



Cape Elizabeth Town Council Special Meeting

Agenda Monday, May 6, 2019

7:00 p.m.

Cape Elizabeth Town Hall - Council Chambers

James M. "Jamie" Garvin, Chairman
Valerie J. Deveraux
Jeremy A. Gabrielson
Caitlin R. Jordan
Penelope A. Jordan
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 James M. "Jamie" Garvin.

The Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

Citizen Opportunity for Discussion of Items Not on the Agenda

The town council will hear comments from the public relating to a pay and display parking program at Fort Williams Park. The town council is also considering a statement of policy relating to revenue generated by parking fees at Fort Williams. The public is welcome to comment on the statement of policy during the pay and display parking program public hearing. There will also be a 15-minute comment period, which may be extended by the town council, following the public hearing – Item #79-2019. It is anticipated the statement of policy will be referred to vote on May 13.

Public Hearing Pay and Display Parking Program at Fort Williams Park

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.

Item #78-2019 Pay and Display Parking Program at Fort Williams Park

June 11, 2018 - The town council tasked the Fort Williams Park Committee to craft a proposal for pay/display parking at Fort Williams Park.

August 13, 2018 - The town council referred the report to a workshop on September 17.

September 17 & October 2, 2018 Workshops - The town council continued review of the feasibility of pay and display parking at Fort Williams Park and possible next steps.

October 10, 2018 - The town council voted to refer to the ordinance committee Chapter 13 Traffic Regulations to address pay and display parking regulations at Fort Williams Park in order to have ordinances in place if pay and display is approved.

November 13, 2018 Workshop - The workshop provided additional discussion to review the possible structure of pay and display.

November 14, 2018 – The town council authorized the town manager to issue a request for proposals for parking management including equipment and enforcement as well as issue a request for proposals to purchase equipment for pay and display parking including installation as well as request for proposals for providing enforcement services for pay and display parking.

February 11, 2019 – The town council set the pay and display proposal for workshop on March 18.

March 18, 2019 Workshop – It was a consensus to hold a public on charging parking fees at the May 6 special council meeting which is the same evening as the FY 2020 budget public hearing. The vote on parking fees and RFP on services for a pay and display program at Fort Williams Park will be held on May 13.

April 8, 2019 – The town council voted to set a pay and display program at Fort Williams Park to public hearing on May 6, 2019 with an anticipated vote on May 13, 2019.

Draft Motion

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 6, 2019 on a pay and display parking program at Fort Williams Park tables the item to vote on Monday, May 13, 2019.

Item #79-2019 **Statement of Policy for Revenues Received from Parking Fees at Fort Williams Park**

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

On March 18, 2019 the town council referred to workshop on April 25 a statement of policy for revenues received at Fort Williams Park. On April 25 it was a consensus to refer a draft statement to the May 6 special meeting, anticipating a vote on May 13.

“Revenues generated by the pay and display parking program at Fort Williams Park will be employed for the following: primarily offsetting the operational expenses and capital improvements of Fort Williams Park; long term capital needs of the Town; and general municipal operating expenses.”

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council refers a draft statement relating to revenues received from parking fees at Fort Williams Park to vote on Monday, May 13, 2019.

Public Hearing Fiscal Year 2020 General Fund and Special Funds Budgets

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.

Budgets are available on the town’s website in the Government/Rules & Regulations/Budget section.

Draft Motions are based on what was set for public hearing. Councilors may make any motion of their choosing. It is recommended that the general fund budget consideration contained in Item #80-#85 be tabled to May 13, 2019. This will enable the school budget to be approved within 30 days of the scheduled June 11, 2019 citizen vote on the school budget. The “within 30 days” is required by Maine statute.

The town council will consider the policy statement in bullet #7 relating to the school budget approval. In the past, the town council has voted on the same or similar policy decision. Whether to include the policy, as is or amended, is a decision of the town council.

It is recommended the special fund budgets Item #86-#94 be voted on this evening. The town council may vote on the budgets individually or en bloc.

Item #80-2019 Municipal Budget Approval

Moved and Seconded by

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby adopt the municipal budget for Fiscal Year 2020 and hereby makes the following gross appropriations for each listed department.

Item #81-2019 School Budget Approval

1. ORDERED, **State/Local EPS Funding Allocation**. That the Town of Cape Elizabeth appropriate **\$17,487,995** 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 **\$15,834,396** 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.

2. ORDERED: **Non-State Funded Debt Service**. That the Town of Cape Elizabeth raise and appropriate **\$470,200** 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.

3. ORDERED: **Food Service Transfer**. That the Town of Cape Elizabeth raise and appropriate **\$70,381** 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.

4. ORDERED: **Additional Local Funds**. That the Town of Cape Elizabeth raise and appropriate **\$8,416,956** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$8,416,956** 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 authorizes the School Board to expend **\$26,890,420** for the fiscal year beginning July 1, 2019 and ending June 30, 2020 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**. 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.

In the past, the town council has voted on the following or similar policy decision. Whether to include this policy, as is or amended, is a decision of the town council.

7. 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 \$1,653,599 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 #82-2019 Approval of Cumberland County Assessment

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve for inclusion in the Fiscal Year 2020 budget the assessment from Cumberland County for 2020 amounting to \$1,456,670.

Item #83-2019 Approval of Local Homestead Exemption Funds

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve for inclusion in the Fiscal Year 2020 budget the amount of \$300,000 for the local share of homestead exemptions.

Item #84-2019 Property Tax Levy Limit

ORDERED, the Cape Elizabeth Town Council in accordance with Title 30-A MRS Section 5721-A the Town of Cape Elizabeth hereby increases the property tax levy limit for municipal services to \$7,912,166.

Item #85-2019 Proposed FY 2020 General Fund Budget Summary Motion

ORDERED, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019, does hereby adopt the General Fund Budget for Fiscal Year 2020 with gross expenditures of \$42,035,485, and gross revenues of \$7,911,887 and with the amount of \$34,123,598 to be raised from taxation, and to fix Tuesday, October 1, 2019, and Wednesday, April 1, 2020 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 nine percent (9.00%) 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 2019	FY 2020	\$ Change	% Change
	BUDGET	BUDGET	FY 19 to FY 20	FY 19 to FY 20
EXPENDITURES				
TOTAL MUNICIPAL	\$ 12,368,374	\$ 13,388,395	\$ 1,020,021	8.2%
COUNTY ASSESSMENT	\$ 1,392,240	\$ 1,456,670	\$ 64,430	4.6%
Local Homestead Exemption	\$ 300,000	\$ 300,000	\$ -	0.0%
SCHOOL DEPARTMENT	\$ 25,392,276	\$ 26,890,420	\$ 1,498,144	5.9%
	\$ 39,452,890	\$ 42,035,485	\$ 2,582,595	6.5%
REVENUE				
TOTAL MUNICIPAL	\$ 5,032,007	\$ 5,513,400	\$ 481,393	9.6%
FWP PAY AND DISPLAY REVENUE		\$ 300,000	\$ 300,000	
SCHOOL DEPARTMENT	\$ 1,768,977	\$ 2,098,487	\$ 329,510	18.6%
TOTAL	\$ 6,800,984	\$ 7,911,887	\$ 1,110,903	16.3%
NET TO TAXES				
TOWN SERVICES	\$ 7,336,367	\$ 7,574,995	\$ 238,628	3.3%
Local Homestead Exemption	\$ 300,000	\$ 300,000	\$ -	0.0%
COUNTY ASSESSMENT	\$ 1,392,240	\$ 1,456,670	\$ 64,430	4.6%
SCHOOL DEPARTMENT	\$ 23,623,299	\$ 24,791,933	\$ 1,168,634	4.9%
TOTAL	\$ 32,651,906	\$ 34,123,598	\$ 1,471,692	4.5%
TAX RATES (Rounded to nearest ¢)				
Local Homestead Exemption	\$ 0.17	\$ 0.17	\$ -	0.0%
TOTAL MUNICIPAL	\$ 4.27	\$ 4.39	\$ 0.11	2.6%
COUNTY ASSESSMENT	\$ 0.81	\$ 0.84	\$ 0.03	4.0%
SCHOOL DEPARTMENT	\$ 13.76	\$ 14.36	\$ 0.60	4.4%
TOTAL	\$ 19.02	\$ 19.76	\$ 0.74	3.9%
TAX RATE VALUATION BASIS	\$ 1,716,471,800	\$ 1,727,000,000	\$ 10,528,200.00	0.6%

Item #86-2019

Cape Elizabeth Rescue Fund Budget

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Rescue Fund Budget for Fiscal Year 2020 with approved expenditures of \$549,917 and approved revenues of \$325,000.

Item #87-2019

Cape Elizabeth Sewer Fund Budget

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Sewer Fund Budget for Fiscal Year 2020 with approved expenditures of \$2,112,871 and approved revenues of \$2,040,300.

Item #88-2019

Cape Elizabeth Spurwink Church Fund Budget

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Spurwink Church Fund Budget for Fiscal Year 2020 with approved expenditures of \$10,491 and approved revenues of \$1,200.

Item #89-2019**Cape Elizabeth Riverside Cemetery Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Cape Elizabeth Riverside Cemetery Fund Budget for Fiscal Year 2020 with approved expenditures of \$56,043 and approved revenues of \$66,000.

Item #90-2019**Portland Head Light Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Portland Head Light Fund Budget for Fiscal Year 2020 with approved expenditures of \$670,241 and approved revenues of \$688,200.

Item #91-2019**Fort Williams Park Fund**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Fort Williams Park Special Fund Budget for Fiscal Year 2020 with approved expenditures of \$290,975 and approved revenues of \$270,700.

Item #92-2019**Cape Elizabeth Infrastructure Improvement Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Infrastructure Improvement Fund Budget for Fiscal Year 2020 with approved expenditures of \$0 and approved revenues of \$0.

Item #93-2019**Thomas Jordan Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Thomas Jordan Fund Budget for Fiscal Year 2020 with approved expenditures of \$37,035 and approved revenues of \$40,000.

Item #94-2019**Land Acquisition Fund Budget**

ORDERED, The Cape Elizabeth Town Council, having held a public hearing on Monday, May 6, 2019 does hereby approve the Land Acquisition Fund Budget for Fiscal Year 2020 with approved expenditures of \$0.00 and approved revenues of \$32,914.

Summary of Items #86-#94: Shown for summary purposes. Operational actions are in above motions.

	Budget	Estimated	Budget	Estimated	Budget	\$ Change	% Change
Expenditures	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	2019 to 2020	2019 to 2020
Cape Elizabeth Rescue Fund	\$ 447,336	\$ 429,161	\$ 539,200	\$ 529,700	\$ 549,917	\$ 10,717	2.0%
Cape Elizabeth Sewer Fund	\$ 2,099,300	\$ 2,178,559	\$ 2,161,346	\$ 2,025,045	\$ 2,112,871	\$ (48,475)	-2.2%
Spurwink Church Fund	\$ 9,209	\$ 7,990	\$ 10,491	\$ 6,859	\$ 10,491	\$ -	0.0%
Riverside Cemetery Fund	\$ 57,328	\$ 54,235	\$ 66,589	\$ 59,362	\$ 56,043	\$ (10,546)	-15.8%
Fort Williams Park Capital Fund	\$ 264,135	\$ 258,885	\$ 173,246	\$ 170,398	\$ 290,975	\$ 117,729	68.0%
Portland Head Light Fund	\$ 560,643	\$ 615,663	\$ 628,035	\$ 635,000	\$ 670,241	\$ 42,206	6.7%
Thomas Jordan Fund	\$ 52,035	\$ 12,035	\$ 37,035	\$ 11,910	\$ 37,035	\$ -	0.0%
Infrastructure Improvement Fund	\$ -	\$ -	\$ -			\$ -	#DIV/0!
Land Acquisition Fund	\$ -	\$ -	\$ 167,714	\$ 167,714	\$ -	\$ (167,714)	-100.0%
Senior Citizen Tax Relief			\$ 75,000	\$ 65,000	\$ 75,000	\$ -	0.0%
Use of General Fund carry Forward	\$ 317,400	\$ 317,400	\$ 375,000	\$ 375,000	\$ 375,000	\$ -	0.0%
Total Budget	\$ 3,807,386	\$ 3,873,928	\$ 4,233,656	\$ 4,045,988	\$ 4,177,573	\$ (56,083)	-1.3%
	Budget	Estimated	Budget	Estimated	Budget	\$ Change	% Change
Revenues	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	2019 to 2020	2019 to 2020
Cape Elizabeth Rescue Fund	\$ 390,000	\$ 280,000	\$ 300,000	\$ 310,000	\$ 325,000	\$ 25,000	8.3%
Cape Elizabeth Sewer Fund	\$ 2,028,300	\$ 2,040,270	\$ 2,032,300	\$ 2,032,000	\$ 2,040,300	\$ 8,000	0.4%
Spurwink Church Fund	\$ 4,700	\$ 900	\$ 1,200	\$ 1,200	\$ 1,200	\$ -	0.0%
Riverside Cemetery Fund	\$ 44,300	\$ 69,000	\$ 67,000	\$ 68,000	\$ 66,000	\$ (1,000)	-1.5%
Fort Williams Park Capital Fund	\$ 201,355	\$ 204,225	\$ 199,800	\$ 216,700	\$ 270,700	\$ 70,900	35.5%
Portland Head Light Fund	\$ 576,000	\$ 676,000	\$ 636,000	\$ 708,900	\$ 688,200	\$ 52,200	8.2%
Thomas Jordan Fund	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ -	0.0%
Infrastructure Improvement Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Land Acquisition Fund	\$ 32,914	\$ 32,914	\$ 112,914	\$ 32,914	\$ 32,914	\$ (80,000)	-70.9%
Total Revenues	\$ 3,317,569	\$ 3,343,309	\$ 3,389,214	\$ 3,409,714	\$ 3,464,314	\$ 75,100	2.2%

Item #95-2019 Kettle Cove Boat Launch [Grant](#) Support

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

Grants through the Shore and Harbor Planning Grant Program, which is managed by the Maine Coastal Program, Department of Marine Resources are now available for planning and design of facilities and improvements for public and working access; funding cannot be used for construction. The grant program caps awards at \$30,000 and requires a minimum 25% match, which can be a cash and/or in-kind match.

The Harbors Committee Report dated April 30, 2018 included a recommendation to establish a new public boat access at the end of Kettle Cove Road. The new public boat access would be relocated to a historical boat launching facility further northwest off Kettle Cove Road.

Town Planner Maureen O'Meara has provided a detailed explanation of the grant.

The deadline for applications is expected in mid-May so the town council is being asked to consider authorizing town staff to apply for a planning grant.

Item #96-2019 Authorization of Bonus to the Town Manager

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

Recently the town council concluded the annual evaluation of the town manager. Based on the evaluation, the town council will consider granting a \$2,000 bonus based on the manager's performance. The bonus would be paid from Administration Full-time Payroll (Account # 0110-1001).

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