



Cape Elizabeth Town Council Minutes

Monday, February 8, 2016

7:00 p.m.

Cape Elizabeth Town Hall

Martha "Molly" MacAuslan, Chair
James M. "Jamie" Garvin
Patricia K. Grennon
Caitlin R. Jordan
Sara W. Lennon
Katharine N. Ray
Jessica L. Sullivan

The meeting was convened at 7:00 p.m. by Town Council Chair Molly MacAuslan.

Roll Call by the Town Clerk

All members of the town council were present.

Debra M. Lane, Town Clerk
Michael K. McGovern, Town Manager

The Pledge of Allegiance to the Flag

Presentation of Ralph Gould Award to Norman Jordan

On behalf of the Cape Elizabeth Town Council, Councilor Jessica Sullivan presented Norman R. Jordan, Jr. the Ralph T. Gould Award for 2016. The award recognizes citizenship, community service and volunteerism. Mr. Jordan served on the first library building committee 2006-2008, the Senior Citizens Advisory Commission, the 250th Anniversary Committee and is a member of the Cape Elizabeth Historical Preservation Society to name a few. Mr. Jordan sells flowers and raspberries by the honor system at his home at 359 Ocean House Road. Congratulations Mr. Jordan.

Town Council Reports and Correspondence

Chair MacAuslan thanked those involved in the renovation of the Thomas Memorial Library; the ribbon cutting ceremony was this morning at 9:00 a.m. Superintendent Nadeau has accepted a position in New Hampshire and will be leaving at the end of the school year. The school board has hired a consultant to assist with the search. Best wishes to Superintendent Nadeau. The school board has announced their budget workshop schedule; see the school's website for details.

Councilor Grennon announced the opening events at the Thomas Memorial Library. Congratulations to all involved.

Councilor Jordan announced the next meeting of the Ordinance Committee on February 23rd at 1:30 p.m. The agenda will include the boards and commissions ordinance.

Finance Committee Report

Manager McGovern reviewed the finances to date.

Citizen Opportunity for Discussion of Items Not on the Agenda

Richard Moran, 62 Cross Hill Road referred to an article in The Sentry which said at its next appearance before the council the Spurwink Rod & Gun Club will seek recusal from Councilor Lennon on items regarding the club. Mr. Moran objects to the action “having opinions does not constitute a conflict of interest. If recusal is going to be considered for opinions it should also apply to Caitlin Jordan who has demonstrated her support of the club in newspapers and council meetings.” Citing the Boards and Commissions Ordinance 4-1-4 Mr. Moran stated members of the firing range committee have conflicts of interest. The town needs to (referring to the Firing Range Committee) “consider expectations moving forward and take a look at having a committee put together without built in conflicts of interest.”

Review of Draft Minutes of January 4, 2016

Moved by Jessica L. Sullivan and Seconded by Katherine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held January 4, 2016 as written.

(7 yes) (0 no)

Item # 33-2016 Rudy’s Annual Licenses

Moved by Sara W. Lennon and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the annual malt, vinous and spirituous liquor license for Rudy’s of the Cape at 517 Ocean House Road as presented.

(7 yes) (0 no)

Item #34-2016 Proposed Zoning Amendment Relating to a Village Green

Present – Maureen O’Meara, Town Planner

Public Hearing Proposed Village Green Zoning Amendment

Chair MacAuslan opened the hearing for public comments at 7:29 p.m.

Anne Carney, 21 Angell Point Road asked for clarification if the council was considering the version recommended by the planning board or the other version posted in the meeting materials. “The other version disrupts the uniformity and care in the original ordinance.”

Peter Curry, 8 Stonybrook Road, Planning Board Chairman commented on the planning board’s proposal.

Jonathan Sahrbeck, 60 Longfellow Drive, Member of the Planning Board encourages adoption of the planning board’s recommendation.

After hearing no further comments the hearing was closed at 7:39 p.m.

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Planning Board regarding the proposed amendment to Chapter 19 Zoning Ordinance relating to a village green.

(6 yes) (1 no Councilor Lennon)

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Item # 35-2016 Fort Williams Park Group Use Requests for 2016

Intro – Mr. McGovern

Present – Robert Malley, Director of Public Works

Moved by Patricia K. Grennon and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the following group use requests for Fort Williams Park in 2016 as recommended by the Fort Williams Advisory Commission as presented.
(7 yes) (0 no)

Cape Elizabeth Little League: March 25th through mid July- Parade Ground and Officers Row
Cape Elizabeth High School Rehearsals and Commencement – June 8th through 12th- Parade Ground
Family Fun Day: June 18th with rain date of June 19th- Parade Ground and picnic shelter
19th Annual TD Beach to Beacon 10K- August 2nd through 6th- Site Fee of \$25,000
American Cancer Society Breast Cancer 5K- October 16 –Site Fee of \$600

Item # 36 -2016 Proposal to Engage James Saffian as Bond Counsel

Intro – Mr. McGovern

Moved by Katharine N. Ray and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council appoints James Saffian of Pierce Atwood to serve as the Town's new bond counsel following the recent retirement of long-time bond counsel Bruce Coggeshall, Pierce Atwood.
(7 yes) (0 no)

Item # 37 -2016 Proposal to Bond Improvements to the Recycling Center

Intro – Mr. McGovern

Present – Robert Malley, Director of Public Works

Moved by Jessica L. Sullivan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the proposed bond improvements to the Recycling Center as presented.
(7 yes) (0 no)

**TOWN OF CAPE ELIZABETH, MAINE
Vote Authorizing Expenditures of up to \$1,400,000
for Improvements and Upgrades to the Town's Recycling Center
and the Issuance of Bonds Therefore**

Be it hereby voted by the Cape Elizabeth Town Council as follows:

VOTED: That expenditures of up to \$1,400,000 for improvements and upgrades to the Town's recycling center (the "Project") and for costs and expenses related thereto be and hereby are approved and authorized.

VOTED: In order to provide funds for such expenditures on the Project, the Treasurer be and hereby is authorized to borrow up to \$1,400,000 in the name of and on behalf of the Town and that to effect such borrowing, the Treasurer be and hereby is authorized to prepare, issue and sell bonds (and notes in anticipation thereof) in the aggregate principal

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amount not to exceed \$1,400,000 in the name of and on behalf of the Town, such bonds and notes to be signed by the Treasurer, countersigned by the Chairman of the Town Council and attested by the Town Clerk.

VOTED: The form, maturity, interest rate and other details of said bonds and notes shall be as determined by the Treasurer and the Chairman of the Town Council by their execution thereof, not inconsistent herewith, but the bonds shall have a final maturity not later than 20.5 years from their date of issuance.

VOTED: That to the extent available under Section 265(b)(2) of the Code, the Treasurer, with the advice of Bond Counsel, be and hereby is authorized to designate said bonds or notes as "qualified tax exempt obligations".

VOTED: The bonds and notes herein authorized shall be either sold at public sale upon sealed bid, or by negotiated sale in such manner as the Treasurer deems appropriate and in the best interest of the Town, and the Treasurer be and hereby is authorized to provide that any of the bonds and notes herein authorized be made callable, with or without premium, prior to their maturity.

VOTED: That the Town covenants and certifies that no part of the proceeds of the bonds or notes shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause such notes or bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

VOTED: That the Treasurer be and hereby is authorized to covenant in the name of and on behalf of the Town and for the benefit of the holders of the bonds or notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the bonds or notes will remain exempt from federal income taxes.

VOTED: That the Treasurer be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town such contracts, agreements (including a Bond Purchase Agreement), instruments, certificates and other documents as may be necessary or appropriate as determined and approved by the Treasurer in connection with the issuance of the bonds, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer such approval to be conclusively evidenced by his execution thereof.

VOTED: That the Treasurer be and hereby is authorized to engage Moors & Cabot, Inc. as financial advisor to the Town in connection with the issuance and sale of the bonds and to select the underwriter for the bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

VOTED: That the Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds and notes heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes for sale be and hereby is approved.

VOTED: That the Treasurer be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the bonds heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

VOTED: That the bonds heretofore authorized shall be transferable only on the registration books of the Town kept by the Transfer Agent, and said bonds of one maturity may be exchanged for an equal aggregate principal amount of the bonds of the same maturity

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(but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof (or such other minimum denomination as the Treasurer shall approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same.

VOTED: That the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds heretofore authorized in bookentry form pursuant to the Depository Trust Company BookEntry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of bonds, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company BookEntry Only System.

VOTED That the Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to bear the original signature of the Treasurer and Chairman of the Town Council.

VOTED: That the officers executing the bonds be and hereby are individually authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of such bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c212 of the Securities and Exchange Commission, if applicable, are met.

VOTED: That the Treasurer, Chairman of the Town Council and Clerk and other proper officials of the Town be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the bonds and notes hereinabove authorized.

VOTED: That if any of the officers of the Town who have signed or sealed the bonds or notes shall cease to be such officers before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the Town, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer; and also any such bonds or notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds, shall be the proper officers of the Town, although at the nominal date of such bonds any such person shall not have been such officer.

VOTED: That if the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds or any other documents necessary or convenient to the issuance, execution and delivery of the bonds or notes, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, be and hereby is authorized to act for such official with the same force and effect as if such official had performed such act.

VOTED: That the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are authorized to be used to pay issuance costs for the bonds, interest during construction, and debt service on the bonds, in that order of priority.

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VOTED: That the bonds or notes authorized hereby may, if so determined by the Treasurer, be combined with any other notes or bonds duly authorized by the Town of Cape Elizabeth and together issued as a single bond issue in the aggregate amount of the bonds or notes so authorized.

VOTED: That during the term any of the bonds are outstanding, the Treasurer be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 20.5 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The Treasurer be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Treasurer and the Chairman of the Town Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

VOTED: That these votes shall constitute the Town's official declaration of intent for purposes of Section 1.150 of the Internal Revenue Regulations, and to the extent that any costs of the Project are paid by the Town from the general fund or other fund, such payments may be reimbursed from the proceeds of said bonds or notes.

VOTED: That the question of incurring the expenditures authorized by the foregoing votes be submitted to the voters of the Town of Cape Elizabeth in a referendum election on June 14, 2016 and that the foregoing votes authorizing the expenditures shall not be effective unless approved by the voters in such referendum election, and if not so approved, the bonds and notes heretofore authorized to fund such expenditures shall not be issued.

Item # 38 -2016 Proposed Bond for Pool Improvements to Humidity Control System and Disinfectant System at the Donald Richards Community Pool.

Intro – Mr. McGovern

Present – Greg Marles, Director of Facilities and Transportation

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the proposed bond for pool improvements and humidity control system and disinfectant system at the Donald Richards Community Pool as presented.

(7 yes) (0 no)

TOWN OF CAPE ELIZABETH, MAINE

**Vote Authorizing Expenditures of up to \$700,000
for Improvements to the Donald Richards Community Pool
and the Issuance of Bonds Therefore**

Be it hereby voted by the Cape Elizabeth Town Council as follows:

VOTED: That expenditures of up to \$700,000 for a humidity control unit and for a disinfection system for the Donald Richards Community Pool (the "Project") and for costs and expenses related thereto be and hereby are approved and authorized.

VOTED: In order to provide funds for such expenditures on the Project, the Treasurer be and hereby is authorized to borrow up to \$700,000 in the name of and on behalf of the Town and that to effect such borrowing, the Treasurer be and hereby is authorized to prepare, issue and sell bonds (and notes in anticipation thereof) in the aggregate principal amount not to exceed \$700,000 in the name of and on behalf of the Town,

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such bonds and notes to be signed by the Treasurer, countersigned by the Chairman of the Town Council and attested by the Town Clerk.

VOTED: The form, maturity, interest rate and other details of said bonds and notes shall be as determined by the Treasurer and the Chairman of the Town Council by their execution thereof, not inconsistent herewith, but the bonds shall have a final maturity not later than 10.5 years from their date of issuance.

VOTED: That to the extent available under Section 265(b)(2) of the Code, the Treasurer, with the advice of Bond Counsel, be and hereby is authorized to designate said bonds or notes as "qualified tax exempt obligations".

VOTED: The bonds and notes herein authorized shall be either sold at public sale upon sealed bid, or by negotiated sale in such manner as the Treasurer deems appropriate and in the best interest of the Town, and the Treasurer be and hereby is authorized to provide that any of the bonds and notes herein authorized be made callable, with or without premium, prior to their maturity.

VOTED: That the Town covenants and certifies that no part of the proceeds of the bonds or notes shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause such notes or bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

VOTED: That the Treasurer be and hereby is authorized to covenant in the name of and on behalf of the Town and for the benefit of the holders of the bonds or notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the bonds or notes will remain exempt from federal income taxes.

VOTED: That the Treasurer be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town such contracts, agreements (including a Bond Purchase Agreement), instruments, certificates and other documents as may be necessary or appropriate as determined and approved by the Treasurer in connection with the issuance of the bonds, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer such approval to be conclusively evidenced by his execution thereof.

VOTED: That the Treasurer be and hereby is authorized to engage Moors & Cabot, Inc. as financial advisor to the Town in connection with the issuance and sale of the bonds and to select the underwriter for the bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

VOTED: That the Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds and notes heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes for sale be and hereby is approved.

VOTED: That the Treasurer be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the bonds heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

VOTED: That the bonds heretofore authorized shall be transferable only on the registration books of the Town kept by the Transfer Agent, and said bonds of one maturity may be exchanged for an equal aggregate principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof (or such other minimum denomination as the Treasurer shall approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his attorney duly authorized in

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writing. Upon each exchange or transfer of a bond the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same.

VOTED: That the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of bonds, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

VOTED That the Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to bear the original signature of the Treasurer and Chairman of the Town Council.

VOTED: That the officers executing the bonds be and hereby are individually authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of such bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

VOTED: That the Treasurer, Chairman of the Town Council and Clerk and other proper officials of the Town be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the bonds and notes hereinabove authorized.

VOTED: That if any of the officers of the Town who have signed or sealed the bonds or notes shall cease to be such officers before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the Town, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer; and also any such bonds or notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds, shall be the proper officers of the Town, although at the nominal date of such bonds any such person shall not have been such officer.

VOTED: That if the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds or any other documents necessary or convenient to the issuance, execution and delivery of the bonds or notes, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, be and hereby is authorized to act for such official with the same force and effect as if such official had performed such act.

VOTED: That the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are authorized to be used to pay issuance costs for the bonds, interest during construction, and debt service on the bonds, in that order of priority.

VOTED: That the bonds or notes authorized hereby may, if so determined by the Treasurer, be combined with any other notes or bonds duly authorized by the Town of Cape Elizabeth and together issued as a single bond issue in the aggregate amount of the bonds or notes so authorized.

VOTED: That during the term any of the bonds are outstanding, the Treasurer be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 10.5 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The Treasurer be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Treasurer and the Chairman of the Town Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

VOTED: That these votes shall constitute the Town's official declaration of intent for purposes of Section 1.150 of the Internal Revenue Regulations, and to the extent that any costs of the Project are paid by the Town from the general fund or other fund, such payments may be reimbursed from the proceeds of said bonds or notes.

Item # 39 -2016 Approval of Warrant and Ballot Question for June 14, 2016 Vote on Recycling Center referendum, school budget and school budget validation citizen vote reauthorization

Intro – Debra Lane, Town Clerk

Moved by Patricia K. Grennon and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the warrant and ballot question for the June 14, 2016 vote on the Recycling Center referendum, school budget and school budget validation citizen vote reauthorization as presented.

(7 yes) (0 no)

**TOWN OF CAPE ELIZABETH
SCHOOL BUDGET VALIDATION REFERENDUM
and
TOWN RECYCLING CENTER REFERENDUM
WARRANT
Tuesday, June 14, 2016**

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 referenda described in the warrant.

SCHOOL BUDGET QUESTIONS

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 XXX 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.

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.

=====

RECYCLING CENTER QUESTION

Recycling Center Project Referendum

Shall the Town Council vote authorizing expenditure of up to \$1,400,000 for improvements and upgrades to the Town’s Recycling Center be approved?

Yes No

TREASURER’S STATEMENT

The undersigned Treasurer of the Town of Cape Elizabeth, Maine hereby provides the following statement pursuant to 30-A MRSA §5772(2-A).

A. Town Debt:

- | | | |
|---------------------------------------------------------------------|---|--------------|
| 1. Bonds outstanding and unpaid | : | \$15,569,641 |
| 2. Bonds authorized but unissued: | | \$ 700,000 |
| 3. Bonds to be issued if the Recycling Center question is approved: | | \$ 1,400,000 |

B. Costs:

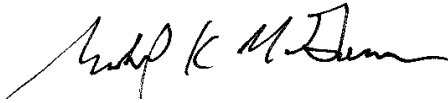
Assuming an average annual interest rate of 3.00%, and a 20 year term, the estimated cost of the new bonds will be:

Bond Principal:	\$1,400,000
<u>Estimated Interest Cost:</u>	<u>441,000</u>
Total Estimated Debt Service:	\$1,841,000

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C. Validity:

The foregoing represents an estimate of costs associated with the financing and such estimates will change due to market conditions. The validity of the voters' ratification of the bonds shall not be affected by any errors in the foregoing estimates and the ratification by the voters is conclusive and the validity of the bond issue is not affected by reason of any variance of actual costs from the estimates provided above.



Michael K. McGovern
Treasurer, Town of Cape Elizabeth

**REFERENDUM & SCHOOL BUDGET VALIDATION REFERENDUM
TOWN RECYCLING CENTER REFERENDUM
WARRANT**

Tuesday, June 14, 2016

Election to be held on Tuesday, June 14, 2016, 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 at 9:00 a.m. Monday, June 13, 2016 in the William H. Jordan Conference Room at Town Hall. If requested, inspection time is 9:00 – 10:00 a.m.

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.

Municipal Officers of Cape Elizabeth, Maine
Dated at Cape Elizabeth this _____ day of _____, 2016.

A true copy.
Attest: _____
Constable
Attest: _____
Town Clerk

The warrant and specimen ballots shall be posted at least 7 days prior to the election.

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State of Maine

Constable's Return

By virtue of the within warrant, to me directed, I have warned and notified the inhabitants of the Town of Cape Elizabeth, to assemble at the time and place for the purpose therein named, by posting attested copies of the within warrant at

**Town Hall
Community Center
Transfer Station
Thomas Memorial Library
Engine 1
Jordan's Farm**

the same being public and conspicuous places within the Town of Cape Elizabeth on the _____ day of May, the same being at least seven days before the time appointed for said election.

Dated at Cape Elizabeth, Maine this ____ day of _____, 2016.

Attest: _____
Constable, Town of Cape Elizabeth.

Item # 40 -2016 Proposed Grant for the Paving of Two Lights Road

Intro – Mr. McGovern

Present – Robert Malley, Director of Public Works

Moved by Jessica L. Sullivan and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the proposed grant with the Maine Department of Transportation as part of the PACTS Municipal Partnership Initiative to pay half the cost of \$242,000 for the paving of Two Lights Road and authorizes the town manager to sign the partnership agreement and subsequent documents to accomplish the project as presented. The local funds will come from the existing appropriation for roadway and drainage projects Account 0715-4009.

(7 yes) (0 no)

Item # 41 -2016 Truck Replacement

Intro – Mr. McGovern

Present – Robert Malley, Director of Public Works

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to replace the Public Works Department truck that has recently developed a crack in its frame at a cost not to exceed \$55,250.00 as presented. The funds will come from the unassigned fund balance.

(7 yes) (0 no)

Item # 42 -2016 Harbormaster Services

Intro – Mr. McGovern

Public Comments

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Nate Perry, 10 Pine Ridge Road asked the town council to hold off on entering into an agreement with Scarborough until the mooring holders had an opportunity to review the details of the agreement and have an opportunity to comment.

Jodie Jordan, 83 Old Ocean House Road asked the town council to hold off on entering an agreement with Scarborough and try to find someone local to take on the job.

Edward Perry, 10 Pine Ridge Road said there has been a “communication challenge” with the current harbormaster. He asks the town council to postpone entering into an agreement and notify mooring owners of the proposal and allow them an opportunity to comment.

Councilor Jordan stated she has family members with moorings however she does not.

Moved by James M. Garvin and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to negotiate with Scarborough for harbormaster services and to bring back to the town council for review an interlocal agreement and appointment of a new harbormaster.

Moved by Jessica L. Sullivan and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council requests the recusal of Councilor Jordan from voting and discussion on harbormaster services.

(2 yes) (5 no Councilors Garvin, Grennon, Jordan, Lennon and MacAuslan)

Original Motion: (7 yes) (0 no)

Note: It was agreed to send notices to mooring holders. Also Chief Williams will schedule a meeting to solicit comments.

Item # 43 -2016 Confirmation of Community Services Becoming a Municipal Department

Intro – Mr. McGovern

Moved by Sara W. Lennon and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council confirms that community services will become a municipal department effective July 1, 2016 as presented and the town manager will present a proposed community services budget for Fiscal Year 2017 to the town council concurrent with the presentation of the municipal budget.

(7 yes) (0 no)

Item # 44 -2016 Former Thomas Memorial Library Building

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council authorizes the formulation of a four member committee consisting of two school board members and two members of the town council to review reuse proposals for the former Thomas Memorial Library. The committee shall report back by May 9, 2016. The committee may recommend to the town manager the expenditure of up to \$25,000 from the library building improvement account (0715-4052) for any professional analysis needed of the building and its suitability for reuse.

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

ORDERED, the Cape Elizabeth Town Council amends the composition of the committee to include: one member of the town council, one member of the school board, one member of the historic preservation society, one member of the senior citizen advisory commission and one citizen at-large. (0 yes) (7 no Councilors Garvin, Grennon, Jordan, Lennon, MacAuslan, Ray and Sullivan)

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

ORDERED, the Cape Elizabeth Town Council amends the composition of the committee to add one citizen at-large to be appointed by the town council chair. (5 yes) (2 no Councilors Garvin and Ray)

Citizen Opportunity for Discussion of Items Not on the Agenda

Nate Perry, 10 Pine Ridge Road introduced himself and has an aquaculture business at Kettle Cove and is available if anyone has questions.

Item # 45 -2016 Annual Evaluation of the Town Manager

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 A. hereby enters into executive session at 9:06 p.m. to continue the annual evaluation process for the town manager. (7 yes) (0 no)

Moved by Patricia K. Grennon and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 10:24 p.m. (7 yes) (0 no)

Adjournment

Moved by Patricia K. Grennon and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council adjourns at 10:25 p.m. (7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk