



## **Cape Elizabeth Town Council Agenda**

**Monday, May 14, 2018**

**7:00 p.m. Cape Elizabeth Town Hall**

**Council Chambers**

Jessica L. Sullivan, Chairman  
James M. "Jamie" Garvin  
Caitlin R. Jordan  
Penelope A. Jordan  
Sara W. Lennon  
Valerie A. Randall  
Christopher M. Straw

### **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 is pertinent. 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.

### **Convening by Town Council Chairman Jessica L. Sullivan**

### **The Pledge of Allegiance to the Flag**

### **Roll Call by the Town Clerk**

### **Town Council Reports and Correspondence**

### **Review and Discussion – Fiscal Year 2017 Audit Results**

The town council and school board have met twice in workshop session, January 8 and March 14, 2018, relating to the fiscal year 2017 (July 1, 2016 – June 30, 2017) audit results. Due to the results of the municipal audit, Jennifer Connors of Runyon Kersteen Ouellette will be available to provide information on steps taken to correct items identified as significant deficiencies, as well as future actions to insure ongoing remediation. Ms. Connors was originally scheduled for April 9 however was unavailable due to illness.

**Finance Committee Report**  
[Dashboard](#) and Financial Reports as of 4/30/2018

- [Appropriation Control](#)
- [Expense Distribution](#)
- [Revenue Control](#)
- [Revenue Distribution](#)

**Citizen Opportunity for Discussion of Items Not on the Agenda**

**Town Manager’s Monthly Report**

**Review of Draft Minutes of [April 9, 2018](#) and Special Meetings held on [May 1](#) and [May 7, 2018](#)**

**Item ##71 – 76 Tabled from May 7, 2018**

It is in order for the town council to remove Item ##71 – 76 from the table for action.

**Item #71-2018          Municipal Budget Approval**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 7, 2018 does hereby adopt the municipal budget for Fiscal Year 2019 and hereby makes the following gross appropriations for each listed department.

	<b>Expenditures by Department</b>	<b>Budget FY 2019</b>
<b>110</b>	<b>ADMINISTRATION</b>	<b>\$ 619,268</b>
<b>120</b>	<b>ASSESSING/CODES PLANNING</b>	<b>\$ 394,897</b>
<b>130</b>	<b>TOWN COUNCIL</b>	<b>\$ 500</b>
<b>135</b>	<b>LEGAL AND AUDIT</b>	<b>\$ 110,000</b>
<b>140</b>	<b>ELECTIONS</b>	<b>\$ 38,576</b>
<b>150</b>	<b>BOARDS AND COMMISSIONS</b>	<b>\$ 19,506</b>
<b>530</b>	<b>PUBLIC INFORMATION</b>	<b>\$ 65,409</b>
	<b>Subtotal General Government</b>	<b>\$ 1,248,156</b>
<b>160</b>	<b>INSURANCE</b>	<b>\$ 108,000</b>
<b>170</b>	<b>EMPLOYEE BENEFITS/HR SUPPORT</b>	<b>\$ 1,429,500</b>
<b>180</b>	<b>DEBT SERVICE</b>	<b>\$ 1,365,841</b>
<b>520</b>	<b>CONTRIBUTIONS</b>	<b>\$ 120,414</b>
<b>710</b>	<b>INTERGOVT. ASSESSMENTS</b>	<b>\$ 77,624</b>
	<b>Subtotal-Nondistributed</b>	<b>\$ 3,101,379</b>

210	POLICE DEPARTMENT	\$	1,477,465
215	ANIMAL CONTROL	\$	25,620
220	PUBLIC SAFETY COMMUNICATIONS	\$	192,593
225	WETeam	\$	24,392
230	FIRE DEPARTMENT	\$	460,212
235	FIRE POLICE UNIT	\$	14,204
240	MISC. PUBLIC PROTECTION	\$	160,158
250	EMERGENCY PREPAREDNESS	\$	4,986
	Subtotal-Public Safety	\$	2,359,630
310	PUBLIC WORKS	\$	1,315,779
320	REFUSE DISPOSAL/RECYCLING	\$	517,068
	Subtotal-Public Works	\$	1,832,847
410	HUMAN SERVICES	\$	53,995
510	LIBRARY	\$	547,306
600	FACILITIES MANAGEMENT	\$	255,482
610	TOWN HALL	\$	23,141
615	LIBRARY BUILDING	\$	42,328
620	TOWN CENTER FIRE STATION	\$	25,372
621	COMMUNITY CENTER BUILDING	\$	74,950
622	DONALD RICHARDS POOL FACILITY	\$	224,157
630	POLICE STATION	\$	54,616
631	CAPE COTTAGE FIRE STATION	\$	6,735
	Subtotal-Facilities	\$	706,781
633	COMMUNITY SERVICES ADMINISTRATION	\$	274,363
634	FITNESS CENTER	\$	61,888
635	RICHARDS POOL PROGRAMS	\$	231,724
636	COMMUNITY SVCS ADULT PROGRAMS	\$	119,614
637	COMMUNITY SERVICES YOUTH PROGRAMS	\$	419,799
638	CAPE CARE	\$	138,467
640	PARKS & TOWN LANDS	\$	109,103
641	SCHOOL GROUNDS	\$	170,678
645	FORT WILLIAMS PARK	\$	236,352
660	TREES	\$	25,613
	Subtotal-Parks and Recreation	\$	1,787,601
715	CAPITAL PROJECTS	\$	741,900

**Item #72- 2018      School Budget Approval**

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

Regular Instruction	<u>\$ 12,268,865</u>
Special Education	<u>\$ 3,377,782</u>
Career and Technical Education	<u>\$ 0</u>
Other Instruction	<u>\$ 886,866</u>
Student and Staff Support	<u>\$ 2,626,017</u>
System Administration	<u>\$ 763,056</u>
School Administration	<u>\$ 1,163,413</u>
Transportation	<u>\$ 820,343</u>
Facilities Maintenance	<u>\$ 3,180,055</u>
Debt Service	<u>\$ 492,050</u>
All Other Expenditures	<u>\$ 62,829</u>
Total Appropriations	<u>\$ 25,641,276</u>

2. ORDERED: **State/Local EPS Funding Allocation**. That the Town of Cape Elizabeth appropriate **\$16,812,487** 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 **\$15,566,076** 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. ORDERED: **Non-State Funded Debt Service**. That the Town of Cape Elizabeth raise and appropriate **\$492,050** 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: **Food Service Transfer**. That the Town of Cape Elizabeth raise and appropriate **\$62,829** to transfer to the Food Service Program.

*Explanation: Monies raised for Food Service are not to be included in the calculation of the Local Additional Funds article because they are outside of the State's Essential Programs and Services funding model.*

5. ORDERED: **Additional Local Funds**. That the Town of Cape Elizabeth raise and appropriate **\$7,751,344** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$7,751,344** 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.*

6. ORDERED: **Total School Budget Summary**. That the Town of Cape Elizabeth authorizes the School Board to expend **\$25,641,276** for the fiscal year beginning July 1, 2018 and ending June 30, 2019 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.
7. ORDERED: **Special Funds**. That the Town of Cape Elizabeth authorizes 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.
8. ORDERED: Changes in Anticipated State Subsidy (50% to reduce taxes/50% to fund balance): That in the event the Town receives more state general purpose aid for education than the \$1,246,411 amount included in the school budget, the Town shall use 50% of the extra amount to reduce the amount of taxes raised for the school budget, and 50% to supplement the school department unassigned fund balance; and that in the event the amount of that state aid is less than the amount included in the school budget, the Town Treasurer shall execute a journal entry in the amount of any shortfall to be debited from.

**Item #73-2018            Approval of Cumberland County Assessment**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 7, 2018 does hereby approve for inclusion in the Fiscal Year 2019 budget the assessment from Cumberland County for 2019 amounting to \$1,392,240.

**Item #74-2018            Approval of Local Homestead Exemption Funds**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 7, 2018 does hereby approve for inclusion in the Fiscal Year 2019 budget the amount of \$300,000 for the local share of homestead exemptions.

**Item #75-2018            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 \$7,456,365.

## Item #76-2018 Proposed FY 2019 General Fund Budget Summary Motion

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 7, 2018, does hereby adopt the General Fund Budget for Fiscal Year 2019 with gross expenditures of \$39,701,890, and gross revenues of \$6,800,984 and with the amount of \$32,900,906 to be raised from taxation, and to fix Monday, October 1, 2018, and Monday, April 1, 2019 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 eight percent (8.00%) 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 2018	FY 2019	\$ Change	% Change
	BUDGET	BUDGET	FY 18 to FY 19	FY 18 to FY 19
<b><u>EXPENDITURES</u></b>				
TOTAL MUNICIPAL	\$ 12,137,599	\$ 12,368,374	\$ 230,775	1.9%
COUNTY ASSESSMENT	\$ 1,331,050	\$ 1,392,240	\$ 61,190	4.6%
Local Homestead Exemption	\$ 375,630	\$ 300,000	\$ (75,630)	-20.1%
SCHOOL DEPARTMENT	\$ 24,879,013	\$ 25,641,276	\$ 762,263	3.1%
	\$ 38,723,292	\$ 39,701,890	\$ 978,598	2.5%
<b><u>REVENUE</u></b>				
TOTAL MUNICIPAL	\$ 4,938,670	\$ 5,032,007	\$ 93,337	1.9%
SCHOOL DEPARTMENT	\$ 3,332,211	\$ 1,768,977	\$ (1,563,234)	-46.9%
TOTAL	\$ 8,270,881	\$ 6,800,984	\$ (1,469,897)	-17.8%
<b><u>NET TO TAXES</u></b>				
TOWN SERVICES	\$ 7,198,929	\$ 7,336,367	\$ 137,438	1.9%
Local Homestead Exemption	\$ 375,630	\$ 300,000	\$ (75,630)	-20.1%
COUNTY ASSESSMENT	\$ 1,331,050	\$ 1,392,240	\$ 61,190	4.6%
SCHOOL DEPARTMENT	\$ 21,546,802	\$ 23,872,299	\$ 2,325,497	10.8%
TOTAL	\$ 30,452,411	\$ 32,900,906	\$ 2,448,495	8.0%
<b><u>TAX RATES (Rounded to nearest ¢)</u></b>				
Local Homestead Exemption	\$ 0.22	\$ 0.18	\$ (0.05)	-20.6%
TOTAL MUNICIPAL	\$ 4.25	\$ 4.31	\$ 0.06	1.4%
COUNTY ASSESSMENT	\$ 0.79	\$ 0.82	\$ 0.03	4.0%
SCHOOL DEPARTMENT	\$ 12.74	\$ 14.03	\$ 1.29	10.1%
TOTAL	\$ 18.00	\$ 19.33	\$ 1.33	7.4%
TAX RATE VALUATION BASIS	1,692,995,900	\$ 1,702,025,100	\$ 9,029,200.00	0.5%

**Item #86-2018      Discussion of Citizens' Concerns Relating to the Management of the School Department**

[Link to Memo](#)

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The town council will discuss citizen requests to hold a joint workshop with the school board relating to citizens' concerns about the management of the school department including financial and administrative management and transparency.

**Item #87-2018      Inn By The Sea [Licenses](#)**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The Inn By The Sea is requesting approval of the renewal malt, spirituous and vinous liquor licenses and special amusement permit.

The applications have been reviewed by police, fire and code enforcement. There are no concerns to report relating to the applications.

**Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, spirituous and vinous liquor license and special amusement permit for Inn By The Sea located at 40 Bowery Beach Road as presented.

**Item #88-2018      Spurwink School Reuse Committee Recommendation**

[Link to Memo](#)

[Link to Report](#)

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The Spurwink School Reuse Committee was established by the town council to review reuses and make a recommendation for the use of Spurwink School. The committee met May 2016 – March 2018 (with a hiatus during that time).

The final report of the Spurwink School Reuse Committee is ready to present to the town council.

**Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the Spurwink School Reuse Committee and extends thanks to the members of the committee for their work and refers the report to a future workshop.

**Item #89-2018      [Naming](#) of New Private Drive – Waltman Way**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

Chief Neil Williams was contacted by Cori Spike representing Dennis Paustenbach relating to a new private driveway off Running Tide Road. The Paustenbach's own two lots; Map U38 Lot 44 (16 Running Tide Road) and U38 Lot 45 (Running Tide Road). U38 Lot 44 currently has a home on it and U38 Lot 45 previously had a tennis court on it. The Paustenbach's are building a home on U38 Lot 45 and per enhanced 911 needs to have a physical address.

Chief Williams, Addressing Coordinator and Clint Swett, Town Assessor and Addressing Officer have reviewed the request. The name has been agreed upon by all parties as Waltman Way. The name does not conflict with existing road names and is ready for town council review and action.

**Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of Chief Williams, Addressing Coordinator and Clint Swett, Addressing Officer to name the new private driveway Map U38 Lot 45, off Running Tide Road, as Waltman Way.

**Item #90-2018      Request for a Zone Change to Business Zone A – 560 Shore Road  
Relating to Used Car Sales**

**[Link](#) to Planning Board Recommendation**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

Cape Elizabeth Service Center located at 560 Shore Road is requesting consideration of a zone change to allow used car dealer plates. On February 12, 2018 the town council referred the request to the planning board for review and consideration.

The planning board held two workshops on the proposed amendment and held a public hearing and vote on April 23, 2018. The planning board (7 – 0) voted to recommend the following amendment for town council consideration.

**Sec. 19-1-3. Definitions**

Repair garage: Any building, structure, improvements or land used for commercial purposes to repair, rebuild, recondition or maintain automobile engines, motor vehicles, trailers or similar vehicles.

**Sec. 19-6-5. Business District A (BA)**

B. Permitted Use

3. The following nonresidential uses:

h. Repair Garage (In the Shore Road Business A District, a repair garage may include up to three (3) vehicles at any time for sale) (Effective July 8, 2009)

If the town council desires continued consideration it is in order to schedule a public hearing. The town council may set to public hearing as proposed by the planning board or they may edit the proposed language.



### **Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, June 11, 2018 at 7:00 p.m. at the Town Hall the proposed amendment to Chapter 19 Zoning Ordinance relating to used car sales in Business District A (BA).

### **Item #91-2018      Report from the Fort Williams Park Committee Relating to Commercial Van, Bus and Vehicle Traffic at Fort William Park**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The Fort Williams Commercial Passenger Vehicle Subcommittee was established by the Fort William Park Committee to review commercial passenger vehicle fees at Fort Williams Park.

On May 3, 2018 the Fort Williams Park Committee reviewed the recommendations of the subcommittee and voted (6-0) to make recommendations to the town council relating to commercial vehicle fees.

It is recommended the town council acknowledge receipt of the recommendations from the Fort Williams Park Committee and extends thanks to the members of the committee for their work and refers the report to a future workshop.

### **Item #92-2018      Harbors Committee Report**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The town council established the Harbors Committee on October 5, 2016.

**Committee Purpose** The Town of Cape Elizabeth last conducted a major review of its harbors in the late 1980's with nearly 30 years having passed since the last review of how our coastal water resources are serving our fishing, aquaculture and recreational boating needs, it is an opportune time to review issues relating to our harbors.

### **Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the Harbors Committee and extends thanks to the members of the committee for their work and refers the report to a future workshop.

### **Item #93-2018      Group Use Request for Fort Williams Park - Camp Sunshine Thursday, August 23, 2018**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

On May 3, 2018 the Fort Williams Park Committee voted (6-0) to approve the group use request of Camp Sunshine to utilize Fort Williams Park (Parade Field) on Thursday, August 23, 2018. The Group Use ½ Day Area Fee is \$500.00

### **Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee for a group use of Fort Williams Park for Camp Sunshine on Thursday, August 23, 2018 including a \$500.00 group use fee as presented.

**Item #94-2018**      **2018 Board and Committee Goals – [Fort Williams Park Committee](#)  
and [Thomas Memorial Library Committee](#)**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

One of the 2018 goals of the town council is for boards and committees to present their goals and work plans for the year.

**Proposed Draft Motion**

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Fort Williams Park Committee and Thomas Memorial Library Committee's 2018 goals and objectives.

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.**

**Adjournment**