

**CAPE ELIZABETH TOWN COUNCIL MINUTES**

**Special Meeting # 9-2013  
Cape Elizabeth Town Hall  
Monday, April 29, 2013  
7:00 p.m.**

**Roll Call by the Town Clerk Present Absent**

<b>James T. Walsh, Chair</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2015</b>	<a href="mailto:jim.walsh@capeelizabeth.org">jim.walsh@capeelizabeth.org</a>
<b>Frank J. Governali</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2013</b>	<a href="mailto:frank.governali@capeelizabeth.org">frank.governali@capeelizabeth.org</a>
<b>Caitlin R. Jordan</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2013</b>	<a href="mailto:caitlin.jordan@capeelizabeth.org">caitlin.jordan@capeelizabeth.org</a>
<b>Katharine N. Ray</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2014</b>	<a href="mailto:retbank@maine.rr.com">retbank@maine.rr.com</a>
<b>David S. Sherman, Jr.</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2014</b>	<a href="mailto:dsherman@dwmlaw.com">dsherman@dwmlaw.com</a>
<b>Jessica L. Sullivan</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2015</b>	<a href="mailto:jsullivan08@maine.rr.com">jsullivan08@maine.rr.com</a>
<b>James R. "Jamie" Wagner</b>	<b>X</b>	<b>Term Expires</b>	<b>12/2015</b>	<a href="mailto:jamiewagnerlaw@gmail.com">jamiewagnerlaw@gmail.com</a>
<b>Debra M. Lane</b>	<b>X</b>			
<b>Michael K. McGovern</b>	<b>X</b>			

**The Pledge of Allegiance to the Flag**

**Town Council Reports and Correspondence**

Councilor Sullivan reported that the Library Planning Committee's second meeting will be held on Tuesday, April 30 at 4:00 p.m. at the Thomas Memorial Library.

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

**Town Manager's Report**

Charlene Donahue, State Entomologist met with Mr. McGovern to discuss the state's effort to address the problem of the winter moth along the Maine coast. Cape Elizabeth and Harpswell are two areas in particular which the winter moth may defoliate and damage trees (particularly hardwood). This is harmful to trees only, not to people. A total of 10,000 flies from British Columbia, purchased in Massachusetts, will be released in areas along the coast including Two Lights State Park. Residents are cautioned not to transfer landscape material from Cape Elizabeth in order to reduce the chance of spreading.

In an effort to reduce the number of power outages Central Maine Power has been concentrating its tree trimming efforts in Cape Elizabeth. It is anticipated the removal will continue for another 10 days or so.

**Public Hearing: Proposed FY 2014 Budget**

Chairman Walsh opened the public hearing at 7:14 p.m.

Sarah MacColl, 4 Avon Road advocated for support of the fitness center. The fitness center "should be supported by taxpayers, the commitment is appropriate."

Ken Lane, 5 Beacon Lane spoke on behalf of several families of school age kindergarten children who do not favor the lottery system for full day kindergarten. "All children should be treated equally, don't leave students behind."

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Frank Hannigan, 233 Spurwink Avenue favors funding for the fitness center.

Janet Villiotte, 7 Montgomery Terrace favors funding for the fitness center.

Sara Closson, 67 Wood Road asked for reconsideration of the pilot program for full day kindergarten until there is funding for all students to have the same opportunity and avoid “educational gaps.”

After hearing no further comments the public hearing was closed at 7:29 p.m.

**Item # 63-2013          Adoption of Municipal Budget**

Moved by Frank J. Governali and Seconded by David S. Sherman, Jr.

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby adopt the municipal budget for Fiscal Year 2014 and hereby makes the following gross appropriations for each listed department:

(7 yes) (0 no)

<b>Expenditures by Department</b>		<b>BUDGET FY 2014</b>
110	<b>ADMINISTRATION</b>	517,671
120	<b>ASSESSING/CODES PLANNING</b>	357,810
130	<b>TOWN COUNCIL</b>	500
135	<b>LEGAL AND AUDIT</b>	57,000
140	<b>ELECTIONS</b>	29,300
150	<b>BOARDS AND COMMISSIONS</b>	13,565
530	<b>PUBLIC INFORMATION</b>	50,030
160	<b>INSURANCE</b>	97500
170	<b>EMPLOYEE BENEFITS</b>	1,035,505
180	<b>DEBT SERVICE</b>	906,703
520	<b>CONTRIBUTIONS</b>	26,957
710	<b>INTERGOVT. ASSESSMENTS</b>	101,598
210	<b>POLICE DEPARTMENT</b>	1,212,764
215	<b>ANIMAL CONTROL</b>	23,248
220	<b>PUBLIC SAFETY COMMUNICATIONS</b>	167,541
225	<b>WETeam</b>	25,403
230	<b>FIRE DEPARTMENT</b>	301,400
235	<b>FIRE POLICE UNIT</b>	11,591
240	<b>MISC. PUBLIC PROTECTION</b>	141,019
250	<b>EMERGENCY PREPAREDNESS</b>	3,696
310	<b>PUBLIC WORKS</b>	1,101,106
320	<b>REFUSE DISPOSAL/RECYCLING</b>	643,996
410	<b>HUMAN SERVICES</b>	50,400
510	<b>LIBRARY</b>	515,881
600	<b>FACILITIES MANAGEMENT</b>	196,522
610	<b>TOWN HALL</b>	29,470
615	<b>LIBRARY BUILDING</b>	32,226
620	<b>TOWN CENTER FIRE STATION</b>	23,639
630	<b>POLICE STATION</b>	67,563
635	<b>CAPE COTTAGE FIRE STATION</b>	7,955
640	<b>PARKS &amp; TOWN LANDS</b>	92,585

641	<b>SCHOOL GROUNDS</b>	152,559
645	<b>FORT WILLIAMS PARK</b>	215,496
660	<b>TREES</b>	22,163
<b>715</b>	<b>CAPITAL PROJECTS</b>	800,000
	<b>Grand Total</b>	<b>9,032,363</b>

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**Item # 64-2013          Approval of Cumberland County Assessment**

Moved by Frank J. Governali and Seconded by James R. Wagner

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve for inclusion in the Fiscal Year 2014 budget the assessment from Cumberland County for 2013 amounting to \$1,061,728.

(7 yes) (0 no)

**Item # 65-2013          Approval of Local Homestead Exemption Funds**

Moved by Jessica L. Sullivan and Seconded by David S. Sherman, Jr.

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve for inclusion in the Fiscal Year 2014 budget the amount of \$157,000 for the local share of homestead exemptions.

(7 yes) (0 no)

**Item # 66-2013          Approval of Community Services Special Funds Budget**

Questions were answered by Russell Packett, Director of Community Services.

Moved by Frank J. Governali and Seconded by Katharine N. Ray

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve for inclusion in the Fiscal Year 2014 General Fund budget the amount of \$447,000 for the local taxation share of the Community Services budget and the full Community Services budget in the amount of \$1,609,067 in authorized expenditures and estimated revenues of \$1,609,067 is hereby approved.

(7 yes) (0 no)

**Item # 67-2013          Property Tax Levy Limit**

Moved by Frank J. Governali 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 \$6,551,082. The actual property tax levy for municipal purposes is \$5,633,863.

(7 yes) (0 no)

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Item # 68-2013 School Budget Approval

John Christie, School Board Chairman provided an overview of the decision of the School Board to pilot the kindergarten program.

Moved by Jessica L. Sullivan and Seconded by Frank J. Governali

VOTED: The Town of Cape Elizabeth hereby agrees to accept the following estimated state and federal funds:  
(7 yes) (0 no)

**Education**

State Education Subsidy:	\$2,192,506
Title IA:	\$ 26,000
Title IIA:	\$ 40,000
Local Entitlement:	\$ 345,000
Food Service State Subsidy	\$ 68,000

#1 VOTED: Cost Center Summary. That the Town of Cape Elizabeth appropriate **\$10,296,403** for Regular Instruction; **\$3,087,756** for Special Education; **\$46,604** for Career and Technical Education; **\$738,963** for Other Instruction; **\$2,122,848** for Student and Staff Support; **\$676,351** for System Administration; **\$1,142,210** for School Administration; **\$677,130** for Transportation; **\$2,451,222** for Facilities Maintenance; **\$1,288,591** for Debt Service; **\$0** for All Other Expenditures.

#2 VOTED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate **\$16,066,689.07** 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 **\$13,874,182.50** 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 **\$1,288,591** 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 **\$4,544,798.50** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$4,451,640.34** 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 **\$22,528,078** for the fiscal year beginning July 1, 2013 and ending June 30, 2014 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: Special Funds. That the town of Cape Elizabeth hereby appropriates, in addition to the school budget amounting to **\$22,528,078**, the sum of **\$1,016,000**, 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.

#7 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, 2013 and ending June 30, 2014.

**Item# 69-2013      Proposed FY 2014 General Fund Budget Summary Motion**

Moved by Jessica L. Sullivan and Seconded by James R. Wagner

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013, does hereby adopt the General Fund Budget for Fiscal Year 2014 with gross expenditures of \$33,226,169, and gross revenues of \$6,219,006 and with the amount of \$27,007,163 to be raised from taxation, and to fix Tuesday, October 1, 2013, and Tuesday, April 1, 2014, 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

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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 David S. Sherman, Jr. and Seconded by Frank J. Governali

ORDERED, the Cape Elizabeth Town Council votes to consider Item ##70 – 77 en bloc.

(7 yes) (0 no)

Moved by David S. Sherman, Jr. and Seconded by Frank J. Governali

ORDERED, the Cape Elizabeth Town Council approves Item ##70 – 77 as presented.

(7 yes) (0 no)

**Item# 70-2013 Cape Elizabeth Rescue Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2014 with approved expenditures of \$267,318.

**Item# 71-2013 Cape Elizabeth Sewer Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2014 with approved expenditures of \$1,831,309.

**Item# 72-2013 Cape Elizabeth Spurwink Church Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2014 with approved expenditures of \$10,847.

**Item# 73-2013 Cape Elizabeth Riverside Cemetery Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2014 with approved expenditures of \$52,640.

**Item# 74-2013 Portland Head Light Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2014 with approved expenditures of \$544,061.

**Item# 75-2013 Fort Williams Park Fund**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Fort Williams Park Special Fund Budget for Fiscal Year 2014 with approved expenditures of \$169,950.

**Item# 76-2013 Cape Elizabeth Infrastructure Improvement Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2014 with approved expenditures of \$0.

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**Item# 77-2013 Thomas Jordan Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, April 29, 2013 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2014 with approved expenditures of \$35,535.

**Item# 78-2013 Approval of Warrant for School Budget Vote on May 14, 2013**

Moved by David S. Sherman, Jr. and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the warrant for the school budget validation referendum for May 14, 2013 as presented.

(7 yes) (0 no)

**County of Cumberland, ss.**

**To Neil R. Williams, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.**

**School Budget Validation Referendum**

Do you favor approving the Town of Cape Elizabeth school budget for the upcoming school year that was adopted at the latest school budget meeting of the Town Council?

YES

NO

**The following is a non-binding expression of opinion for the consideration of the School Board and Town Council.**

I find the school budget adopted at the April 29, 2013 Town Council's school budget meeting to be:

TOO HIGH

ACCEPTABLE

TOO LOW

**School Budget Validation Referendum Process**

Do you wish to continue the budget validation referendum process in Cape Elizabeth for an additional three years?

YES

NO

**Informational Note**

A "YES" vote will require Cape Elizabeth to continue to conduct a referendum to validate its annual school budget for the next three years.

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A "NO" vote will discontinue the budget validation referendum for a least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the Town Council.

Election to be held on Tuesday, May 14, 2013, at the Cape Elizabeth High School Gymnasium.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

Absentee Ballot Processing:

Absentee ballots will be processed on Election Day, on the hour every hour until close, beginning at 7:00 a.m. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee and State Green Independent Party have also been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list on Election Day at the polls and prior to Election Day at Town Hall, 320 Ocean House Road. Town Hall is open Mondays 7:30 a.m. - 5:00 p.m. and Tuesday - Friday, 7:30 a.m. - 4:00 p.m. Proof of residency and identity is required.

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

**Adjournment**

Moved by Frank J. Governali and Seconded by David S. Sherman, Jr.  
ORDERED, the Cape Elizabeth Town Council adjourns at 7:59 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

\_\_\_\_\_  
Debra M. Lane, Town Clerk