



Cape Elizabeth Town Council Agenda

Monday, May 13, 2019

**7:00 p.m. Council Chambers
(Workshop to Follow)**

Cape Elizabeth Town Hall

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 of the Meeting by Town Council Chairman James M. "Jamie" Garvin

Roll Call by the Town Clerk

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Finance Committee Report

Dashboard and Financial Reports as of 4/30/2019

[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 8, 2019](#) and Special Meeting held [April 25, 2019](#).

Item #97-2019 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.)

Inn by the Sea, LLC located at 40 Bowery Beach Road is requesting a renewal malt, vinous and spirituous liquor license and special amusement permit.

No issues or concerns have been reported by code enforcement, police and fire.

Draft Motion:

Moved by and Seconded by

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

**Item #78-2019 Tabled from May 6, 2019
Pay and Display Parking Program at Fort Williams Park**

[Link](#) to Fort Williams Park Pay Display Charge

[Link](#) to Fort Williams Park Pay Display 07-25-2018

[Link](#) to Map Spots Meters

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council takes Item #78-2019 off the table from the May 6, 2019 Special Town Council Meeting.

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

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.

May 6, 2019 – A public hearing was held and the item was tabled to a vote on May 13, 2019.

The town council will vote on the pay and display parking program at Fort Williams Park.

Item #79-2019 Tabled from May 6, 2019
Statement of Policy for Revenues Received from Parking Fees at Fort Williams Park

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council takes Item #79-2019 off the table from the May 6, 2019 Special Town Council Meeting.

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.

On May 6, 2019 the town council tabled the item to 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.”

If the pay and display parking program at Fort Williams Park is approved the town council will consider voting on a statement of policy for revenues received from parking fees at Fort Williams Park.

Item #98-2019 Pay and Display Parking Program Management Services

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

If the pay and display parking program at Fort Williams Park is approved the town council will consider authorizing the town manager to enter into an agreement with Unified Parking Partners for a pay and display parking program and management services as outlined in the proposal dated January 3, 2019.

Item #99-2019 Chapter 13 Traffic Regulations – Enforcement of 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.)

At the March 18, 2019 workshop it was noted if the town enters into an agreement for a pay and display program at Fort Williams Park that provides for the enforcement of parking fees to be the responsibility of a vendor/agent, Sec. 13-2-6 and any applicable sections of the ordinance will need to be amended to allow an agent or designee of the town to enforce parking fees at the park.

On April 8, 2019 the town council referred to the ordinance committee Chapter 13 Traffic Regulations to review and report back to the town council provisions in the ordinance to allow an agent or designee of the town to enforce parking fees at Fort Williams Park.

The ordinance committee voted (3-0) on April 23, 2019 to recommend to the town council amendments to Chapter 13 and that parking tickets and late fees be added to the town fee schedule.

Next steps may include set to public hearing, refer to workshop or refer back to the ordinance committee for further review.

**Item #80-2019 Tabled from May 6, 2019 – Fiscal Year 2020
Municipal Budget Approval**

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council takes Item #80-2019 off the table from the May 6, 2019 Special Town Council Meeting.

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

Draft Motion:

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.

	Expenditures by Department	Budget FY 2020
110	ADMINISTRATION	\$ 741,245
120	ASSESSING/CODES PLANNING	\$ 402,330
130	TOWN COUNCIL	\$ 500
135	LEGAL AND AUDIT	\$ 190,000
140	ELECTIONS	\$ 67,150
150	BOARDS AND COMMISSIONS	\$ 19,506
530	PUBLIC INFORMATION	\$ 67,300
	Subtotal General Government	\$ 1,488,031
160	INSURANCE	\$ 120,000
170	EMPLOYEE BENEFITS/HR SUPPORT	\$ 1,546,100
180	DEBT SERVICE	\$ 1,707,386
520	CONTRIBUTIONS	\$ 120,414
710	INTERGOVT. ASSESSMENTS	\$ 81,573
	Subtotal-Nondistributed	\$ 3,575,473
210	POLICE DEPARTMENT	\$ 1,512,806
215	ANIMAL CONTROL	\$ 26,522
220	PUBLIC SAFETY COMMUNICATIONS	\$ 198,274
225	WETeam	\$ 21,150
230	FIRE DEPARTMENT	\$ 665,302
235	FIRE POLICE UNIT	\$ 13,227
240	MISC. PUBLIC PROTECTION	\$ 166,801
250	EMERGENCY PREPAREDNESS	\$ 5,075
	Subtotal-Public Safety	\$ 2,609,157
310	PUBLIC WORKS	\$ 1,376,984
320	REFUSE DISPOSAL/RECYCLING	\$ 624,949
	Subtotal-Public Works	\$ 2,001,933
410	HUMAN SERVICES	\$ 54,510
510	LIBRARY	\$ 562,138
600	FACILITIES MANAGEMENT	\$ 287,611
610	TOWN HALL	\$ 22,000
615	LIBRARY BUILDING	\$ 41,526
620	TOWN CENTER FIRE STATION	\$ 25,460
621	COMMUNITY CENTER BUILDING	\$ 81,954
622	DONALD RICHARDS POOL FACILITY	\$ 227,437
630	POLICE STATION	\$ 57,965
631	CAPE COTTAGE FIRE STATION	\$ 6,735
	Subtotal-Facilities	\$ 750,688
633	COMMUNITY SERVICES ADMINISTRATION	\$ 297,185
634	FITNESS CENTER	\$ 64,372
635	RICHARDS POOL PROGRAMS	\$ 234,225
636	COMMUNITY SVCS ADULT PROGRAMS	\$ 112,248
637	COMMUNITY SERVICES YOUTH PROGRAMS	\$ 492,057
638	CAPE CARE	\$ 151,145
640	PARKS & TOWN LANDS	\$ 121,421
641	SCHOOL GROUNDS	\$ 183,215
645	FORT WILLIAMS PARK	\$ 241,959
660	TREES	\$ 25,838
	Subtotal-Parks and Recreation	\$ 1,923,665
715	CAPITAL PROJECTS	\$ 422,800

**Item #81-2019 Tabled from May 6, 2019 – Fiscal Year 2020
School Budget Approval**

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council takes Item #81-2019 off the table from the May 6, 2019 Special Town Council Meeting.

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

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council approves the school budget as recommended by the school board for Fiscal Year 2020 for a total appropriation of \$26,890,420.

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.
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 – Item #85-2019 Tabled from May 6, 2019

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council takes Item #82-2019 – Item #85-2019 off the table from the May 6, 2019 Special Town Council Meeting.

Item #82-2019 Approval of Cumberland County Assessment

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

Draft Motion:

Moved by and Seconded by

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

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

Draft Motion:

Moved by and Seconded by

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

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

Draft Motion:

Moved by and Seconded by

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

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

Draft Motion:

Moved by and Seconded by

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 #100-2019

Cliff House Beach Park Management [Plan](#)

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

On July 9, 2018 the town council approved a recommendation of the conservation committee for an interim management approach to Cliff House Beach until further review of the dog ordinance and approved signage was installed at the beach.

The town council further discussed the management plan for Cliff House Beach at a workshop on April 25, 2019.

The town council will determine next steps which may include adoption of the management plan for Cliff House Beach Park.

The next agenda item is to refer to the ordinance committee dog ordinance revisions as recommended by the conservation committee.

Item #101-2019 Chapter 7 Dog Ordinance [Revisions](#)

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 12, 2018 the town council referred to the conservation committee review of the dog ordinance. In a memo to the town council dated October 18, 2018 the conservation committee provided options on the scope of ordinance review. The town council voted on November 14, 2018 to direct the conservation committee to conduct a full review of the ordinance.

At the April 9, 2019 meeting the conservation committee voted (5-0) to recommend amendments to the dog ordinance.

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee amendments to Chapter 7 Dogs as recommended by the conservation committee.

Item #102-2019 Draft Comprehensive Plan

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 acknowledged receipt of the draft 2019 Comprehensive Plan and approved the review schedule on February 11, 2019.

The town council will hold three workshops on the draft comprehensive plan; May 8, May 15 and May 22. Based on the review schedule, following the workshops a public hearing will be held on June 10 and vote on July 8. At a workshop on September 4 the town council will review an implementation plan.

Town Council revised comprehensive plan will be posted to the website in late May.

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council sets to public hearing the draft comprehensive plan on Monday, June 10, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall.

Item #103-2019 Board of Zoning Appeals [Vacancy](#)

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's Appointments Committee has conducted interviews for the unexpired term on the Board of Zoning Appeals to expire 12/31/2019. The vacancy results from the passing of Mr. John Craford.

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint Joseph Barbieri, 3 Harriman Farm Road to serve on the Board of Zoning Appeals. The term is effective immediately and expires December 31, 2019.

Item #104-2019

Recycling Committee [Goals](#) & Objectives 2019

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 goals for 2019 include asking boards and committees to submit their goals and work plans for the year.

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the 2019 Recycling Committee 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

Town Council Workshop – Following the meeting, the town council will convene into workshop session to discuss possible recipients for the Ralph Gould [Award](#).