

CAPE ELIZABETH TOWN COUNCIL AGENDA
Regular Meeting # 6-2011
Cape Elizabeth Town Hall
Monday, April 11, 2011

Roll Call by the Town Clerk

David S. Sherman, Jr., Chair	Term Expires 12/2011	dsherman@dwmlaw.com
Frank J. Governali	Term Expires 12/2013	frank.governali@capeelizabeth.org
Caitlin R. Jordan	Term Expires 12/2013	caitlin.jordan@capeelizabeth.org
Sara W. Lennon	Term Expires 12/2012	slennon@maine.rr.com
Jessica L. Sullivan	Term Expires 12/2012	jsullivan08@maine.rr.com
Anne E. Swift-Kayatta	Term Expires 12/2011	aeskay@maine.rr.com
James T. Walsh	Term Expires 12/2012	james.walsh@capeelizabeth.org

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Citizen Opportunity for Discussion of Items Not on the Agenda

Town Manager's Report

Review of Minutes of Meetings Held [March 14](#), and [March 21](#), 2011

Public Comment Period on the Fiscal Year 2012 Budget

Item# 62-2011 Draft Motion Prepared as of April 4, 2011-Subject to Change

The Town Council Finance Committee is recommending a public hearing be scheduled for Monday, April 25, 2011 at 7:30 p.m. at the Cape Elizabeth Town Hall on the proposed general fund budget for FY 2012. Actual tax rates are set by the assessor based upon the adopted budget. Amounts may be changed following the public hearing.

	FY 2011 BUDGET	FY 2012 BUDGET	\$ Change FY 11 to FY 12	% Change FY 11 to FY 12
EXPENDITURES				
TOWN SERVICES	\$ 8,539,687	\$ 8,919,979	\$ 380,292	4.5%
COUNTY ASSESSMENT	\$ 947,600	\$ 992,047	\$ 44,447	4.7%
SCHOOL DEPARTMENT	\$ 20,676,971	\$ 21,124,690	\$ 447,719	2.2%
COMMUNITY SERVICES	\$ 186,993	\$ 186,993	\$ -	0.0%
Local Homestead Exemption	\$ 185,000	\$ 173,000	\$ (12,000)	-6.5%
	\$ 30,536,251	\$ 31,396,709	\$ 860,458	2.8%
REVENUE				
TOWN SERVICES	\$ 3,152,500	\$ 3,380,900	\$ 228,400	7.2%
SCHOOL DEPARTMENT	\$ 3,346,636	\$ 3,078,489	\$ (268,147)	-8.0%
TOTAL	\$ 6,499,136	\$ 6,459,389	\$ (39,747)	-0.6%
NET TO TAXES				
TOWN SERVICES	\$ 5,387,187	\$ 5,539,079	\$ 151,892	2.8%
COUNTY ASSESSMENT	\$ 947,600	\$ 992,047	\$ 44,447	4.7%
SCHOOL DEPARTMENT	\$ 17,330,335	\$ 18,046,201	\$ 715,866	4.1%
COMMUNITY SERVICES	\$ 186,993	\$ 186,993	\$ -	0.0%
Local Homestead Exemption	\$ 185,000	\$ 173,000	\$ (12,000)	-6.5%
TOTAL	\$ 24,037,115	\$ 24,937,320	\$ 900,205	3.7%
TAX RATES (Rounded to nearest ¢)				
TOWN SERVICES	\$ 4.01	\$ 4.06	\$ 0.05	1.2%
COUNTY ASSESSMENT	\$ 0.70	\$ 0.73	\$ 0.03	4.3%
SCHOOL DEPARTMENT	\$ 12.89	\$ 13.22	\$ 0.33	2.6%
COMMUNITY SERVICES	\$ 0.14	\$ 0.14	\$ -	0.0%
OVERLAY				
SUBTOTAL	\$ 17.73	\$ 18.15	\$ 0.42	2.4%
Local Homestead Exemption	\$ 0.13	\$ 0.13	\$ -	0.0%
TOTAL	\$ 17.86	\$ 18.28	\$ 0.42	2.4%
TAX RATE VALUATION BASIS				
	1,345,000,000	1,365,000,000	\$ 20,000,000	1.5%

Item# 63-2011 Draft Motion Prepared as of April 4, 2011-Subject to Change

The Town Council Finance Committee is recommending a public hearing be scheduled for Monday, April 25, 2011 at 7:30 p.m. at the Cape Elizabeth Town Hall on the proposed special funds budgets for FY 2012. Amounts may be changed following the public hearing.

	Budget	Budget	\$ Change	% Change
Expenditures	FY 2011	FY 2012	11 to 12	11 to 12
Cape Elizabeth Rescue Fund	\$ 339,786	\$ 180,746	\$ (159,040)	-78.4%
Cape Elizabeth Sewer Fund	\$ 1,548,095	\$ 1,491,717	\$ (56,378)	-3.9%
Spurwink Church Fund	\$ 10,589	\$ 10,847	\$ 258	1.9%
Riverside Cemetery Fund	\$ 46,713	\$ 49,190	\$ 2,477	5.3%
Fort Williams Park Fund	\$ 44,702	\$ 31,621	\$ (13,081)	-41.2%
Portland Head Light Fund	\$ 530,780	\$ 529,525	\$ (1,255)	-0.2%
Thomas Jordan Fund	\$ 35,535	\$ 35,535	\$ -	0.0%
Infrastructure Imp. Fund.	\$ 88,000	\$ -	\$ (88,000)	100.0%
Community Services Fund	\$ 1,063,638	\$ 1,070,494	\$ 6,856	
Total Budget	\$ 3,707,838	\$ 3,399,675	\$ (308,163)	-13.5%
Revenues	Revenues	Revenues	11 to 12	11 to 12
Cape Elizabeth Rescue Fund	\$ 170,000	\$ 170,000	\$ -	0.0%
Cape Elizabeth Sewer Fund	\$ 1,565,000	\$ 1,625,300	\$ 60,300	3.9%
Spurwink Church Fund	\$ 1,500	\$ 4,200	\$ 2,700	180.0%
Riverside Cemetery Fund	\$ 33,000	\$ 38,000	\$ 5,000	15.2%
Fort Williams Park Fund	\$ 45,000	\$ 80,325	\$ 35,325	78.5%
Portland Head Light Fund	\$ 532,200	\$ 542,200	\$ 10,000	1.9%
Thomas Jordan Fund	\$ 35,535	\$ 35,535	\$ -	0.0%
Infrastructure Imp. Fund.	\$ 25,000	\$ 25,000	\$ -	0.0%
Community Services Fund	\$ 1,063,638	\$ 1,070,494	\$ 6,856	0.6%
Total Revenues	\$ 3,470,873	\$ 3,591,054	\$ 120,181	3.5%

Item# 64-2011 Rooster Review Request

The Town Council last year referred to the Planning Board a request from a citizen to consider whether roosters should be banned in residential areas. The Planning Board has provided a report and has recommended that the issue not be dealt with within the Zoning Ordinance.

**Item# 65-2011 Fort William Park Group Use Request
USCG Change of Command Ceremony**

The United States Coast Guard Sector New England is requesting the use of the green in Fort Williams Park next to Portland Head Light for a change of command ceremony with a reception to follow on Friday, June 24, 2011. The noon reception request includes a request for permission to serve beer and wine. The last time such permission was granted was on August 1, 1983. The Fort Williams Advisory Commission has recommended approval.

**Item# 66-2011 Fort William Park Group Use Request
Wedding Reception**

Tucker Jordan is requesting the use of the green in Fort Williams Park next to Portland Head Light for a wedding reception on Saturday, June 4, 2011. The request includes permission to set up on the previous day and to take down a tent on the following day. The Fort Williams Advisory Commission recommended to Mr. Jordan that he consider the picnic shelter and the adjacent area instead of the green.

**Item# 67-2011 Acceptance of Drainage [Easement](#)
1175 Shore Road Nominee Trust**

1175 Shore Road Nominee Trust has agreed to provide the Town a requested drainage easement at 1175 Shore Road. Town staff recommends the drainage easement be accepted with appreciation to the Trustees.

Item # 68-2011 [Warrant for School Budget Validation Vote](#)

It is recommended that the Town Council approve the warrant for the May 10, 2011 school budget validation vote. There will also be a special election on May 10, 2011 to fill the vacancy in the Maine State Senate resulting from the resignation of Senator Lawrence Bliss.

**Item # 69-2011 Quit Claim [Deed](#)
971 Shore Road**

It is recommended that the Town Council authorize a quit-claim deed to the Estate of Virginia Wieland. All taxes, fees etc. have been paid in full.

Item # 70-2011 Riverside Cemetery Trustees 2011 [Work Plan](#)

It is recommended that the Town Council acknowledge receipt of the work plan.

Citizen Opportunity for Discussion of Items Not on the Agenda

Item # 71-2011 Executive Session Request

It is recommended that the Town Council, in conformance with 1MRSA §405 6 C and F, enter executive session to discuss land acquisition/disposition issues and to review an application for an abatement of taxes due to hardship.

Adjournment

Information Only: [Link to March 31, 2011 Financial Reports](#)

The Thomas Jordan Grants Subcommittee will meet following the Town Council meeting.

Town Council Meetings in 2011	Workshop Meetings
April 25	
May 9	May 2
June 13	June 6
July 11	
August 8	
September 12	September 6
October 12	October 3
November 14	November 7
December 12	December 5

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public

comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation Council. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Decorum

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.