

Cape Elizabeth Town Council
Workshop Agenda
Monday, March 4, 2013
7:00 p.m.
Cape Elizabeth Town Hall

1. Review of Special Funds Current and Projected Balances
 - Update on Cape Elizabeth Rescue Fund- Memorandum Regarding Proposal to have General Fund Contribute
 - Update on Cape Elizabeth Sewer Fund- Memorandum Regarding Proposed Charles Road Project and Cost Estimate
 - Update on Riverside Cemetery Perpetual Care Fund
 - Update on Fort Williams Park Capital Fund
 - Update on Infrastructure Improvement Fund-Potential Source of Library Study Committee Funds
 - Update on Land Acquisition Fund
2. Meeting of Board of Museum at Portland Head Light
3. Meeting of Board of Thomas Jordan Trust Fund
4. Request from ecomaine to send a letter regarding Juniper Ridge

Following the workshop, the town council will have a special meeting to continue the annual evaluation of the town manager.

CAPE ELIZABETH TOWN COUNCIL AGENDA
Special Meeting # 5-2013
Cape Elizabeth Town Hall
Monday, March 4, 2013
7:00 p.m.

Roll Call by the Town Clerk

James T. Walsh, Chair	Term Expires 12/2015	jim.walsh@capeelizabeth.org
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 12/2015	jsullivan08@maine.rr.com
James R. "Jamie" Wagner	Term Expires 12/2015	jamiewagnerlaw@gmail.com

The Pledge of Allegiance to the Flag

Item# 42-2013 Town Manager Evaluation

Draft Motion: ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 A enter into executive session to continue the annual evaluation of the town manager.

Citizen Opportunity for Discussion of Items Not on the Agenda

Adjournment

Link to Monthly Financial Reports

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.

MEMORANDUM

To: Cape Elizabeth Town Council

From: Michael K. McGovern, Town Manager

Re: Paying for Rescue Per Diem Daytime Coverage

Date: February 25, 2013

In October 2011, the Cape Elizabeth Town Council approved the implementation of daytime coverage for the rescue unit with per diem paramedics and advanced life support personnel. The estimated cost at that time was \$76,394. At that time I wrote to the town council,

I recommend we implement the recommendation effective January 1, 2012. The funds would come out of the rescue special fund, but I anticipate that additional funds will be needed from the general fund effective January 1, 2013. There are just not enough revenues in the general fund and the federal government caps what we can charge.

The rescue fund had a fund balance of \$173,406 on June 30, 2012. The fund balance is now projected to be \$79,506 on June 30, 2013 and to have a negative balance of -\$7,812 on June 30, 2014.

The recommended municipal budget for the year beginning June 1, 2013 contains an \$80,000 appropriation from the general fund to the rescue fund. This will come close to stabilizing the rescue fund balance. If \$80,000 is provided this year and next, the rescue fund will be able to maintain a balance of about \$75,000.

MEMORANDUM

To: Cape Elizabeth Town Council

From: Michael K. McGovern, Town Manager

Re: Charles Road Sewer Project

Date: February 25, 2013

In 2004-2005 the town undertook a study of all of our old sewer lines and did several major projects in 2006 including a rebuild of all the lines and roads in Elizabeth Park and on Running Tide Road. Work was also done on several roads in Cape Cottage Woods.

The project's finances looked like this in December 2006:

	Original Budget	Change Orders	Contract Price	Completed to Date	Retainage
Elizabeth Park/Brentwood	\$ 2,325,401.00	\$ 29,140.00	\$ 2,354,541.00	\$ 2,342,481.00	\$ 117,896.00
Running Tide Road/Winding Way	\$ 1,292,028.00	\$ 125,353.00	\$ 1,417,380.00	\$ 1,417,380.00	\$ 18,426.00
Bay View Road/Ocean View Road	\$ 1,439,571.00	\$ 2,557.00	\$ 1,442,128.10	\$ 1,389,119.17	\$ 18,058.55
Construction Contingency	\$ 264,427.00				
Less Water District Share	\$ (651,574.00)		\$ (620,120.56)	\$ (620,120.56)	
Engineering and Construction Monitoring	\$ 617,085.00		\$ 617,085.00	\$ 656,036.00	
Legal	\$ 10,000.00		\$ 10,000.00	\$ 4,748.00	
Bond Issuance	\$ 20,000.00		\$ 20,000.00		
Miscellaneous	\$ 10,000.00		\$ 10,000.00		
	\$ 5,326,938.00	\$ 157,050.00	\$ 5,251,013.54	\$ 5,189,643.61	\$ 154,380.55
Budget	\$ 5,400,000.00				
Completed To Date	\$ 5,189,643.61				
Balance Remaining	\$ 210,356				

This was actually a reduced scope of what had been identified as needing to be done.

The original budget had looked like this in 2004:

	Construction	Engineering	Const. Admin./Insp.	Contingency	Total
Woodland Road/Charles Road	203,303	20,330	12,198	47,166	282,997
Bay View Road	81,333	8,133	4,880	18,869	113,215
Ocean View Road A	138,445	13,845	8,307	32,119	192,716
Ocean View Road B	104,693	10,469	6,282	24,289	145,733
Sea View Road	105,110	10,511	6,307	24,385	146,313
Wood Road	111,173	11,117	6,670	25,792	154,752
Russet Lane	41,947	4,195	2,517	9,732	58,391
Elizabeth Park	1,305,555	130,556	78,333	302,889	1,817,333
Tall Pine Road	47,095	4,709	2,826	10,926	65,556
Spurwink Avenue	27,588	2,759	1,655	6,400	38,402
Cheverus Road	69,976	6,998	4,199	16,234	97,407
Surf Road	131,360	13,136	7,882	30,476	182,854
Evergreen Circle	31,601	3,160	1,896	7,331	43,988
Brentwood East	363,394	36,339	21,804	84,307	505,844
Cross Country-Cottage Farms	98,390	9,839	5,903	22,826	136,958
Running Tide Road	537,905	53,791	32,274	124,794	748,764
Pine Point Road	58,999	5,900	3,540	13,688	82,127
	3,457,867	345,787	207,473	802,223	4,813,350
Project Administration					25,000
Borrowing Cost- Counsel etc.					10,000
					4,848,350
Construction Inc. Since 2004					551,650
Total					5,400,000

As there were insufficient funds to complete all of the identified work, some aspects of the project were deferred. The area with the most serious needs that was deferred was

Charles Road. Back in 2005-2006, we indicated that we would get back to Charles Road as soon as the Sewer Fund was in better financial condition. As of June 30, 2012, the sewer fund balance was \$1.3 million. The current estimate to undertake the proposed work on Charles Road is as outlined on the following page.

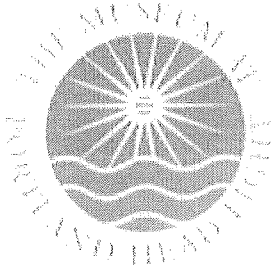
Bob Malley has drafted for a planned neighborhood meeting a brief summary of the project as follows:

The work will involve the replacement of the existing sanitary sewer line within the public right-of-way of Charles Road. We will also be improving the stormwater infrastructure, the concrete sidewalks and reconstructing the road to modern engineering standards. The alignment of the road is not proposed to be changed, although the sidewalk will be widened to 5', which is consistent with sidewalks in the adjacent neighborhoods. The Town has contracted with the engineering firm of AMEC Earth and Environmental, Inc. to design and manage the project.

Bob Malley and I proposing that we accept bids on the Charles Road project and award a contract provided all costs are under \$500,000.

Item No.	Description	Unit	Qty	Unit Price	Amount
1	Test Pits	CY	15	80.00	1,200.00
2	Unsuitable Material Excavation Below Grade	CY	20	30.00	600.00
3	Trench Rock	CY	135	200.00	27,000.00
4	Mass Rock Excavation	CY	10	150.00	1,500.00
5	Common Excavation	CY	1976	11.00	21,736.00
6	Remove Existing Manholes or Catch Basins	EA	3	500.00	1,500.00
7	Remove and Plug Existing Pipes	LF	80	30.00	2,400.00
8	Furnishing Off-Site Select Backfill Material	CY	20	25.00	500.00
9	Stone Pipe Bedding	CY	10	30.00	300.00
10	Sand Pipe Bedding	CY	10	25.00	250.00
11	Common Borrow	CY	35	9.00	315.00
12	Aggregate Base Gravel	CY	225	30.00	6,750.00
13	Aggregate Subbase Gravel	CY	1110	25.00	27,750.00
14	6-inch HDPE Storm Drain (Foundation Laterals)	LF	50	45.00	2,250.00
15	12-inch HDPE Storm Drain	LF	100	55.00	5,500.00
16	12-inch HDPE Under Drain (Type C)	LF	350	65.00	22,750.00
17	6-inch HDPE Under Drain (Type B)	LF	100	35.00	3,500.00
18	HDPE Insert-A-Tee	EA	2	200.00	400.00
19	4-foot Diameter Catch Basin	EA	7	3,000.00	21,000.00
20	4-foot Diameter Drainage Manhole	EA	2	3,000.00	6,000.00
21	6-Inch Sanitary Sewer Services	LF	400	60.00	24,000.00
22	8-Inch Sanitary Sewer	LF	596	70.00	41,720.00
23	1.5-Inch Force Main	LF	144	70.00	10,080.00
24	Sanitary Service Connection	EA	18	200.00	3,600.00
25	2-inch Foam Board Insulation	SF	660	3.00	1,980.00
26	4-foot Diameter Sanitary Sewer Manhole	EA	3	4,000.00	12,000.00
27	Alter Existing Drop Manhole	EA	1	4,000.00	4,000.00
28	Hot Bit. Base Pavement (MDOT SuperPave 19 mm)	TON	305	100.00	30,500.00
29	Hot Bit. Surface Pavement (MDOT SuperPave 9.5 mm)	TON	205	105.00	21,525.00
30	Hot Bituminous Driveways	SY	195	60.00	11,700.00
31	Permanent Hot Bituminous Trench Patch	TON	10	150.00	1,500.00
32	Temporary Cold Bituminous Trench Patch	TON	10	150.00	1,500.00
33	Bituminous Cape Cod Berm Curb	LF	765	7.00	5,355.00
34	Concrete Sidewalk/ Concrete Driveway (House #4)	SY	295	95.00	28,025.00
35	Loam and Seed	SF	7500	0.60	4,500.00
36	Calcium Chloride	TON	2	600.00	1,200.00
37	Construction Signage and Traffic Control Devices	LS	1	5,000.00	5,000.00
38	Flaggers	LS	1	20,000.00	20,000.00
39	Erosion Control	LS	1	10,000.00	10,000.00
40	Hand Labor, Straight Time	HR	8	35.00	280.00
41	Foreman, Straight Time	HR	8	50.00	400.00
42	All Purpose Excavator	HR	8	120.00	960.00
43	Heavy-Duty Purpose Excavator	HR	8	150.00	1,200.00
44	Front End Loader	HR	8	95.00	760.00
45	Grader	HR	8	150.00	1,200.00
46	Truck, Small	HR	8	55.00	440.00
47	Truck, Large	HR	8	70.00	560.00
48	Mobilization	LS	1	20,000.00	20,000.00
49	Concrete Brick Driveway Reconstruction	SY	13	150.00	1,950.00
50	Curb Ramp Detectable Warning Field	SF	6	80.00	480.00

TOTAL **\$0.00** **\$419,616.00**
10% Contingency **\$42,000.00**



**Museum at Portland Head Light
Board Meeting Agenda
March 4, 2013
Following Town Council Meeting**

1. Museum Update
2. Board Member Questions and Discussion

Thomas Jordan Trust
PO Box 6260
Cape Elizabeth, Maine 04107
207-799-5251



Board Agenda- March 4, 2013
Cape Elizabeth Town Hall
7:00 p.m.

1. Thomas Jordan Trust Update
2. Board Members Questions and Discussion

Dear Board Members:

At the Executive Committee meeting last night, the Committee requested that I send out a draft letter regarding the Juniper Ridge Landfill Amendment (see attached letter for more details) to all our Board members asking them to have it signed by either themselves, the Mayor, the City/Town Manager, the Council Chair, or the Board Chair. We're leaving it up to board members as to who would be most appropriate. The attached draft letter encourages the DEP to not approve the Juniper Ridge Landfill Amendment. This amendment would allow the State owned Landfill to accept raw solid waste (which is NOT currently allowed unless it's bypass from WTE). We're asking you to place this draft (feel free to make changes) on your City/Town letterhead, sign it or have it signed and return it to me as soon as you can. We plan to use these letters of support in our testimony that will be presented by our Board Chairman and myself.

Please let me know if you have any questions.

Kevin

Kevin Roche
General Manager

Telephone: 207-773-1738
roche@ecomaine.org
www.ecomaine.org

February 22, 2013

Heather Parent, Hearing Officer
Maine Department of Environmental Protection
59 State House Station
Augusta, ME 04333-0059

RE: Application #S-20700-WD-BC-A
Juniper Ridge Landfill

Dear Hearing Officer Parent:

I am writing to you on behalf of one of the municipal owners of **ecomaine**. We are concerned about the potential impact of this permit application on the

handling of solid waste in Maine. The Juniper Ridge Amendment Application is seeking fundamental changes that would break with over 20 years of state solid waste policy.

ecomaine is a quasi-municipal corporation established by inter-local agreement among its 21 member municipalities in Cumberland and York Counties. In addition to our owner communities, we have 24 member communities that are contract members and utilize our facilities and programs. We own and operate a WTE facility, a Single-Sort Recycling Facility, and an Ashfill.

This application, if approved, would allow for the acceptance of raw MSW at the Juniper Ridge Landfill (JRL). We oppose the granting of the requested permit amendment. Allowing the disposal of MSW in the state-owned Juniper Ridge Landfill should be rejected as it conflicts with existing state law, unnecessarily reduces the value of a state asset, and undermines long-term efforts to avoid the landfilling of raw MSW in Maine.

Juniper Ridge Landfill is a State Asset and Should be Preserved

Juniper Ridge Landfill is a state-owned facility and the policy of the state should be to maximize the value of that asset for the people of Maine. The pending application would amend the JRL permit to allow the landfilling of raw MSW. Allowing this new use at the JRL facility will hasten the filling and ultimate closure of the landfill. JRL should be limited to its current uses.

There are Other Options for the Disposal of MSW

The application argues that the proposed change in use of the JRL facility is necessary for the disposal of MSW that used to be processed at the Waste-To-Energy facility in Biddeford. However there are several other options to manage this waste in favor of storing the waste in a state owned landfill. These options include:

1. Reducing, reusing, recycling, and composting the municipal waste;
2. Disposal at the three remaining WTE facilities;
3. For any additional MSW, disposal at a landfill facility currently licensed to accept such waste (there are several that could take it).

This Proposal Conflicts with the Solid Waste Hierarchy

Maine's Solid Waste Hierarchy, established in 38 MRSA §2101, provides that the management of solid waste must be based on the following order of priority: reduce, reuse, recycle, compost, waste to energy, and land disposal. Landfilling of

raw MSW, as proposed in this permit application, is the lowest rung of the Hierarchy and should be done only when no other options exist.

After the State took ownership of the JRL, it issued a request for proposals (RFP) seeking an entity to operate the facility. In the RFP, and throughout the approval process, the Solid Waste Hierarchy was highlighted as an important consideration.

There is no need to change state policy and this permit application should be denied.

Conclusion

Allowing the disposal of raw MSW at the Juniper Ridge Landfill (JRL) is in conflict with Maine's Solid Waste Hierarchy, is not necessary, and is not the best use of the capacity at JRL. For those reasons, the state should not grant this application to amend the existing permit.

Sincerely,