



Cape Elizabeth Town Council Special Meeting

DRAFT Minutes 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

The special meeting via Zoom, an online video and audio conferencing platform, was convened at 7:00 p.m. by Town Council Pro-Tem Chairman James M. Garvin.

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) Governor Mills 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 The section is repealed 30 days after the termination of the state of emergency.

The Cape Elizabeth Town Council will meet as necessary to continue the town's work via an online platform as allowed by State authorization during the state of emergency due to COVID-19. The platform will allow for public comment as outlined in the Town Council Rules. The public is reminded they should continue to provide questions and comments to the town council relating to business of the town via email or mailing correspondence to their attention to town hall.

The Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

All members of the town council were present except Chairman Adams.

Debra M. Lane, Town Clerk
John Quartararo, Finance Director
Matthew E. Sturgis, Town Manager

Citizen Opportunity for Discussion of Items Not on the Agenda

None

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

Moved by Penelope A. Jordan and Seconded by Jeremy A. Gabrielson

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.

(5 yes) (1 no Councilor Straw)

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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**

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

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.

(6 yes) (0 no)

Item #80-2020 Property Tax Levy Limit

Moved by Penelope A. Jordan and Seconded by Valerie J. Deveraux

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.

(6 yes) (0 no)

Item #81-2020 Fiscal Year 2021 Municipal Special Revenue Funds Budget Approval

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

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.

(6 yes) (0 no)

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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	\$ 4,017,281

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	\$ 3,816,447

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

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

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 Department 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.

(5 yes) (1 no Councilor Deveraux)

Item #83-2020 School Budget Validation Referendum Election Warrant

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

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

(6 yes) (0 no)

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.

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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.

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

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council amends the Emergency Order dated April 28, 2020 as follows:

- Effective June 1, 2020 open Fort Williams Park to vehicular traffic.
- Affirm dogs within Fort Williams will be retrained by leash at all times.
- Wearing of masks or facial coverings is encouraged within Fort Williams Park.

(5 yes) (1 no Councilor Straw)

See attachment.

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

Adjournment

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:46 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Approved by the Cape Elizabeth Town Council May 27, 2020

**AMENDMENT TO EMERGENCY REGULATION OF THE
CAPE ELIZABETH TOWN COUNCIL DATED MARCH 25, 2020**

ORDERED, that the Emergency Regulation: Prohibition on Businesses, approved by the Cape Elizabeth Town Council on March 25, 2020, amended April 1, 2020, April 28, 2020 and May 27, 2020, is hereby amended as follows; and

WHEREAS, the Town of Cape Elizabeth hereby declares that a public health emergency necessitating swift action exists in response to the COVID-19 outbreak;

WHEREAS, at this time, guidance from the President of the United States, the Governor of State of Maine, and the Center for Disease Control, urge the public to practice social distancing and not attend events where ten or more people will be gathered;

WHEREAS, said outbreak continues to emerge and spread, so that the number of cases of COVID-19 in Maine as of April 28, 2020 is 1,040;

WHEREAS, health officials have now confirmed 466 cases of COVID-19 in Cumberland County with 67 hospitalizations and 24 deaths; and

WHEREAS, the risk of community spread throughout Cumberland County and Cape Elizabeth impacts the life, health and safety of the public and public health is imperiled by the person-to-person spread of COVID-19;

The Town Council of Cape Elizabeth, pursuant to its authority in Article II, Section 12 of the Cape Elizabeth Council-Manager Charter, hereby declare a state of emergency and issue the following regulations, effective April 29, 2020 at 12:01 a.m. with an expiration date of June 30, 2020 at 6:00 PM, unless otherwise extended by Council Order:

1. A civil state of emergency continues to exist within the Town of Cape Elizabeth.
2. Short term rentals, inclusive of homestays operated by private individuals shall not operate while this Order remains in effect.

3. Effective June 1, 2020 Fort Williams Park will be open to vehicular traffic. Dogs within Fort Williams will be restrained by leash at all times. Wearing of masks or facial coverings is encouraged.

4. Violation of or failure to comply with the Order is punishable by a fine of \$500.00.

WHEREAS, the Governor has issued new guidance on restarting Maine's economy, the council finds the following measures to be consistent with phase one of that plan. It is hereby encouraged, but not specifically regulated, that all citizens or visitors of the Town of Cape Elizabeth take all necessary steps to care for themselves and prevent the spread of COVID-19. Such steps will only benefit the health and welfare of the citizens of the Town of Cape Elizabeth and help protect us all. Thank you for all the sacrifices that you have made so far. We look forward to getting through this together.

Dated at Cape Elizabeth, ME this 27th day of May 2020.