILDING</b>	27,340
620	<b>TOWN CENTER FIRE STATION</b>	13,570
630	<b>POLICE STATION</b>	42,550
635	<b>CAPE COTTAGE FIRE STATION</b>	5,680
640	<b>PARKS &amp; TOWN LANDS</b>	56,036
641	<b>SCHOOL GROUNDS</b>	141,179
645	<b>FORT WILLIAMS PARK</b>	158,273
655	<b>POOL AND FITNESS CENTER</b>	319,728
656	<b>FITNESS CENTER</b>	
660	<b>TREES</b>	19,386
715	<b>CAPITAL PROJECTS</b>	400,000
	<b>Grand Total</b>	<b>8,533,254</b>

(4 yes) (2 no Councilor Jordan and Chairman Rowe)

**Item# 71-2009 Cumberland County Tax Assessment**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council hereby approves the calendar year 2009 Cumberland County Tax Assessment and approves the appropriation of \$967,750 as part of the Fiscal Year 2010 budget and tax assessment.

(6 yes) (0 no)

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**Item# 72-2009      Community Services Budget**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council hereby approves the FY 2010 Community Services Budget and appropriates \$1,077,933 as the total expenditure amount. The estimated revenues are \$951,533 with \$126,400 to be included as part of Fiscal Year 2010 budget and tax assessment.

(6 yes) (0 no)

**Item# 73-2009      Homestead Exemption**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council hereby approves the FY 2010 locally funded homestead exemption with \$220,000 as the total expenditure amount. The \$220,000 is to be included as part of the Fiscal Year 2010 budget and tax assessment.

(6 yes) (0 no)

**Item# 74-2009      Property Tax Levy Limit**

Moved by Councilor Swift-Kayatta and Seconded by Chairman Rowe

Ordered the Cape Elizabeth Town Council in accordance with Title 30-A MRSA §5721-A, the Town of Cape Elizabeth hereby increases the property tax levy limit for municipal services to \$5,726,154.

(6 yes) (0 no)

**Item# 75-2009      Allocation of Town Undesignated Fund Balance to Schools**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council hereby authorizes a transfer of \$200,000 from the Town undesignated fund balance to the school undesignated fund balance for the purpose of reducing the net to taxation in the FY 2010 school department budget. This vote is contingent upon the Cape Elizabeth School Department having a reduction in the FY 2010 Maine school subsidy of at least \$163,500 from the budgeted amount in FY 2009. If the reduction is between \$163,500 and \$363,500, the transfer will be 100% of the amount above \$163,500 that is less than the previous year. If the reduction is more than \$363,500, the amount transferred shall be \$200,000.

(6 yes) (0 no)

**Item# 76-2009      School Department Budget**

Moved by Councilor Lennon and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council recommends for the Thursday, April 30, 2009 special Town Council meeting a school budget which results in a 0.6% increase in the overall property tax rate.

Moved by Councilor Backer and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council tables Item #76-2009 to the special Town Council meeting on Thursday, April 30, 2009 at 7:30 p.m.

(6 yes) (0 no)

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10:53 p.m.

Moved by Councilor Sherman and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council suspends the Town Council Rules Article II Section 5 to take up for consideration new items after 10:30 p.m.

(6 yes) (0 no)

**Item# 77-2009      General Fund Budget**

Moved by Councilor Backer and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council tables Item #77-2009 to the special Town Council meeting on Thursday, April 30, 2009 at 7:30 p.m.

(6 yes) (0 no)

**Item# 78-2009      School Budget Validation Vote**

A straw poll of the town council revealed a unanimous consensus to approve the ballot language as described below.

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council tables Item #78-2009 to the special Town Council meeting on Thursday, April 30, 2009 at 7:30 p.m.

(6 yes) (0 no)

**Ballot Question**

*Do you favor approving the Town of Cape Elizabeth school budget for the upcoming school year that was adopted at the latest school budget meeting of the town council?*

YES \_\_\_\_

NO \_\_\_\_

**Advisory Question**

*I find the school budget adopted at the April 30, 2009 Town Council's school budget meeting to be:*

TOO HIGH \_\_\_\_\_

ACCEPTABLE \_\_\_\_\_

TOO LOW \_\_\_\_\_

**Item# 79-2009      Allocation of Town Undesignated Fund Balance to Community Services**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council hereby authorizes a transfer of \$27,249 from the Town undesignated fund balance to the Community Services special revenue fund for the purpose of funding the community services deficit fund balance in place at the beginning of FY 2009.

(6 yes) (0 no)

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council approves consideration of Item ##80-86 en bloc.

(6 yes) (0 no)

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves the following as presented.

**Item # 80-2009      FY 2010 Proposed Rescue Fund Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Rescue Fund budget recommending expenditures of \$179,786 (decrease of \$23,001 or 11.3%) and with projected revenues of \$180,000.

**Item # 81-2009      FY 2010 Proposed Sewer Fund Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Sewer Fund budget recommending expenditures of \$1,428,690 (decrease of \$6,632 or 0.5%) and with projected revenues of \$1,515,000.

**Item # 82-2009      FY 2010 Proposed Spurwink Church Fund Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Spurwink Church budget recommending expenditures of \$6,945 (decrease of \$6,299 or 47.6%) and with projected revenues of \$1,500.

**Item # 83-2009      FY 2010 Proposed Riverside Cemetery Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Riverside Cemetery budget recommending expenditures of \$46,956 (increase of \$278 or 0.6%) and with projected revenues of \$ 33,000.

**Item # 84-2009      FY 2010 Proposed Fort Williams Park Capital Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Fort Williams Park Capital budget recommending expenditures of \$33,809 (increase of \$2,079 or 6.6%) and with projected revenues of \$30,000.

**Item # 85-2009      FY 2010 Proposed Portland Head Light Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Portland Head Light budget recommending expenditures of \$530,067 (increase of \$12,657 or 2.4%) and with projected revenues of \$532,400.



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**Item # 86-2009      FY 2010 Proposed Thomas Jordan Trust Budget**

The Cape Elizabeth Town Council hereby adopts the proposed FY 2010 Thomas Jordan Trust recommending expenditures of \$35,535 (increase of \$535 or 1.5%) and projected revenues of \$15,000.

(6 yes) (0 no)

**Item # 87-2009      Rescue Fees**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves the following rescue fees effective May 1, 2009, as recommended by the town's billing contractor.

<b>Rescue Fees</b>	<b>Current</b>	<b>Proposed</b>
BLS Transport	\$ 350.00	\$400.00
ALS Transport	\$ 450.00	\$500.00
2 ALS Providers	\$ 600.00	\$700.00
IV Drug Administration	\$ 88.00	\$100.00
Oxygen	\$ 40.00	\$ 50.00
Cardiac Monitor	\$ 80.00	\$100.00
Defib	\$ 60.00	\$100.00
Endotracheal Tube	\$ 60.00	\$100.00
Mileage Per Loaded Mile	\$ 8.00	\$ 10.00

(6 yes) (0 no)

**Item # 88-2009      Health Insurance Review Committee**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council tables Item #88-2009 to the special Town Council meeting on Thursday, April 30, 2009 at 7:30 p.m.

(6 yes) (0 no)

Moved by Councilor Backer and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council takes Item #94-2009 out of order.

(6 yes) (0 no)

**Item# 94-2009      Public Safety Answering Point**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign an assignment and assumption agreement with the City of South Portland and the City of Portland which assigns the rights and obligations contained in the January 25, 2007 Public Safety Answering Point agreement from the City of South Portland to the City of Portland.

(6 yes) (0 no)

See attachment.

**Item# 95-2009      Annual Dog Warrant**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves a warrant to the Animal Control Officer directing the ACO to send a notice to owners/keepers of unlicensed dogs. Pursuant to Maine law, the ACO then notifies the owners/keepers on the applicable list that they must obtain a license within seven days and pay the license and recording fees and a \$25 late fee. If no action is taken, then the ACO shall issue a summons and complaint against the owners/keepers who have failed to comply.

(6 yes) (0 no)

**Item# 89-2009      Shore Road Pathway Committee Report**

Moved by Councilor Sherman and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt with appreciation for further consideration the report of the Shore Road Pathway Committee and to refers the plan to a future Town Council workshop.

(6 yes) (0 no)

**Item# 90-2009      Goddard Mansion Status**

Moved by Councilor Sherman and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt with appreciation for further consideration the report of the Fort Williams Advisory Commission regarding the Goddard Mansion and to refer the report to a future Town Council workshop.

(6 yes) (0 no)

11:08 p.m. Councilor Backer left.

**Item# 91-2009      Fort Williams Park Funding**

Moved by Councilor Sherman and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council requests the Fort Williams Advisory Commission to present a plan to make Fort Williams Park self-sustaining for the Fiscal Year beginning July 1, 2010. The report is to be submitted to the Town Council no later than January 31, 2010.

(5 yes) (0 no)

**Item# 92-2009      Thomas Memorial Library Study Committee**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves the request of the Thomas Memorial Library Study Committee to extend the deadline for submission of a final report from May 1, 2009 to July 1, 2009.

(5 yes) (0 no)

**Item# 93-2009      General Assistance Maximums**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council approves the adoption of the revised food maximums for General Assistance as identified in Appendix B-1 from the Maine Municipal Association as outlined in a memorandum dated February 25, 2009.

(5 yes) (0 no)

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**Item# 96-2009 Street Lighting Policy**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council tables Item #96-2009 to the special Town Council meeting on Thursday, April 30, 2009 at 7:30 p.m.

(5 yes) (0 no)

**Citizen Opportunity for Discussion of Items Not on the Agenda - None**

**Adjournment**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council adjourns at 11:11 p.m.

(5 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

**Future Meetings**

**April 30**

Town Council meeting to adopt the School Budget

Town Council Workshop

- Quarterly update on comprehensive plan implementation (per Council goals)
- Review of BA Proposals to Prepare for May public hearing

**May 11, 2009 Town Council Meeting**

Public hearing on BA Zoning Issues

Resolution of Town Center Intersection – Tabled to this meeting.

Other Business

**May 14, 2009 Workshop Agenda**

Alternative Energy Committee and Energy Audit results

**June 8, 2009 Town Council Meeting**

Routine Business

Perhaps follow up on BA issues if not completed in May

**June 15, 2009 Workshop Tentative Agenda**

Shore Road Pathway Committee Report

Goddard Mansion Report

Council Goal Status Report