

CAPE ELIZABETH TOWN COUNCIL AGENDA
Special Meeting # 7-2012
Cape Elizabeth Town Hall
Monday, April 23, 2012
7:00 p.m.

Roll Call by the Town Clerk

| | | | |
|--------------------------|--------------|---------|--|
| Sara W. Lennon, Chairman | Term Expires | 12/2012 | slennon@maine.rr.com |
| Frank J. Governali | Term Expires | 12/2013 | frank.governali@capeelizabeth.org |
| Caitlin R. Jordan | Term Expires | 12/2013 | caitlin.jordan@capeelizabeth.org |
| Katharine N. Ray | Term Expires | 12/2014 | retbank@maine.rr.com |
| David S. Sherman, Jr. | Term Expires | 12/2014 | dsherman@dwmlaw.com |
| Jessica L. Sullivan | Term Expires | 12/2012 | jsullivan08@maine.rr.com |
| James T. Walsh | Term Expires | 12/2012 | jim.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

Public Hearing: Proposed FY 2013 Budget

| | FY 2012 | FY 2013 | \$ Change | % Change |
|---|---------------|---------------|----------------|----------------|
| | BUDGET | BUDGET | FY 12 to FY 13 | FY 12 to FY 13 |
| EXPENDITURES | | | | |
| TOWN SERVICES | \$ 8,919,979 | \$ 8,865,608 | \$ (54,371) | -0.6% |
| COUNTY ASSESSMENT | \$ 992,047 | \$ 998,136 | \$ 6,089 | 0.6% |
| SCHOOL DEPARTMENT | \$ 21,124,690 | \$ 21,765,817 | \$ 641,127 | 3.0% |
| COMMUNITY SERVICES | \$ 186,993 | \$ 437,006 | \$ 250,013 | 133.7% |
| Local Homestead Exemption | \$ 173,000 | \$ 149,000 | \$ (24,000) | -13.9% |
| | \$ 31,396,709 | \$ 32,215,567 | \$ 818,858 | 2.6% |
| REVENUE | | | | |
| TOWN SERVICES | \$ 3,380,900 | \$ 3,306,400 | \$ (74,500) | -2.2% |
| SCHOOL DEPARTMENT | \$ 3,078,489 | \$ 2,842,679 | \$ (235,810) | -7.7% |
| TOTAL | \$ 6,459,389 | \$ 6,149,079 | \$ (310,310) | -4.8% |
| NET TO TAXES | | | | |
| TOWN SERVICES | \$ 5,539,079 | \$ 5,559,208 | \$ 20,129 | 0.4% |
| COUNTY ASSESSMENT | \$ 992,047 | \$ 998,136 | \$ 6,089 | 0.6% |
| SCHOOL DEPARTMENT | \$ 18,046,201 | \$ 18,923,138 | \$ 876,937 | 4.9% |
| COMMUNITY SERVICES | \$ 186,993 | \$ 437,006 | \$ 250,013 | 133.7% |
| Local Homestead Exemption | \$ 173,000 | \$ 149,000 | \$ (24,000) | -13.9% |
| TOTAL | \$ 24,937,320 | \$ 26,066,488 | \$ 1,129,168 | 4.5% |
| TAX RATES (Rounded to nearest ¢) | | | | |
| TOWN SERVICES | \$ 3.37 | \$ 3.38 | \$ 0.01 | 0.3% |
| COUNTY ASSESSMENT | \$ 0.60 | \$ 0.61 | \$ 0.01 | 1.7% |
| SCHOOL DEPARTMENT | \$ 10.98 | \$ 11.50 | \$ 0.52 | 4.7% |
| COMMUNITY SERVICES | \$ 0.11 | \$ 0.27 | \$ 0.16 | 145.5% |
| OVERLAY | \$ 0.02 | \$ - | \$ (0.02) | -100.0% |
| SUBTOTAL | \$ 15.08 | \$ - | \$ 0.68 | 4.5% |
| Local Homestead Exemption | \$ 0.10 | \$ 0.09 | \$ (0.01) | -10.0% |
| TOTAL | \$ 15.18 | \$ 15.85 | \$ 0.67 | 4.4% |

Adjournment

For informational purposes only, the following draft items are shown as they will appear on the May 14, 2012 town council draft agenda. The draft motions are based on the amounts set for public hearing.

Item # 70-2012 Adoption of Municipal Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby adopt the municipal budget for Fiscal Year 2013 and hereby makes the following gross appropriations for each listed department:

| Expenditures by Department | | BUDGET FY 2013 |
|-----------------------------------|-------------------------------------|---------------------------|
| 110 | ADMINISTRATION | 513,971 |
| 120 | ASSESSING/CODES PLANNING | 360,648 |
| 130 | TOWN COUNCIL | 500 |
| 135 | LEGAL AND AUDIT | 55,000 |
| 140 | ELECTIONS | 40,732 |
| 150 | BOARDS AND COMMISSIONS | 13,565 |
| 530 | PUBLIC INFORMATION | 47,028 |
| 160 | INSURANCE | 97,900 |
| 170 | EMPLOYEE BENEFITS | 1,004,167 |
| 180 | DEBT SERVICE | 934,344 |
| 520 | CONTRIBUTIONS | 10,500 |
| 710 | INTERGOVT. ASSESSMENTS | 21,348 |
| 210 | POLICE DEPARTMENT | 1,197,722 |
| 215 | ANIMAL CONTROL | 22,981 |
| 220 | PUBLIC SAFETY COMMUNICATIONS | 161,852 |
| 225 | WETeam | 24,103 |
| 230 | FIRE DEPARTMENT | 297,640 |
| 235 | FIRE POLICE UNIT | 11,427 |
| 240 | MISC. PUBLIC PROTECTION | 141,446 |
| 250 | EMERGENCY PREPAREDNESS | 3,696 |
| 310 | PUBLIC WORKS | 1,066,648 |
| 320 | REFUSE DISPOSAL/RECYCLING | 719,376 |
| 410 | HUMAN SERVICES | 50,400 |
| 510 | LIBRARY | 512,916 |
| 600 | FACILITIES MANAGEMENT | 193,868 |
| 610 | TOWN HALL | 29,224 |
| 615 | LIBRARY BUILDING | 29,717 |
| 620 | TOWN CENTER FIRE STATION | 23,467 |
| 630 | POLICE STATION | 65,765 |
| 635 | CAPE COTTAGE FIRE STATION | 7,920 |
| 640 | PARKS & TOWN LANDS | 82,371 |
| 641 | SCHOOL GROUNDS | 150,989 |
| 645 | FORT WILLIAMS PARK | 250,317 |
| 660 | TREES | 22,061 |
| 715 | CAPITAL PROJECTS | 700,000 |
| | Grand Total | 8,865,609 |

Item # 71-2012 Approval of Cumberland County Assessment

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve for inclusion in the Fiscal Year 2013 budget the assessment from Cumberland County for 2011 amounting to \$ 998,136

Item # 72-2012 Approval of Local Homestead Exemption Funds

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve for inclusion in the Fiscal Year 2013 budget the amount of \$149,000 for the local share of homestead exemptions

Item # 73-2012 Approval of Community Services Special Funds Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve for inclusion in the Fiscal Year 2013 General Fund budget the amount of \$437,006 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.

Item # 74-2012 Property Tax Levy Limit

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 \$6,467,278. The actual property tax levy for municipal purposes is \$5,559,208.

Item # 75-2012 School Budget Approval

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

Education

| | |
|----------------------------|-------------|
| State Education Subsidy: | \$2,025,679 |
| Title IA: | \$25,000 |
| Title IIA: | \$45,000 |
| Local Entitlement: | \$365,000 |
| Food Service State Subsidy | \$65,000 |

#1 VOTED: Cost Center Summary. That the Town of Cape Elizabeth appropriate **\$9,677,009** for Regular Instruction; **\$3,003,009** for Special Education; **\$56,003** for Career and Technical Education; **\$700,059** for Other Instruction; **\$2,427,558** for Student and Staff Support; **\$661,789** for System Administration; **\$1,014,515** for School Administration; **\$657,105** for Transportation; **\$2,245,366** for Facilities Maintenance; **\$1,323,404** for Debt Service; **\$0** for All Other Expenditures.

#2 VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate **\$15,788,856.26** 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 **\$13,763,177.50** 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 **\$1,323,404** 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 **\$3,836,556.50** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$3,447,927.73** 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 **\$21,765,817** for the fiscal year beginning July 1, 2012 and ending June 30, 2013 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 **\$216,673** and the Town of Cape Elizabeth raise as the local share, the sum of **\$69,151**; 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 **\$21,765,817**, the sum of **\$1,005,000**, said amount being the estimated amount expected to be received as revenues from the school lunch program,

Title IA, Title IIA and Local Entitlement 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, 2012 and ending June 30, 2013.

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,960,000

Item# 76-2012 Proposed FY 2013 General Fund Budget Summary Motion

A. Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012, does hereby adopt the General Fund Budget for Fiscal Year 2013 with gross expenditures of \$32,176,709, and gross revenues of \$6,131,079 and with the amount of \$26,045,759 to be raised from taxation, and to fix Tuesday, October 2, 2012, and Tuesday, April 2, 2013, 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.

Procedural Motion: It is recommended to consider Items # 77 to 84 en bloc.

Item# 77-2012 Cape Elizabeth Rescue Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2013 with approved expenditures of \$263,900

Item# 78-2012 Cape Elizabeth Sewer Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2013 with approved expenditures of \$1,755,300

Item# 79-2012 Cape Elizabeth Spurwink Church Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2013 with approved expenditures of \$11,362

Item# 80-2012 Cape Elizabeth Riverside Cemetery Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2013 with approved expenditures of \$50,817 and expenditures of \$18,000 from the Riverside Cemetery Capital Fund

Item# 81-2012 Portland Head Light Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2013 with approved expenditures of \$543,695

Item# 82-2012 Fort Williams Park Fund

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Fort Williams Park Special Fund Budget for Fiscal Year 2013 with approved expenditures of \$214,961

Item# 83-2012 Cape Elizabeth Infrastructure Improvement Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2013 with approved expenditures of \$0

Item# 84-2012 Thomas Jordan Fund Budget

Ordered: The Cape Elizabeth Town Council, having held a public hearing on Monday, April 23, 2012 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2013 with approved expenditures of \$35,535

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.