



Cape Elizabeth Town Council Minutes

Monday, May 9, 2016

7:00 p.m.

Cape Elizabeth Town Hall

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

Town Council Reports and Correspondence

Councilor Grennon noted the next meeting of the Alternative Energy Committee is Tuesday, May 17. The council's spring outreach forum will be held at the Thomas Memorial Library on Wednesday, June 8 7-8:30 p.m. Citizens are welcome to ask questions, share thoughts and ideas.

Finance Committee Report

Mr. McGovern reviewed the dashboard and current financial status.

Citizen Opportunity for Discussion of Items Not on the Agenda

Tammy Walter, President Spurwink Rod & Gun Club, 1095 Sawyer Road said she is clarifying the hardship insurance seeking a license amendment. The cost of a \$1M policy is \$4,200 annually and the cost of a \$3M policy is \$7,100 annually.

Town Manager's Monthly Report

The fire department held its' annual appreciation night at the Purpoodock Club on Saturday, May 7. Several awards were presented including 40 years of service to Chief Peter Gleeson.

A town council goal for 2016 is to beautify the town center. Three projects will be completed; Tarbox triangle, in front of the Community Center rental offices and Pond Cove Elementary on the Scott Dyer Road side.

Review of Draft Minutes of April 11, 2016 and April 26, 2016 meetings.

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meetings held on April 11, 2016 and April 26, 2016 as written.

(6 yes) (0 no)

Item #58-2016 Receipt of Petitions Regarding Parking on Surf Road

Intro – Mr. McGovern

Present – Chief Neil Williams

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

ORDERED, the Cape Elizabeth Town Council sets a public hearing on Monday, June 13, 2016 at 7:00 p.m. at the Cape Elizabeth Town Hall on the proposed parking ban on the side of Surf Road closest to Fort Williams Park as petitioned by residents.

(7 yes) (0 no)

Sec. 13-2-3. No Parking at Any Time. There shall be no parking at any time:

- a. On the northerly side of Scott Dyer Road from Ocean House Road to Dearborn Drive;
- b. On the southerly side of Scott Dyer Road from the westerly entrance to the school buildings to its terminus at Ocean House Road; however, parking may be allowed in signed areas during any school construction project with the placement of signs authorized by the Chief of Police and the Fire Chief;
- c. On the easterly side of Shore Road, for a distance of 1600 feet southerly from its intersection with Lawson Road;
- d. On either side of paved way on Shore Road northerly from Route 77 to the northerly property line of 1226 Shore Road;
- e. On either side of Kettle Cove Road northerly from the Kettle Cove parking area to a point 150 feet northerly of the Kettle Cove Road/Fessenden Road intersection;
- f. on either side of Fessenden Road from its intersection with Kettle Cove Road northeasterly 600 feet toward Two Lights Road;
- g. On the easterly side of Ocean House Road between the driveway entrances on the northerly and southerly sides of the Town Hall;
- h. On either side of Two Lights Road easterly from its intersection with Dyer Lane, so-called, excepting within the Lobster Shack parking area;
- i. On either side of Two Lights Road between a point 500 feet easterly of the intersection of Two Lights Road and Tower Drive and a point some 600 feet easterly of the intersection of Beacon Lane (so-called) and Two Lights Road at the crest of the rise in Two Lights Road;
- j. On the southerly or non-beach side of Cottage Lane from Shore Road Surf Road;
- k. In a fire lane designated by the Fire Chief and the Police Chief and approved by the Town Manager;
- l. On either side of Woodland Road beginning at Mitchell Road and extending 390 feet in an easterly direction;
- m. On either side of Shore Road from the Chapel Road entrance of Fort Williams Park to Dyer Pond Road;
- n. On the southwesterly driveway connecting the Town Hall lot with Shore Road;
- o. On the westerly side of Preble Street, beginning at the intersection of Shore Road and extending 100' in a northerly direction; or
- p. On the southerly side of Gull Crest Drive. (The right hand side of Gull Crest Drive from Spurwink Ave until parking area)

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q. On either side of Surf Road northerly from 60 feet northerly of Keyes Lane to the terminus of Surf Road at Garden Circle and On the southeasterly side of Surf Road beginning at Shore Road and extending to Garden Circle and on either side of Surf Road northerly from 60 feet northerly of Keyes Lane to the terminus of Surf Road at Garden Circle

r. On the northerly side of Cottage Lane from Maiden Cove Lane to Garden Circle.

Item #59-2016 Inn by the Sea Annual Licenses

Intro – Debra Lane, Town Clerk

Present – Mike Briggs, General Manager

Councilor Jordan noted her family does business with the Inn By The Sea.

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

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, vinous and spirituous licenses and special amusement permit for the Inn by the Sea at 40 Bowery Beach Road as presented.

(7 yes) (0 no)

Public Hearing on the Fiscal Year 2017 Budget

Item # 60-2016

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

ORDERED, the Cape Elizabeth Town Council tables Item ##60-65 to a special meeting to be held on Thursday, May 19, 2016 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby adopt the municipal budget for Fiscal Year 2017 and hereby makes the following gross appropriations for each listed department.

Expenditures by Department		BUDGET FY 2017
110	ADMINISTRATION	587,484
120	ASSESSING/CODES PLANNING	428,315
130	TOWN COUNCIL	500
135	LEGAL AND AUDIT	79,000
140	ELECTIONS	34,785
150	BOARDS AND COMMISSIONS	24,506
530	PUBLIC INFORMATION	60,812
160	INSURANCE	105,000
170	EMPLOYEE BENEFITS	1,382,000
180	DEBT SERVICE	1,368,908
520	CONTRIBUTIONS	45,414
710	INTERGOVT. ASSESSMENTS	61,598
210	POLICE DEPARTMENT	1,324,242
215	ANIMAL CONTROL	25,128

220	PUBLIC SAFETY COMMUNICATIONS	182,775
225	WETeam	24,267
230	FIRE DEPARTMENT	358,311
235	FIRE POLICE UNIT	13,504
240	MISC. PUBLIC PROTECTION	158,000
250	EMERGENCY PREPAREDNESS	4,652
310	PUBLIC WORKS	1,197,279
320	REFUSE DISPOSAL/RECYCLING	504,126
410	HUMAN SERVICES	53,659
510	LIBRARY	545,425
600	FACILITIES MANAGEMENT	222,120
610	TOWN HALL	21,998
615	LIBRARY BUILDING	42,575
620	TOWN CENTER FIRE STATION	21,414
630	POLICE STATION	61,650
621	COMMUNITY CENTER BUILDING	148,953
622	DONALD RICHARDS POOL FACILITY	222,606
631	CAPE COTTAGE FIRE STATION	6,449
640	PARKS & TOWN LANDS	114,831
633-638	COMMUNITY SERVICES	1,210,311
641	SCHOOL GROUNDS	163,047
645	FORT WILLIAMS PARK	272,609
660	TREES	24,432
715	CAPITAL PROJECTS	950,000

Item # 61-2016 School Budget Approval

1. ORDERED: Cost Center Summary. That the Town of Cape Elizabeth appropriate the following:

Regular Instruction	\$11,400,565
Special Education	\$ 3,005,866
Career and Technical Education	\$ 55,172
Other Instruction	\$ 862,936
Student and Staff Support	\$ 2,544,843
System Administration	\$ 745,285
School Administration	\$ 1,125,134
Transportation	\$ 822,358
Facilities Maintenance	\$ 3,171,087
Debt Service	\$ 522,000
All Other Expenditures	\$ 32,299

2. ORDERED: State/Local EPS Funding Allocation. That the Town of Cape Elizabeth appropriate **\$16,718,216** 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 **\$14,093,262** 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.

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3. ORDERED: Non-State Funded Debt Service. That the Town of Cape Elizabeth raise and appropriate **\$522,000** 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. ORDERED: Additional Local Funds. That the Town of Cape Elizabeth raise and appropriate **\$6,239,013** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$5,843,942** 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. ORDERED: Total School Budget Summary. That the Town of Cape Elizabeth authorize the School Board to expend **\$24,287,545** for the fiscal year beginning July 1, 2016 and ending June 30, 2017 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. ORDERED: Special Funds. Shall the Town of Cape Elizabeth authorize the School Board to expend sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs, or other sources do not require the expenditure of other funds not previously appropriated.

Item # 62-2016 Approval of Cumberland County Assessment

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve for inclusion in the Fiscal Year 2017 budget the assessment from Cumberland County for 2016 amounting to \$1,171,612.

Item # 63-2016 Approval of Local Homestead Exemption Funds

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve for inclusion in the Fiscal Year 2017 budget the amount of \$312,000 for the local share of homestead exemptions.

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Item # 64-2016 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 \$7,102,688.

Item # 65-2016 Proposed FY 2017 General Fund Budget Summary Motion

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016, does hereby adopt the General Fund Budget for Fiscal Year 2017 with gross expenditures of \$37,899,281, and gross revenues of \$8,383,270 and with the amount of \$29,516,011 to be raised from taxation, and to fix Monday, October 3, 2016, and Monday, April 3, 2017 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.

	FY 2016	FY 2017	\$ Change	% Change
	BUDGET	BUDGET	FY 16 to FY 17	FY 16 to FY 17
EXPENDITURES				
TOTAL MUNICIPAL	\$ 11,613,020	\$ 12,052,688	\$ 439,668	3.8%
COUNTY ASSESSMENT	\$ 1,171,612	\$ 1,247,048	\$ 75,436	6.4%
Local Homestead Exemption	\$ 199,200	\$ 312,000	\$ 112,800	56.6%
SCHOOL DEPARTMENT	\$ 23,536,649	\$ 24,287,545	\$ 750,896	3.2%
	\$ 36,520,481	\$ 37,899,281	\$ 1,378,800	3.8%
REVENUE				
TOTAL MUNICIPAL	\$ 4,748,749	\$ 4,950,000	\$ 201,251	4.2%
SCHOOL DEPARTMENT	\$ 3,627,183	\$ 3,433,270	\$ (193,913)	-5.3%
TOTAL	\$ 8,375,932	\$ 8,383,270	\$ 7,338	0.1%
NET TO TAXES				
TOWN SERVICES	\$ 6,864,271	\$ 7,102,688	\$ 238,417	3.5%
Local Homestead Exemption	\$ 199,200	\$ 312,000	\$ 112,800	56.6%
COUNTY ASSESSMENT	\$ 1,171,612	\$ 1,247,048	\$ 75,436	6.4%
SCHOOL DEPARTMENT	\$ 19,909,466	\$ 20,854,275	\$ 944,809	4.7%
TOTAL	\$ 28,144,549	\$ 29,516,011	\$ 1,133,045	4.0%
TAX RATES (Rounded to nearest ¢)				
Local Homestead Exemption	\$ 0.12	\$ 0.18	\$ 0.06	50.0%
TOTAL MUNICIPAL	\$ 4.12	\$ 4.22	\$ 0.10	2.4%
COUNTY ASSESSMENT	\$ 0.70	\$ 0.74	\$ 0.04	5.6%
SCHOOL DEPARTMENT	\$ 11.94	\$ 12.40	\$ 0.46	3.8%
TOTAL	\$ 16.88	\$ 17.54	\$ 0.66	3.9%
			\$ -	
TAX RATE VALUATION BASIS	1,668,000,000	1,682,000,000	\$ 14,000,000.00	0.8%

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Item# 66-2016 Cape Elizabeth Rescue Fund Budget

Moved by Katharine N. Ray and Seconded by Sara W. Lennon

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2017 with approved expenditures of \$440,936 and approved revenues of \$390,000.

(7 yes) (0 no)

Item# 67-2016 Cape Elizabeth Sewer Fund Budget

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2017 with approved expenditures of \$1,951,587 and approved revenues of \$2,000,300.

(7 yes) (0 no)

Item# 68-2016 Cape Elizabeth Spurwink Church Fund Budget

Moved by Katharine N. Ray and Seconded by James M. Garvin

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2017 with approved expenditures of \$9,209 and approved revenues of \$4,700.

(7 yes) (0 no)

Item# 69-2016 Cape Elizabeth Riverside Cemetery Fund Budget

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2017 with approved expenditures of \$55,784 and approved revenues of \$44,500.

(7 yes) (0 no)

Item# 70-2016 Portland Head Light Fund Budget

Moved by Katharine N. Ray and Seconded by Sara W. Lennon

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2017 with approved expenditures of \$555,800 and approved revenues of \$543,230.

(7yes) (0 no)

Item# 71-2016 Fort Williams Park Fund

Moved by Katharine N. Ray and Seconded by James M. Garvin

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Fort Williams Park Special Fund Budget for Fiscal Year 2017 with approved expenditures of \$484,100 and approved revenues of \$195,650.

(7 yes) (0 no)

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Note: A town council goal for 2016 is to; Review and approve a conceptual plan for the bleacher area of Fort Williams Park. The Fort Williams Advisory Commission has recommended \$440,000 for the engineering and design of an amphitheatre. There will be further opportunity for citizen input and town council review and discussion of this recommendation prior to moving forward with the recommendation.

Item# 72-2016 Cape Elizabeth Infrastructure Improvement Fund Budget

Moved by Katharine N. Ray and Seconded by Sara W. Lennon

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2017 with approved expenditures of \$0 and approved revenues of \$30,000.
(7 yes) (0 no)

Item# 73-2016 Thomas Jordan Fund Budget

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

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2017 with approved expenditures of \$52,035 and approved revenues of \$40,000.
(7 yes) (0 no)

Item# 74-2016 Land Acquisition Fund Budget

Moved by Katharine N. Ray and Seconded by James M. Garvin

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 9, 2016 does hereby approve the Land Acquisition Fund Budget for Fiscal Year 2017 with approved expenditures of \$0 and approved revenues of \$32,014.
(7 yes) (0 no)

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Summary of Items # 66-74: Shown for summary purposes.

	Actual	Budget	Estimated	Budget	\$ Change	% Change
Expenditures	FY 2015	FY 2016	FY 2016	FY 2017	2016 to 2017	2016 to 2017
Cape Elizabeth Rescue Fund	\$ 223,479	\$ 340,177	\$ 340,177	\$ 440,936	\$ 100,759	29.6%
Cape Elizabeth Sewer Fund	\$ 1,746,767	\$ 1,904,798	\$ 1,904,798	\$ 1,951,587	\$ 46,789	2.5%
Spurwink Church Fund	\$ 7,058	\$ 9,209	\$ 9,209	\$ 9,209	\$ -	0.0%
Riverside Cemetery Fund	\$ 47,048	\$ 54,019	\$ 54,019	\$ 55,784	\$ 1,765	3.3%
Fort Williams Park Capital Fund	\$ 60,641	\$ 174,010	\$ 88,859	\$ 485,600	\$ 311,590	179.1%
Portland Head Light Fund	\$ 485,599	\$ 545,330	\$ 545,330	\$ 543,230	\$ (2,100)	-0.4%
Thomas Jordan Fund	\$ 24,650	\$ 35,535	\$ 35,535	\$ 52,035	\$ 16,500	46.4%
Infrastructure Improvement Fund	\$ -	\$ -	\$ -	\$ -	\$ -	
Land Acquisition Fund	\$ -	\$ -	\$ -	\$ -	\$ -	
Use of General Fund carry Forward				\$ 107,000		
Total Budget	\$ 2,595,242	\$ 3,063,078	\$ 2,977,927	\$ 3,538,381	\$ 475,303	15.5%
	Actual	Budget	Estimated	Budget	\$ Change	% Change
Revenues	FY 2015	FY 2016	FY 2016	FY 2017	2016 to 2017	2016 to 2017
Cape Elizabeth Rescue Fund	\$ 246,069	\$ 360,000	\$ 360,000	\$ 390,000	\$ 30,000	8.3%
Cape Elizabeth Sewer Fund	\$ 2,028,539	\$ 1,955,300	\$ 1,955,300	\$ 2,000,300	\$ 45,000	2.3%
Spurwink Church Fund	\$ 4,528	\$ 4,700	\$ 4,700	\$ 4,700	\$ -	0.0%
Riverside Cemetery Fund	\$ 51,269	\$ 44,500	\$ 44,500	\$ 44,500	\$ -	0.0%
Fort Williams Park Capital Fund	\$ 182,815	\$ 173,550	\$ 173,550	\$ 195,650	\$ 22,100	12.7%
Portland Head Light Fund	\$ 578,286	\$ 547,200	\$ 547,200	\$ 555,800	\$ 8,600	1.6%
Thomas Jordan Fund	\$ 20,144	\$ 40,000	\$ 40,000	\$ 40,000	\$ -	0.0%
Infrastructure Improvement Fund	\$ 150,745	\$ 30,000	\$ 30,000	\$ 30,000	\$ -	0.0%
Land Acquisition Fund	\$ 32,914	\$ 32,914	\$ 32,914	\$ 32,914	\$ -	0.0%
Total Revenues	\$ 3,295,309	\$ 3,188,164	\$ 3,188,164	\$ 3,293,864	\$ 105,700	3.3%

Item# 75-2016 Land Acquisition Fund Appropriation

Councilor Garvin noted he lives in close proximity to the lot and has a relationship with several of the abutters.

Intro – Mr. McGovern

Present – Maureen O’Meara, Town Planner

Moved by Katharine N. Ray and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to purchase a 0.89+- acre lot adjacent to 8 Rock Wall Lane for conservation purposes and authorizes the expenditure of \$75,000 from the Land Acquisition Fund for the purchase and such additional small amounts needed for filing fees etc. related to the purchase as presented.

(7 yes) (0 no)

Item# 76-2016 Consent Agreement Approval

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves a proposed consent agreement for a zoning ordinance violation involving a setback at 10 Star Road to Scott & Cheryl Joys including imposing a fine in the amount of \$5,000 to be credited to miscellaneous revenue and the reimbursement of legal costs of up to \$2,000 as presented.

(7 yes) (0 no)

Item# 77-2016 Spurwink Rod and Gun Club Insurance Hardship Request

Intro – Mr. McGovern

Thomas Leahy, Town Attorney was present to answer questions and explain the possible effect of LD 1500 , a new statute relating to municipal regulation of shooting ranges, passed by the Legislature effective 7/29/2016.

Public Comment

Albert Hutchinson, 13 Apple Tree Lane opposes the reduction. Asked why the town council would want to reduce the insurance. If a suit exceeds \$1M then what happens?

Eric Stephanus 2 Tiger Lily Lane against the reduction because of the “risk to the taxpayer for suits more than \$1M.”

Mark Mayone, Former President of the Spurwink Rod & Gun Club stated the Club has increased dues 100% in 5 years. The Club continues to try to be a “productive member of the community.”

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

ORDERED, the Cape Elizabeth Town Council upon the application of the Spurwink Rod & Gun Club (“Applicant”) dated April 10, 2016 for an amendment to its shooting range license, currently limited by prior Council order to operation of its 25 yard range, to reduce the requirement minimum liability insurance from \$3,000,000.00 per occurrence to \$1,000,000.00 per occurrence.

The Town Council finds the enforcement of the Town’s Shooting Range Ordinance, Chapter 24 (“Ordinance”) requiring \$3,000,000.00 per occurrence in liability coverage would result in a hardship to the Applicant due to the significantly greater cost associated with such liability coverage as opposed to \$1,000,000.00 per occurrence coverage.

The Town Council further finds:

1. The hardship results from the literal application of the specific provisions of the Ordinance;
2. The hardship relates to the Applicant’s specific shooting range, which pre-dates the Ordinance;
3. The hardship was not self-induced or self-created by the Applicant after the effective date of the Ordinance;

4. The hardship is peculiar to the Applicant's shooting range in that it is the only current licensed shooting range in the Town;
5. There are unique conditions pertaining to the Applicant's shooting range, it having existed in the Town, at its current location since the 1950's;
6. Imposing the \$3,000,000.00 per occurrence liability coverage, given the cost and availability of such greater insurance, and the limited revenues and assets of the Applicant, would likely deprive the Applicant of its right to continue to operate its existing facility;
7. Reducing the required \$3,000,000.00 per occurrence liability coverage to \$1,000,000.00 per occurrence liability coverage will not materially affect the safety of the surrounding neighborhoods or the general public welfare as the Applicant's current operations, limited to its 25 yard range, has been determined to meet the Town's safety standards; and
8. The requested reduction in insurance coverage does not serve to eliminate the Ordinance requirement of a licensed range to maintain liability insurance and reducing the Applicant's insurance requirement to \$1,000,000.00 is the minimum allowed reduction to allow for the continued operation of the Applicant's range.

Based upon the above findings, the Applicant's request for an amendment to its current license to operate its range by reducing its required minimum liability insurance from \$3,000,000.00 per occurrence to \$1,000,000.00 per occurrence is granted.

(6 yes) (1 no Councilor Garvin)

Item# 78-2016 Appointments to Voter Registration Appeals Board

Intro – Debra Lane, Town Clerk

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

ORDERED, the Cape Elizabeth Town Council appoints Democrats Nolan L. Reichl, 1 Rock Crest Drive and alternate Karen M. Hessel, 45 Wildwood Drive and Republicans Janet M. Corey, 27 Trundy Road and alternate Timothy L. Thompson, 6 Pine Ridge Road to the Registration Appeals Board as recommended by the Town committees. The terms are effective immediately to expire May 9, 2019.

(7 yes) (0 no)

Item# 79-2016 Scott Dyer Road Paving Grant Request

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council endorses the grant request in the amount of \$247,000 from the Maine Department of Transportation through PACTS to help with paving Scott Dyer Road between Route 77 and Brentwood Road as presented.

(7 yes) (0 no)

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Item# 80-2016 Acceptance of Sculpture

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Library Building Committee to utilize funds donated by the Thomas Memorial Library Foundation for the placement of a sculpture to the left of the new main entrance of the library and to authorize the town manager to accept the gift of the sculpture and to submit an application to the planning board for an amendment to the approved site plan for the Thomas Memorial Library.

(7 yes) (0 no)

Item# 81-2016 Paper Street Update

Intro – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council refers the continued discussion on paper streets to a town council workshop on May 19, 2016 at 7:00 p.m. at the Cape Elizabeth Town Hall to discuss next steps and specific recommendations.

(7 yes) (0 no)

Item# 82-2016 Use of Pesticides on Municipal Property

Intro – Councilor Lennon

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

ORDERED, the Cape Elizabeth Town Council accepts the report from Robert C. Malley Director of Public Works dated May 2, 2016 Re: Update on Progress of Town Council Goal: Consider banning the use of all pesticides on town-owned property and endorses the plan to gradually proceed, as outlined in the report, to move to use of organics subject to annual review at budget review sessions of the budget for fields’ maintenance.

(7 yes) (0 no)

Item# 83-2016 Library Project Budget Update

Mr. McGovern provided a financial update on the library project.

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the financial update on the Thomas Memorial Library project.

(7 yes) (0 no)

See below.

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		Appropriation	To Date	Construction Cost	
7557270	Library Construction	\$ 3,541,263	\$ 3,624,524		
7555271	Soft Costs	\$ 292,927	\$ 383,671		
7555272	Legal and Bond Fees	\$ 25,000	\$ 42,763	\$ 4,050,958	
7555274	Reimbursement to General Fund	\$ 240,810	\$ 240,180		
7555275	Reimbursement to Infrastructure Fund	\$ 100,000	\$ 100,000		
7555276	Library Furnishings	\$ 570,062	\$ 481,830		
7154052	Library Building Improvements- (Spurwink School)	\$ 458,527	\$ 241,966	\$ (82,688)	Pd Above in Lib Const
		\$ 5,228,589	\$ 5,114,934	\$ 3,968,270	Construction Cost
	Voter Authorized		\$ 4,200,000		
	Amount Appropriated in Library Bldg Improvements		\$ 458,527		
	Furnishings Donations		\$ 570,062		
	Amount Available		\$ 5,228,589		
	Project Spend		\$ 5,114,934		
	Reserve for Project Closeout		\$ 25,000		
	Balance Remaining for Spurwink School		\$ 88,655		

Library Construction Appropriation Inc, \$200,000 Contingency
Amount received for Furnishings Included Amts inc in 7557270
Retainage of \$50,000 included as if spent

The library building improvements account consisted of money appropriated in various budgets before the citizen vote in order to pay for advance costs of the library for design etc and for renovations to the Spurwink School for temporary library use. \$240,000 of the \$458,527 was paid back to the general fund by the library project account. \$88,655 remains as a balance. Thus, \$129,872 was the true cost to the general fund of the amounts provided in the general fund to renovate the Spurwink School.

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.
None

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May 9, 2016**

Item # 84-2016 Executive Session to Review Land Acquisition/Disposition Matters and to review an Application for a Hardship Abatement of Property Taxes

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

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 F hereby enters into executive session at 9:17 p.m. for

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; (in this instance a review of a hardship tax abatement request made under 36 MRSA §841).

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:36 p.m.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council denies the request for a hardship abatement of property taxes as other resources are available.

(6 yes) (1 no Councilor Jordan)

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:38 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk