

CAPE ELIZABETH TOWN COUNCIL MINUTES
Special Meeting # 7-2011
Cape Elizabeth Town Hall
Monday, April 25, 2011
7:30 p.m.

Roll Call by the Town Clerk		Present	Absent
David S. Sherman, Jr., Chair	Term Expires 12/2011	X	dsherman@dwmlaw.com
Frank J. Governali	Term Expires 12/2013	X	frank.governali@capeelizabeth.org
Caitlin R. Jordan	Term Expires 12/2013	X	caitlin.jordan@capeelizabeth.org
Sara W. Lennon	Term Expires 12/2012	X	slennon@maine.rr.com
Jessica L. Sullivan	Term Expires 12/2012	X	jsullivan08@maine.rr.com
Anne E. Swift-Kayatta	Term Expires 12/2011	X	aeskay@maine.rr.com
James T. Walsh	Term Expires 12/2012	X	james.walsh@capeelizabeth.org
Michael K. McGovern, Town Manager		X	
Debra M. Lane, Town Clerk		X	

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

A vacancy remains on the Thomas Memorial Library Trustees for an unexpired term until December 31, 2012. Appointments Committee Chair Jessica Sullivan encouraged interested citizens to apply. The deadline to submit applications is Friday, May 13.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report None

Item # 72-2011 Adoption of Municipal Budget

Public Hearing on the Fiscal Year 2012 Budget

Chair Sherman opened the public hearing at 7:31 p.m.

Tom Dunham, 11 Becky's Cove Lane

Mr. Dunham encouraged the council to table the purchase of the used grader for the public works department pending further review from an outside consultant. Based on his research speaking with contractors Mr. Dunham feels the purchase may not be necessary, there may be other options including contracting the service with a contractor. He feels the purchase "warrants further scrutiny."

David Griffin, 5 Channel View Road

Mr. Griffin stated the public hearing is "too late" "the hearing is to nowhere." He questioned the process to hold the public hearing and vote on the same evening. He said "the taxpayers are here and engaged."

After hearing no further comments, the hearing was closed at 7:36 p.m.

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

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby adopt the municipal budget for Fiscal Year 2012 and hereby makes the following gross appropriations for each listed department:

Expenditures by Department		BUDGET
		FY 2012
110	ADMINISTRATION	501,568
120	ASSESSING/CODES PLANNING	351,015
130	TOWN COUNCIL	500
135	LEGAL AND AUDIT	54,400
140	ELECTIONS	30,143
150	BOARDS AND COMMISSIONS	13,780
530	PUBLIC INFORMATION	44,449
160	INSURANCE	98,500
170	EMPLOYEE BENEFITS	990,300
180	DEBT SERVICE	975,715
520	CONTRIBUTIONS	5,450
710	INTERGOVT. ASSESSMENTS	21,118
210	POLICE DEPARTMENT	1,160,713
215	ANIMAL CONTROL	22,311
220	PUBLIC SAFETY COMMUNICATIONS	159,156
225	WETeam	24,307
230	FIRE DEPARTMENT	285,592
235	FIRE POLICE UNIT	11,059
240	MISC. PUBLIC PROTECTION	141,339
250	EMERGENCY PREPAREDNESS	4,012
310	PUBLIC WORKS	1,069,763
320	REFUSE DISPOSAL/RECYCLING	752,768
410	HUMAN SERVICES	49,600
510	LIBRARY	457,150
600	FACILITIES MANAGEMENT	164,487
610	TOWN HALL	29,080
615	LIBRARY BUILDING	29,675
620	TOWN CENTER FIRE STATION	23,317
630	POLICE STATION	64,773
635	CAPE COTTAGE FIRE STATION	7,880
640	PARKS & TOWN LANDS	81,649
641	SCHOOL GROUNDS	145,482
645	FORT WILLIAMS PARK	244,015
655	POOL	316,970
660	TREES	21,943
715	CAPITAL PROJECTS	566,000
	Grand Total	8,919,979

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Moved by Caitlin R. Jordan and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council amends the motion to prohibit the purchase of the used grader for the amount of \$140,000.

(2 yes) (5 no Councilor Governali, Councilor Lennon, Chair Sherman, Councilor Swift-Kayatta and Councilor Walsh)

Original Motion:

(5 yes) (2 no Councilor Jordan and Councilor Sullivan)

Item # 73-2011 Approval of Cumberland County Assessment

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

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve for inclusion in the Fiscal Year 2012 budget the assessment from Cumberland County for 2011 amounting to \$992,047.

(7 yes) (0 no)

Item # 74-2011 Approval of Local Homestead Exemption Funds

Moved by Sara W. Lennon and Seconded by Jessica L. Sullivan

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve for inclusion in the Fiscal Year 2012 budget the amount of \$173,000 for the local share of homestead exemptions.

(7 yes) (0 no)

Item # 75-2011 Approval of Community Services Special Funds Budget

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

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve for inclusion in the Fiscal Year 2012 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 \$1,070,494 in authorized expenditures and estimated revenues of \$1,070,494 is hereby approved.

(7 yes) (0 no)

Item # 76-2011 Property Tax Levy Limit

Moved by Sara W. Lennon and Seconded by Jessica L. Sullivan

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 \$6,289,909. The actual property tax levy for municipal purposes is \$5,539,079.

(7 yes) (0 no)

Item # 77-2011 School Budget Approval

Moved by Anne E. Swift-Kayatta and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council approves the request of Councilor Walsh to recuse himself from discussion and voting on Item #77-2011 due to a possible perceived conflict of interest.

(6 yes) (0 no)

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

VOTED: The Town of Cape Elizabeth hereby agrees to accept the following estimated state and federal funds and item ##1 – 8 as presented.

Education

State Education Subsidy:	\$2,297,965
Title IA:	\$ 30,000
Title IIA:	\$ 52,000
Local Entitlement:	\$ 370,000
Food Service State Subsidy	\$ 58,000
Federal Jobs Bill Funds	\$ 452,524

#1 VOTED: Cost Center Summary. That the Town of Cape Elizabeth appropriate \$9,054,287 for Regular Instruction; \$2,884,823 for Special Education; \$45,136 for Career and Technical Education; \$634,245 for Other Instruction; \$2,288,886 for Student and Staff Support; \$641,643 for System Administration; \$974,347 for School Administration; \$676,255 for Transportation; \$2,114,628 for Facilities Maintenance; \$1,357,916 for Debt Service; \$0 for All Other Expenditures.

#2 VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate \$15,625,191.65 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 \$13,327,227 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 \$1,357,916 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.

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- #4 VOTED: Additional Local Funds. That the Town of Cape Elizabeth raise and appropriate **\$3,361,058** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$2,967,579.08** 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.

- #5 VOTED: Total School Budget Summary. That the Town of Cape Elizabeth authorize the School Board to expend **\$20,672,166** for the fiscal year beginning July 1, 2011 and ending June 30, 2012 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 **\$199,954** and the Town of Cape Elizabeth raise as the local share, the sum of **\$78,640**; 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 **\$20,672,166**, the sum of **\$1,357,524**, said amount being the estimated amount expected to be received as revenues from the school lunch program, Title IA, Title IIA, Local Entitlement Funds and Federal Jobs Bill 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, 2011 and ending June 30, 2012.

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$2,128,000.

(5 yes) (1 no Councilor Sullivan)

Item# 78-2011 Proposed FY 2012 General Fund Budget Summary Motion

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

A. Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011, does hereby adopt the General Fund Budget for Fiscal Year 2012 with gross expenditures of \$31,396,709, and gross revenues of \$6,459,389 and with the amount of \$24,937,320 to be raised from taxation, and to fix Tuesday, October 4, 2011, and Tuesday, April 3, 2012, 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.

(6 yes) (1 no Councilor Sullivan)

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

Ordered the Cape Elizabeth Town Council considers Item ##79 – 86 en bloc.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council approves Item ##79 – 86 as presented.

(7 yes) (0 no)

Item# 79-2011 Cape Elizabeth Rescue Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2012 with approved expenditures of \$180,746.

Item# 80-2011 Cape Elizabeth Sewer Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2012 with approved expenditures of \$1,625,300.

Item# 81-2011 Cape Elizabeth Spurwink Church Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2012 with approved expenditures of \$10,847.

Item# 82-2011 Cape Elizabeth Riverside Cemetery Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2012 with approved expenditures of \$49,190.

Item# 83-2011 Portland Head Light Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2012 with approved expenditures of \$529,525.

Item# 84-2011 Cape Elizabeth Infrastructure Improvement Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2012 with approved expenditures of \$0.

Item# 85-2011 Thomas Jordan Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 25, 2011 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2012 with approved expenditures of \$35,535.

Item# 86-2011 Fire/Police Fund

Ordered: The Cape Elizabeth Town Council hereby authorizes the town manager to close out the Fire/Police Fund by transferring the estimated \$11,400 balance to the general fund and authorizes a \$11,400 carry forward balance within the general fund to purchase self contained breathing apparatus for the Cape Elizabeth Fire Department.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Item # 87-2011 Executive Session Request

Moved by Jessica L. Sullivan and Seconded by Anne E. Swift-Kayatta

Ordered the Cape Elizabeth Town Council enters executive session at 8:17 p.m. in conformance with 1MRSA §405 6 C to discuss land acquisition/disposition issues.
(7 yes) (0 no)

Moved by Anne E. Swift-Kayatta and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:10 p.m.
(7 yes) (0 no)

Adjournment

Moved by Sara W. Lennon and Seconded by Caitlin R. Jordan

Ordered the Cape Elizabeth Town Council adjourns at 10:10 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

