

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Special Meeting # 8-2009**  
**Cape Elizabeth Town Hall**  
**Thursday, April 30, 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 12/2009</b>
<b>David J. Backer</b>	<b>2 Rugosa Way</b>	<b>X</b>		<b>253-0529 12/2009</b>
<b>Penelope A. Jordan</b>	<b>349 Fowler Road</b>	<b>X</b>		<b>671-5341 12/2010</b>
<b>Sara W. Lennon</b>	<b>54 Cranbrook Drive</b>	<b>X</b>		<b>741-5139 12/2009</b>
<b>Paul J. McKenney</b>	<b>5 Katahdin Road</b>	<b>X</b>		<b>899-0045 12/2010</b>
<b>David S. Sherman, Jr.</b>	<b>74 Hunts Point Road</b>	<b>X</b>		<b>749-2668 12/2011</b>
<b>Anne E. Swift-Kayatta</b>	<b>14 Stone Bridge Road</b>	<b>X</b>		<b>767-5754 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**

**Review of Minutes of Meeting held April 13, 2009**

Moved by Councilor McKenney and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the minutes of special meeting #7-2009 held April 13, 2009.

(7 yes) (0 no)

Moved by Councilor Lennon and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council removes all items from the table.

(7 yes) (0 no)

**Item# 76-2009 School Department Budget (Tabled 4/13/2009)**

Intro – Alan Hawkins, Superintendent  
 Pauline Aportria, Business Manager

Moved by Councilor Backer and Seconded by Councilor Sherman

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

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**Page 2 Town Council Special Meeting Minutes  
April 30, 2009**

**Education**

Adult Education Subsidy:	\$28,750
State Education Subsidy:	\$2,571,272
Title IA:	\$41,000
Title IIA:	\$51,700
Title IID:	\$500
Title IVA:	\$4,500
Local Entitlement:	\$365,000
Food Service State Subsidy	\$50,000
Federal ARRA Stabilization funds	\$699,120
IDEA Federal AARA funds	\$421,436

#1 VOTED: Cost Center Summary. That the Town of Cape Elizabeth appropriate **\$8,444,667** for Regular Instruction; **\$2,373,605** for Special Education; **\$46,242** for Career and Technical Education; **\$584,972** for Other Instruction; **\$2,230,127** for Student and Staff Support; **\$593,899** for System Administration; **\$957,271** for School Administration; **\$625,156** for Transportation; **\$1,949,512** for Facilities Maintenance; **\$1,500,515** for Debt Service; **\$0** for All Other Expenditures.

#2 VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate **\$14,941,811.16** 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 **\$12,370,540** 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 **\$1,500,515** 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.*

**Page 3 Town Council Special Meeting Minutes  
April 30, 2009**

- #4 VOTED: Additional Local Funds. That the Town of Cape Elizabeth raise and appropriate **\$2,874,949.84** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$2,489,203.82**

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 **\$19,305,966** for the fiscal year beginning July 1, 2009 and ending June 30, 2010 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 **\$200,156** and the Town of Cape Elizabeth raise as the local share, the sum of **\$75,470**; 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 **\$19,305,966**, the sum of **\$2,091,356**, 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 and Local Entitlement Funds, Federal ARRA Stabilization Funds and IDEA Federal AARA 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, 2009 and ending June 30, 2010.

**Page 4 Town Council Special Meeting Minutes  
April 30, 2009**

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,869,000.

(4 yes) (3 no Councilor McKenney, Chairman Rowe, Councilor Swift-Kayatta)

**Item# 77-2009      General Fund Budget (Tabled 4/13/2009)**

Moved by Councilor Backer and Seconded by Councilor Jordan

- A. Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, April 13, 2009, does hereby adopt the General Fund Budget for Fiscal Year 2010 with gross expenditures of \$30,104,903 and gross revenues of \$6,663,995 and with the amount of \$23,440,908 to be raised from taxation, and to fix Friday, October 2, 2009, and Friday, April 2, 2010, 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 nine percent (9.00%) 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.

(6 yes) (1 no Councilor Swift-Kayatta)  
See attachments.

**Item# 78-2009      School Budget Validation Vote (Tabled 4/13/2009)**

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council hereby approves the warrant for a validation vote upon the FY 2010 approved school budget. The polls shall be open at Cape Elizabeth High School on May 12, 2009 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.

**The question on the ballot will be:**

*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 \_\_\_

**Page 5 Town Council Special Meeting Minutes  
April 30, 2009**

In addition, there is to be an advisory portion of the ballot following the main question and this question shall read: *I find the school budget adopted at the April 30, 2009 Town Council's school budget meeting to be:*

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

ACCEPTABLE \_\_\_\_\_

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

(7 yes) (0 no)

**Item # 88-2008      Health Insurance Review Committee    (Tabled 4/13/2009)**

Intro – Manager McGovern

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council approves the following charge for a proposed Health Insurance Review Committee.

(7 yes) (0 no)

**Cape Elizabeth Employee Health Insurance Review Committee**

**Committee Established**

There is hereby established the Cape Elizabeth Employee Health Insurance Review Committee. The committee shall consist of 7 members jointly appointed by the Town Council Chairman and the School Board Chair. One member shall be a member of the Cape Elizabeth Town Council and one member shall be a member of the Cape Elizabeth School Board.

Anyone in the business of selling health care coverage or currently working for a company offering health care coverage is excluded from membership due to potential conflict of interest.

The committee shall elect its own chair and secretary.

**Committee Charge**

The Cape Elizabeth Employee Health Insurance Review Committee shall review the health care coverage and benefits offered to municipal and school employees. The committee shall prepare recommendations for opportunities for changes in coverages provided to employees, for changes in providers of coverage and for employee/employer cost shares. The committee shall include an analysis of how any recommendations may influence the ability of the local government/school department to recruit and retain quality employees. The committee shall meet for up to six months and its report shall be submitted jointly to the Cape Elizabeth School Board and the Cape Elizabeth Town Council. The Town Council and School Board shall collaboratively review the report and proceed thereafter to independently consider the recommendations.

**Page 6 Town Council Special Meeting Minutes  
April 30, 2009**

**Committee Staff**

The committee staff shall be a designee of the Town Manager (He has designated Matthew Sturgis) and a designee of the Superintendent of Schools.

**Committee Budget**

If resources are needed by the committee, the committee shall bring the need to the attention of the Town Manager.

**Item# 96-2009 Street Lighting Policy (Tabled 4/13/2009)**

Intro – Manager McGovern

Moved by Chairman Rowe and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council approves the update to the street lighting policy. Said revision is prompted by the budget proposal to reduce approximately 100 municipal street lights.

(7 yes) (0 no)

**Street Lighting Policy  
April 2009**

**Introduction**

Municipal street lighting is provided in areas where the provision of light makes a demonstrable improvement to public safety. Publicly provided lighting must serve a public purpose and be provided through available fixtures that are energy efficient. The Chief of Police administers the street lighting policy within funds appropriated by the Town Council.

**Reflective Signing**

Reflective signing is a viable alternative to street lighting in many areas and is the preferred alternative at dead-ends and on rural roads.

**Street Lighting**

Street lighting will be provided at the intersection of major public roads unless there are multiple lights in the immediate area.

Street lighting will be provided in pedestrian areas in the Town Center and BA zones.

Street lighting will be provided in areas deemed by the Chief of Police to be areas of high nighttime pedestrian use.

Street lighting will be provided in areas deemed by the Chief of Police as high accident locations.

The Chief of Police may authorize lighting in such other locations where the provision of light makes a demonstrable improvement to public safety.

**Underground Utilities**

Public lighting is not provided in areas with underground utilities except in the Town Center zone. Neighborhoods with underground utilities may provide lighting through a neighborhood association. The Town will continue to assume the expense for any underground lighting for which it assumed the expense on March 2008 through July 1, 2010.

No lighting may be placed in the right of way of public roads with underground utilities without permission of the Director of Public Works. The Director may deny such requests if the nearby abutters oppose the placement of lighting or if the installation would interfere with other utilities or with maintenance of the public road. Additional permits are required from Dig-Safe for any excavation.

The underground pedestrian lighting in the Town Center zone is for pedestrian safety purposes and shall be on timing devices to reduce costs.

**Municipal Property Lighting**

The Town may purchase through the street lighting account lighting to protect or enhance municipal property. Any expense for such lighting shall be charged to the property and not to the street lighting budget. Any such lighting shall also be energy efficient and shall include timing devices whenever possible.

**Adjournment**

Moved by Councilor McKenney and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council adjourns at 8:50 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk