



Cape Elizabeth Town Council Special Meeting

Agenda Wednesday, May 27, 2020

7:00 p.m.

Zoom Online Meeting

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

Please click the link below to join the webinar:

<https://zoom.us/j/92696504220>

Or iPhone one-tap :

US: +13017158592,,92696504220# or +13126266799,,92696504220#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or +1 253 215 8782 or
+1 346 248 7799 or +1 408 638 0968 or +1 669 900 6833

Webinar ID: 926 9650 4220

International numbers available: <https://zoom.us/u/aTD5iXpak>

COVID-19 Update

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) the Governor signed [LD 2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency](#), which is now PL 2019, c. 617.

Part G enacts Title 1, section 403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. It authorizes conducting public proceedings through telephonic, video, electronic or other similar means of remote participation with specific conditions. The section is repealed 30 days after the termination of the state of emergency

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 Pro-Tem 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 (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Item #78-2020 Fiscal Year 2021 Municipal General Fund Budget Approval

[Link to Proforma](#)

[Link to Alternative Scenarios](#)

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

A public hearing was held on May 18, 2020 relating to the fiscal year 2021 municipal general fund and special funds budgets. The town council also scheduled May 27 to approve the budgets.

Draft Motion

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council having held a public hearing on Monday, May 18, 2020 does hereby adopt the Municipal General Fund Operating and CIP expenditure budget for Fiscal Year 2021, of \$16,802,794, not including overlay, with estimated non-property tax revenues of \$9,982,192 and estimated property taxes of \$6,820,602 and hereby adopts the following revenue budget and gross appropriations for each listed department as follows:

GENERAL FUND REVENUES BY SOURCE**BUDGET FY 2021**

LOCAL FEES AND CHARGES FOR SERVICE	2,715,740
BORROWED FUNDS	1,035,100
INVESTMENT INCOME	50,000
EXCISE TAXES	2,116,100
FEDERAL REVENUES	100
STATE REVENUES	1,414,800
INTERFUND TRANSFERS IN	631,252
USE OF FUND BALANCE	2,019,100
SUBTOTAL NON-PROPERTY TAX REVENUES	<u>\$ 9,982,192</u>
REAL ESTATE TAXES (net of overlay & county)	6,820,602
TOTAL REVENUE BUDGET	<u><u>\$ 16,802,794</u></u>

GENERAL FUND EXPENDITURES BY DEPARTMENTS**BUDGET FY 2021**

110 ADMINISTRATION	826,385
120 ACP	421,576
130 TOWN COUNCIL	500
135 LEGAL & AUDIT	115,000
140 ELECTIONS	77,180
150 BOARDS AND COMMISSIONS	21,006
160 INSURANCE	128,000
170 EMPLOYEE BENEFITS	1,654,000
180 DEBT SERVICE	1,596,335
210 POLICE DEPARTMENT	1,576,686
215 ANIMAL CONTROL	26,718
220 PUBLIC SAFETY COMMUNICATIONS	213,188
225 WETeam	28,565
230 FIRE DEPARTMENT	667,978
231 RESCUE (FORMERLY RESCUE FUND - 0735)	642,117
235 FIRE POLICE UNIT	12,115
240 MISC PUBLIC PROTECTION	173,449
250 EMERGENCY PREPAREDNESS	6,952
310 PUBLIC WORKS	1,421,320
320 REFUSE DISPOSAL	625,205
410 HUMAN SERVICES	137,200
510 LIBRARY	558,948
520 CONTRIBUTIONS	105,500
530 PUBLIC INFORMATION	72,293
600 FACILITIES MANAGEMENT	315,869
610 TOWN HALL	22,000
615 LIBRARY BUILDING	44,664
620 TOWN CENTER FIRE STATION	22,960
621 COMMUNITY CENTER BUILDING	130,751
622 RICHARDS POOL BUILDING	252,203
630 POLICE STATION	67,462
631 CAPE COTTAGE FIRE STATION	6,735
633 COMMUNITY SERVICES ADMINISTRATION	304,671
634 FITNESS CENTER	65,232
635 RICHARDS POOL PROGRAMS	285,923

636	COMMUNITY SVCS ADULT PROGRAMS	111,856
637	COMMUNITY SVCS YOUTH PROGRAMS	502,675
638	CAPE CARE	156,743
640	PARKS AND TOWN LANDS	128,753
641	SCHOOL GROUNDS & ATHLETIC FIELDS	178,155
645	FORT WILLIAMS PARK	348,772
660	TREES	31,688
709	INTERFUND TRANSFERS	326,457
710	INTERGOVERNMENTAL ASSESSMENTS	32,209

OPERATING BUDGET	\$ 14,443,994
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715	CAPITAL IMPROVEMENT PROJECTS	2,358,800
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TOTAL OPERATING & CIP BUDGET	\$ 16,802,794
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FY 2021 CIP PROJECT

EXPENDITURES

Police - Cruiser	93,400
Paving and Drainage	300,000
Sidewalks - Segment 1	220,000
Police - Taser	1,300
Police - SWAT	6,200
Police - Radios	166,000
Town Buildings – Community Services Kitchen	20,000
Police - Bullet Proof Vests	2,400
Tool Carrier Replacement	180,000
Rotary Mower Replacement	14,000
Scott Dyer Road MDOT Paving Match	110,000
Communications Tower PD/FD/PW	375,000
Community Services Utility Vehicle	14,000
Kettle Cove Road Drainage (P&E)	30,000
HS Tennis Court Coatings	40,000
HS Track Shim and Coatings	65,000
FWP Tennis Court Coatings	15,000
Hannaford Field Turf Replacement	600,000
FWP Bldg 324 Building repairs	29,000
Police Station Kitchen	10,500
ADA improvements CE Middle School	67,000
TOTAL CIP EXPENDITURES	2,358,800

FY 2021 CIP PROJECT REVENUE SOURCES

Use of Fund Balance	748,300
Borrowed Funds	1,035,100
Carry Forward from FY 2020	300,500
Interfund Transfer	274,900
Interproject Transfers Out	(190,500)
Interproject Transfers In	190,500
TOTAL CIP REVENUE SOURCES	2,358,800

**Item #79-2020 Proposed Fiscal Year 2021 Municipal General Fund Budget Summary
Motion Concerning Property Taxes**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Draft Motion

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council having held a public hearing on Monday, May 18, 2020 does hereby adopt the following items concerning property taxes:

1. Fix October 1, 2020 and April 1, 2021 as the dates upon each of which one-half (1/2) of such tax is due and payable 36 M.R.S. §505 (2);
2. Interest to accrue upon taxes due and unpaid after each date at the interest rate of nine percent (9.00%) per annum 36 M.R.S. §505 (4);
3. Authorize the Tax Collector and Town Treasurer to accept or decline prepayments of taxes not yet committed or prior to any due date, and pay no interest thereon 36 M.R.S. §506, and
4. Fix the interest rate for taxes paid in excess of the assessment at five percent (5%) per annum 36 M.R.S. §506-A.

Item #80-2020 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.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Draft Motion

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council hereby increases the property tax levy for municipal services to \$8,063,733 in accordance with 30-A M.R.S. §5721-A.

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Draft Motion

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council having held a public hearing on Monday, May 18, 2020 does hereby adopt the Municipal Special Revenue Funds expenditure budgets for Fiscal Year 2021 of \$3,816,447; and estimated revenues of \$4,017,281 and hereby adopts the following revenue budget and gross appropriations for each listed fund as follows:

SPECIAL REVENUE FUNDS

BUDGET FY 2021

REVENUES

CAPE ELIZABETH RESCUE FUND	300,000
CAPE ELIZABETH SEWER FUND	2,249,406
SPURWINK CHURCH FUND	10,491
RIVERSIDE CEMETERY FUND	84,000
FORT WILLIAMS PARK CIP FUND	419,000
PORTLAND HEAD LIGHT FUND	703,851
THOMAS JORDAN FUND	106,000
INFRASTRUCTURE IMPROVEMENT FUND	55,000
TURF FIELD FUND	20,000
LAND ACQUISITION FUND	32,914
TAX INCREMENT FINANCING FUND	69,533
TOTAL REVENUE BUDGET	<u>\$ 4,017,281</u>

EXPENDITURES

CAPE ELIZABETH RESCUE FUND	0
CAPE ELIZABETH SEWER FUND	2,249,406
SPURWINK CHURCH FUND	10,491
RIVERSIDE CEMETERY FUND	52,784
FORT WILLIAMS PARK CIP FUND	419,000
PORTLAND HEAD LIGHT FUND	703,851
THOMAS JORDAN FUND	106,000
INFRASTRUCTURE IMPROVEMENT FUND	0
TURF FIELD FUND	274,915
LAND ACQUISITION FUND	0
TAX INCREMENT FINANCING FUND	0
TOTAL EXPENDITURE BUDGET	<u>\$ 3,816,447</u>

Item #82-2020 Fiscal Year 2021 Proposed School Budget – Motion to Set Public Hearing

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Following a public hearing on the school budget on June 8, the town council will vote on the school budget on June 15.

Draft Motion

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council does hereby schedule a public hearing for Monday, June 8, 2020 at 7:00 p.m. via Zoom on the proposed Fiscal Year 2021 school budget as proposed by the Cape Elizabeth School Board with proposed expenditures of \$28,490,012 and estimated revenues of \$2,218,949; 3.79% change from FY 2020.

Item #83-2020 School Budget Validation Referendum Election Warrant

[Link to Warrant](#)

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The town clerk recommends approval of the following motion.

Draft Motion

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council approves the following School Budget Validation Referendum Election Warrant as follows:

TOWN OF CAPE ELIZABETH

**SCHOOL BUDGET VALIDATION REFERENDUM
WARRANT**

Tuesday, July 14, 2020

County of Cumberland, ss.

To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

SCHOOL BUDGET QUESTIONS

School Budget Validation Referendum

Do you favor approving the Town of Cape Elizabeth school budget for the upcoming school year that was adopted at the latest school budget meeting of the Town Council?

Yes

No

The following is a non-binding expression of opinion for the consideration of the School Board and Town Council.

I find the school budget adopted at the June 15, 2020 Town Council's school budget meeting to be:

___ TOO HIGH ___ ACCEPTABLE ___ TOO LOW

Election to be held on Tuesday, July 14, 2020 at the Cape Elizabeth High School.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

Absentee Ballot Processing:

Absentee ballots will be processed at 9:00 a.m. on the following days; July 10, 11, 12 and 13, 2020. If requested, inspection time is 9:00 – 10:00 a.m.

Absentee ballots will be processed on Election Day, on the hour every hour until close, beginning at 7:00 a.m. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee, and State Green Independent Party have also been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list on Election Day at the polls and prior to Election Day. Questions should be directed to the Registrar of Voters at 799-7665. Proof of residency and identity is required.

Item #84-2020 Town Emergency Order Expiring June 30, 2020 at 6:00 p.m.

[Link](#) to Emergency Order Dated April 28, 2020

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On March 25, 2020 the town council passed an emergency ordinance relating to a prohibition on businesses during the public health emergency. Subsequently the emergency ordinance was amended on April 1 and April 28, 2020. The emergency order expires June 30, 2020 at 6:00 p.m.

The town council will revisit the emergency order to review and discuss whether any further action is needed at this time.

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government. (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Adjournment

