

CAPE ELIZABETH TOWN COUNCIL MINUTES
Special Meeting # 8-2010
Cape Elizabeth Town Hall
Tuesday, May 25, 2010
7:30 p.m.

Roll Call by the Town Clerk

Anne E. Swift-Kayatta, Chair	14 Stone Bridge Road	X	767-5754	12/2011
Frank J. Governali	18 Old Ocean House Road	X	799-5842	12/2010
Penelope A. Jordan	349 Fowler Road	X	671-5341	12/2010
Sara W. Lennon	54 Cranbrook Drive	X	741-5139	12/2012
David S. Sherman, Jr.	74 Hunts Point Road	X	749-2668	12/2011
Jessica L. Sullivan	38 Cranbrook Drive	X	774-0115	12/2012
James T. Walsh	23 Rock Crest Drive	X	799-6730	12/2012
Debra M. Lane, Town Clerk		X		
Michael K. McGovern, Town Manager		X		

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence **None**

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

The motions related to the budgets are based on amounts set for public hearing.

Item # 69 Adoption of Municipal Budget

Intro – Councilor Lennon, Finance Committee Chair

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby adopt the municipal budget for Fiscal Year 2011 and hereby makes the following gross appropriations for each listed department:

Expenditures by Department		BUDGET
		FY 2011
110	ADMINISTRATION	501,660
120	ASSESSING/CODES PLANNING	360,116
130	TOWN COUNCIL	500
135	LEGAL AND AUDIT	53,000
140	ELECTIONS	24,103
150	BOARDS AND COMMISSIONS	13,530
530	PUBLIC INFORMATION	39,580
160	INSURANCE	91,000
170	EMPLOYEE BENEFITS	944,361
180	DEBT SERVICE	1,012,784
520	CONTRIBUTIONS	5,450
710	INTERGOVT. ASSESSMENTS	19,751
210	POLICE DEPARTMENT	1,126,249
215	ANIMAL CONTROL	20,268
220	PUBLIC SAFETY COMMUNICATIONS	155,000

225	WETeam	23,680
230	FIRE DEPARTMENT	277,200
235	FIRE POLICE UNIT	11,059
240	MISC. PUBLIC PROTECTION	141,269
250	EMERGENCY PREPAREDNESS	3,197
310	PUBLIC WORKS	1,032,683
320	REFUSE DISPOSAL/RECYCLING	769,280
410	HUMAN SERVICES	45,484
510	LIBRARY	448,373
600	FACILITIES MANAGEMENT	125,970
610	TOWN HALL	25,300
615	LIBRARY BUILDING	25,340
620	TOWN CENTER FIRE STATION	15,775
630	POLICE STATION	64,526
635	CAPE COTTAGE FIRE STATION	6,730
640	PARKS & TOWN LANDS	60,631
641	SCHOOL GROUNDS	143,424
645	FORT WILLIAMS PARK	160,808
655	POOL AND FITNESS CENTER	306,042
660	TREES	19,386
715	CAPITAL PROJECTS	466,178
	Grand Total	8,539,687

(7 yes) (0 no)

Item # 70 Approval of Cumberland County Assessment

Moved by Sara W. Lennon and Seconded by Frank J. Governali

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve for inclusion in the Fiscal Year 2011 budget the assessment from Cumberland County for 2010 amounting to \$947,600.

(7 yes) (0 no)

Item # 71 Approval of Local Homestead Exemption Funds

Moved by Sara W. Lennon and Seconded by Frank J. Governali

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve for inclusion in the Fiscal Year 2011 budget the amount of \$185,000 for the local share of homestead exemptions.

(7 yes) (0 no)

Item # 72 Approval of Community Services Special Funds Budget

Moved by Sara W. Lennon and Seconded by Frank J. Governali

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve for inclusion in the Fiscal Year 2011 General Fund budget the amount of \$186,993 for the local taxation share of the Community Services budget and the full Community Services budget in the amount of \$1,063,638 in authorized expenditures and estimated revenues of \$876,645 from sources other than the property tax is hereby approved.

(7 yes) (0 no)

Item # 73 Property Tax Levy Limit

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan

Ordered: The Cape Elizabeth Town Council in accordance with Title 30-A MRSA Section 5721-A the Town of Cape Elizabeth hereby increases the property tax levy limit for municipal services to the legally allowed limit of \$6,141,486. The actual property tax levy for municipal purposes is \$5,387,187.
(6 yes) (1 no Councilor Sullivan)

Item # 74 School Budget Approval

(Note: The proposed general fund school budget is \$20,676,971 including \$925,170 in ARRA Funds and the \$19,751,801 referenced in Point 5.)

Prior to discussion of the school budget, Councilor Walsh brought to the attention of the Town Council that his wife is employed as a teacher by the Cape Elizabeth School Department. Councilor Walsh stated he does not feel he has a conflict of interest. He also stated when he ran for office he researched the issue and did not find any policies or ordinances to prohibit him for running for the town council.

Moved by Anne E. Swift-Kayatta and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council allows Councilor Walsh to continue voting and will not ask him to recuse himself from discussion and voting on the school budget.
(6 yes) (1 abstention Councilor Walsh)

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan

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

Education

State Education Subsidy:	\$1,953,465
Title IA:	\$ 30,000
Title IIA:	\$ 51,000
Title IID:	\$ 900
Title IVA:	\$ 4,300
Local Entitlement:	\$ 367,000
Food Service State Subsidy	\$ 58,000
Federal ARRA Stabilization Funds	\$ 925,170
IDEA Federal AARA Funds	\$ 211,850

#1 VOTED: Cost Center Summary. That the Town of Cape Elizabeth appropriate **\$8,774,660** for Regular Instruction; **\$2,532,279** for Special Education; **\$50,122** for Career and Technical Education; **\$606,748** for Other Instruction; **\$2,199,310** for Student and Staff Support; **\$599,727** for System Administration; **\$979,749** for School Administration; **\$649,558** for Transportation; **\$1,967,695** for Facilities Maintenance; **\$1,391,953** for Debt Service; **\$0** for All Other Expenditures.

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- #2 VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate \$15,494,595.75 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 \$12,615,960 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 \$1,391,953 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, or non-state funded portions of school construction 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 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 \$3,322,422 in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$2,929,861.26 as required to fund the budget recommended by the school board.

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 for K-12 education. It includes only those costs considered essential by the state's 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 payment on non-state-funded debt service that will help achieve the Town's budget for educational programs.

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- #5 VOTED: Total School Budget Summary. That the Town of Cape Elizabeth authorize the School Board to expend **\$19,751,801** for the fiscal year beginning July 1, 2010 and ending June 30, 2011 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 **\$187,633** and the Town of Cape Elizabeth raise as the local share, the sum of **\$65,107**; 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 **\$19,751,801**, the sum of **\$2,061,268**, 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, 2010 and ending June 30, 2011.

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$2,017,800.

(5 yes) (2 no Councilor Sullivan and Chair Swift-Kayatta)

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Item# 75-2010 Proposed FY 2011 General Fund Budget Summary Motion

Note: The totals in Item # 75 include for Community Services only the amount that is contributed through taxation. The appropriation is in Item # 72. This is a change in procedure from previous years.

Moved by Sara W. Lennon and Seconded by David S. Sherman, Jr.

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010, does hereby adopt the General Fund Budget for Fiscal Year 2011 with gross expenditures of \$30,536,251, and gross revenues of \$6,499,136 and with the amount of \$24,037,115 to be raised from taxation, and to fix Tuesday, October 5, 2010, and Tuesday, April 5, 2011, 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 seven percent (7.00%) 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.

(7 yes) (0 no)

Moved by Sara W. Lennon and Seconded by David S. Sherman, Jr.

Ordered the Cape Elizabeth Town Council votes to consider Item ##76 – 82 en bloc.

(7 yes) (0 no)

Moved by Sara W. Lennon and Seconded by James T. Walsh

Item# 76-2010 Cape Elizabeth Rescue Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2011 with approved expenditures of \$339,786.

Item# 77-2010 Cape Elizabeth Sewer Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2011 with approved expenditures of \$1,548,095.

Item# 78-2010 Cape Elizabeth Spurwink Church Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2011 with approved expenditures of \$10,589.

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Item# 79-2010 Cape Elizabeth Riverside Cemetery Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2011 with approved expenditures of \$46,713.

Item# 80-2010 Portland Head Light Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2011 with approved expenditures of \$530,780.

Item# 81-2010 Cape Elizabeth Infrastructure Improvement Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2011 with approved expenditures of \$88,000.

Item# 82-2010 Thomas Jordan Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, May 24, 2010 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2011 with approved expenditures of \$35,535.

(7 yes) (0 no)

Item# 83-2010 Alternative Energy Committee Report

Moved by Sara W. Lennon and Seconded by David S. Sherman, Jr.

Ordered: The Cape Elizabeth Town Council hereby approves as a designated reserve to be carried over into Fiscal Year 2011, the sum of \$112,420 for priority one and two energy improvements to municipal buildings, for continuing consultant work for the Alternative Energy Committee and for energy coordination services.

(7 yes) (0 no)

Item# 84-2010 Collective Bargaining Agreement

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan

Ordered: The Cape Elizabeth Town Council hereby approves a successor collective bargaining agreement from July 1, 2010 to June 30, 2012 with Local 340 of the Teamsters covering Cape Elizabeth public works employees.

(7 yes) (0 no)

See attachment.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager Michael McGovern reminds residents of the Memorial Day Parade and Wreath Ceremony on Monday, May 31. The parade begins at 9:00 a.m. on the corner of Route 77 and Fowler Road, just beyond the high school. The parade will proceed north on Route 77 to the War Veterans' Memorial on Scott Dyer Road. The Town Center Fire Station Open House will follow the ceremony.

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Thank you to Jim Huebener, Memorial Day Parade Chairman, Debra Lane and the Fire Department for their work on this great Cape Elizabeth tradition.

Adjournment

Moved by Frank J. Governali and Seconded by James T. Walsh
Ordered the Cape Elizabeth Town Council adjourns at 8:20 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk