



Cape Elizabeth Town Council

Minutes Monday, May 8, 2023

7:00 p.m.

Town Hall Council Chambers

Jeremy A. Gabrielson, Chair
Nicole Boucher
Susan A. Gillis
Caitlin R. Jordan
Penelope A. Jordan
Gretchen R. Noonan
Timothy S. Reiniger

The meeting was convened at 7:00 p.m. by Chair Jeremy A. Gabrielson.

Roll Call by the Town Clerk

All members of the town council were present except Councilors Caitlin Jordan and Gretchen Noonan.

Debra M. Lane, Town Clerk

Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Penelope Jordan provided an update regarding the work of the School Building Advisory Committee. A workshop of the town council and school board is expected for May 30 to review the committee's recommendation for an owner's representative following interviews on May 25.

Finance Committee Report

Finance Chair Boucher reviewed the financial dashboard through 4/30/2023. The current fiscal year ends June 30.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Monthly Report

Matthew E. Sturgis, Town Manager

The Memorial Day Parade will be held on Monday, May 29. This is the second year of the ceremony being held at the village green adjacent to Town Hall. The parade route now begins at the Middle School, onto Scott Dyer Road, to Route 77, to the village green.

New operational hours for the Town Hall, Recycling Center and Public Works Department was announced effective July 1, 2023. Maintaining excellent customer service, employee recruitment and retention, savings of utility and maintenance of buildings were cited among the reasons for the change. The town council and public were alerted to the potential change at prior workshops held this spring.

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Review of Draft Minutes April 10 and April 25, 2023

Moved by Timothy R. Reiniger and Seconded by Nicole Boucher

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on April 10, 2023 and the special meeting on April 25, 2023 as written.
(5 yes) (0 no)

Public Hearing Proposed Stormwater Amendments

Chair Gabrielson opened the public hearing at 7:15 p.m.
After hearing no comments, the public hearing was closed.

Item #66-2023 Proposed Stormwater Amendments

Maureen O'Meara, Town Planner
Jay Reynolds, Director of Public Works
Kristie Rabasca, Integrated Environmental Engineering

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 8, 2023 does hereby approve the proposed amendments to Chapter 25 Stormwater as recommended by the Planning Board, draft dated February 14, 2023.
(5 yes) (0 no)

Public Hearing Fiscal Year 2024 General Fund and Special Revenue Funds Budgets

Chair Gabrielson opened the public hearing at 7:19 p.m.
After hearing no comments, the public hearing was closed.

Item #67-2023 Fiscal Year 2024 General Fund Budget – Motion to Schedule Vote

Moved by Penelope A. Jordan and Seconded by Nicole Boucher

ORDERED, the Cape Elizabeth Town Council having held a public hearing on May 8, 2023 does hereby schedule a vote on the proposed fiscal year 2024 General Fund Budget (municipal and school) for the Town of Cape Elizabeth, Maine for Monday, May 15, 2023 at 7:00 p.m. at the Cape Elizabeth Town Hall with proposed Town expenditures of \$20,501,521 and revenues of \$10,568,140 and School expenses of \$34,170,000 and revenues of \$3,597,711. (See attached proforma.)
(5 yes) (0 no)

Item #68-2023 Fiscal Year 2024 Special Revenue Funds Budget – Motion to Approve

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council having held a public hearing on May 8, 2023 does hereby adopt the Special Revenue Funds Budgets for Fiscal Year 2024, as follows: estimated expenditures of \$4,126,254; estimated revenues of \$3,591,294, transfers from the General Fund of \$229,066 and the estimated use of fund balances totaling \$305,894 and hereby adopts the following expenditure and revenue budgets for each fund as follows, as presented. (See attached proforma.)
(5 yes) (0 no)

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Item #69-2023 Audit Results for FY 2022

Moved by Nicole Boucher and Seconded by Timothy S. Reiniger

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the results of the FY 2022 Annual Financial Statements ending June 30, 2022 and accompanying reports prepared by Runyon Kersteen Ouellette.

(5 yes) (0 no)

Item #70-2023 Report from the Energy Committee Relating to a Climate Action Plan

Public Comment

John Voltz, 33 Philip Road, member of the Energy Committee thanked the town council for moving quickly on this item.

Introduction – Sam Milton, member of the Energy Committee

Moved by Nicole Boucher and Seconded by Timothy S. Reiniger

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Energy Committee to authorize the Town Manager to sign a contract with the Greater Portland Council of Governments for the Cape Elizabeth Climate Action Planning Proposal dated March 8, 2023. Said funding of \$40,000 will be approved at a subsequent meeting.

(5 yes) (0 no)

Item #71-2023 Proposed Amendment to the Dog Ordinance

Present – Chief Paul Fenton and Maggie Maxwell, Animal Control Officer

Introduction – Maggie Maxwell

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee a recommendation from the Animal Control Officer to amend Chapter 7 Dog Ordinance Sec. 7-1-7 Management of Dogs on Municipal Property (e) 1 to streamline the process.

(5 yes) (0 no)

Item #72-2023 Motion to Reconsider - Item #62-2023 4/10/2023 Entitled Request from Councilor Reiniger to Fund a Site Feasibility Study for Affordable Housing Development Purposes at Gull Crest

Introduction- Mr. Sturgis

The morning following the April 10 meeting, Sebago Technics was contacted. Given the window of time to complete vernal pools, which runs approximately April 10 to May 10, the work began. Additional site evaluation continues – a report is anticipated soon. The estimated cost of the work is \$18,700.

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Public Comment

Cynthia Dill, 1227 Shore Road encouraged the town council to not pass to reconsider. The information is needed to know if the site is feasible for housing.

John Voltz, 33 Philip Road said process is the issue. The HDSC considered the study twice and turned it down. A member of a committee should not be able to then circumvent the process.

Tom Dunham, 11 Beckys Cove Lane his initial suggestion to study vernal pools, need to learn more about the site to see if it's buildable.

Stephanie Anderson, 24 Merrimac Place it's difficult to make a comment when you don't know the inspiration for the reconsideration. Why is there a visceral feeling against the study? The report is needed to see if there is anything that can be done.

Cynthia Voltz, 33 Philip Road is concerned with the process. Happy to see the reconsideration – listen to the committee as a whole. Committees should be supported.

Kevin Justh, 9 Spruce Lane, member of the HDSC here to provide clarity and background on the committee process and not whether the question should be considered.

Councilor Boucher - Requested reconsideration at 1pm the day after the April 10 council vote – did not have enough information to make an informed decision. Was hoping to reconsider the amount and what particular studies were included. Being a steward of citizens money, is \$100,000 the right amount and give the town manager better guidance on what is being studied. The reconsideration is not to completely take the decision off the table.

Discussion ended. No further action was taken.

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

Tom Dunham, 11 Beckys Cove Lane were vernal pools and wetlands looked at within the \$18,000 study?

John Voltz, 33 Philip Road asked if the council has a policy about taking actions on items delegated to committees with no recommendation. If not, maybe one should be considered and when you would accept it or make exceptions to the rule. There should not be an end-run around their process. Bad process that the public or committee members can go directly to the council with or without a committee recommendation. At least know what the committee is/isn't recommending.

Cynthia Dill, 1227 Shore Road now that it's known what Councilor Boucher was thinking about the reconsideration, can't help but think the monies spent on Dunham Court drawing up TIF documents etc. Issue of fairness – HDSC didn't have the feasibility on the agenda. Not surprised failed 3-3 as they may have thought it's too quick and too soon. Even with an HDSC report on April 10, no one objected to the study. Tonight the HDSC chair did not comment on the reconsideration nor has made a public statement about the study. The committee doesn't have to vote for it however we need the facts to make an informed decision.

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Adjournment

Moved by Nicole Boucher and Seconded by Timothy S. Reiniger
ORDERED, the Cape Elizabeth Town Council adjourns at 8:26 p.m.
(5 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Item #67-2023 Attachment FY 2024 General Fund Proforma 4/26/2023

	FY 2023 Budget	FY 2024 Budget	\$ Change FY23 to FY 24	% Change FY 23 to FY 24
<u>EXPENDITURES</u>				
MUNICIPAL	\$ 18,417,628	\$ 18,323,267	\$ (94,361)	-0.51%
CARRY FORWARD OPERATIONS	422,845		(422,845)	-100.00%
CARRY FORWARD - CIP	2,250,563		(2,250,563)	-100.00%
TIF DISTRICT	118,152	118,152	-	0.00%
SUBTOTAL MUNICIPAL	\$ 18,535,780	\$ 18,441,419	\$ (2,767,770)	-14.93%
OVERLAY	354,857	200,000	(154,857)	-43.64%
COUNTY ASSESSMENT	1,624,532	1,860,102	235,570	14.50%
TOWN AND COUNTY	\$ 20,515,169	\$ 20,501,521	\$ (2,687,057)	-13.10%
SCHOOL DEPARTMENT	31,255,751	34,170,000	2,914,249	9.32%
TOTAL EXPENDITURES	\$ 51,770,920	\$ 54,671,521	\$ 227,192	0.44%
<u>REVENUES</u>				
MUNICIPAL	\$ 10,203,347	\$ 8,968,140	\$ (1,235,207)	-12.11%
MUNICIPAL FUND BALANCE	1,244,000	1,600,000	356,000	28.62%
CARRY FORWARD – OPERATIONS	422,845		(422,845)	-100.00%
CARRY FORWARD – CIP	2,250,563		(2,250,563)	-100.00%
ADDITIONAL REVENUE SHARING	(115,374)		115,374	-100.00%
ADDITIONAL HOMESTEAD REIMBURSEMENT	(22,351)		22,351	-100.00%
ADDITIONAL BETE REIMBURSEMENT	1,416		(1,416)	-100.00%
SUBTOTAL MUNICIPAL	\$ 11,311,037	\$ 10,568,140	\$ 3,416,306	-30.20%
SCHOOL	\$ 2,097,606	\$ 3,097,711	\$ 1,000,105	47.68%
SCHOOL FUND BALANCE	750,000	500,000	(250,000)	-33.33%
SUBTOTAL SCHOOL	\$ 2,847,606	\$ 3,597,711	750,105	26.34%
TOTAL REVENUES	\$ 14,158,643	\$ 14,165,851	\$ 2,666,201	-18.83%
<u>TAXES TO BE RAISED</u>				
MUNICIPAL	\$ 7,106,591	\$ 7,755,127	\$ 648,536	9.13%
TIF DISTRICT	118,152	118,152	-	0.00%
SUBTOTAL MUNICIPAL	\$ 7,224,743	\$ 7,873,279	\$ 648,536	8.98%
OVERLAY	354,857	200,000	(154,857)	-43.64%
COUNTY ASSESSMENT	1,624,532	1,860,102	235,570	14.50%
TOWN AND COUNTY	\$ 9,204,132	\$ 9,933,381	\$ 729,249	7.92%
SCHOOL DEPARTMENT	28,408,145	30,572,289	2,164,144	7.62%
TOTAL TAXES TO BE RAISED	\$ 37,612,277	\$ 40,505,670	\$ 2,893,393	7.69%
<u>TAX RATES (ROUNDED TO NEAREST ¢)</u>				
MUNICIPAL	\$ 4.2620	4.482	\$ 0.220	5.16%
COUNTY ASSESSMENT	0.9140	1.033	0.12	13.02%
SCHOOL DEPARTMENT	15.9740	16.972	1.00	6.25%
TOTAL TAX RATE	\$ 21.1500	22.486	\$ 1.34	6.32%
<u>TAX RATE VALUATION BASIS</u>	\$ 1,778,358,200	\$ 1,801,358,200	\$ 23,000,000	1.29%
MILL RATE	21.15	22.487		
PROOF – TAXES TO BE RAISED	37,612,275.93	40,505,340.49		
1 CENT MILL RATE	0.01	0.01		
TAXES PRODUCED	17,783.58	18,013.58		
FY2023 TAX RATE				
1% INCREASE TAX RATE	\$ 0.2115			
ADDITIONAL TAXES AT 1%	360,295.37	380,987.26		

		Department Request	Manager 6% COLA	Approved	\$ Variance (Approved Requested)	% Change
	Description	2023-2024	2023-2024	2023-2024		FY 23 to FY 24
Fund	Expenditures					
40	Sewer Fund	2,780,612	2,781,167	2,781,167	207,547	8.06%
42	Infrastructure Improvement Fund	25,000	70,000	70,000	(130,000)	-65.00%
46	Library Fund	95,842	95,842	95,842	(7,261)	-7.04%
50	Riverside Cemetery Perpetual Care Fund	58,525	57,735	57,735	4,232	7.91%
51	Riverside Cemetery CIP Fund	-	-	-	-	0.00%
52	Tax Increment Financing Fund	-	-	-	(350,000)	-100.00%
55	Thomas Jordan Fund	87,030	87,030	87,030	-	0.00%
60	Land Acquisition Fund	-	-	-	-	0.00%
65	Fort Williams Park CIP Fund	664,350	512,350	512,350	197,685	62.82%
70	Portland Head Light Fund	520,112	522,130	522,130	(111,352)	-17.58%
95	Turf Field Fund	-	-	-	-	0.00%
	Total Exp. Budget	4,231,470	4,126,254	4,126,254	(189,149)	-4.38%
Fund	Operating Revenues					
40	Sewer Fund	2,370,600	2,370,600	2,370,600	60,500	2.62%
42	Infrastructure Improvement Fund	55,000	55,000	55,000	55,000	0.00%
46	Library Fund	34,350	34,350	34,350	8,900	34.97%
50	Riverside Cemetery Perpetual Care Fund	63,000	63,000	63,000	-	0.00%
51	Riverside Cemetery CIP Fund	17,000	17,000	17,000	-	0.00%
52	Tax Increment Financing Fund	-	(118,152)	-	(1,285)	0.00%
55	Thomas Jordan Fund	57,500	57,500	57,500	-	0.00%
60	Land Acquisition Fund	-	(32,914)	-	-	0.00%
65	Fort Williams Park CIP Fund	384,144	384,144	384,144	170,700	79.97%
70	Portland Head Light Fund	609,700	609,700	609,700	171,100	39.01%
95	Turf Field Fund	-	(30,000)	-	-	0.00%
	Total Operating Revenue Budget	3,591,294	3,410,228	3,591,294	464,915	14.88%
Fund	Net Operating Income					
40	Sewer Fund	(410,012)	(410,567)	(410,567)	(147,047)	55.80%
42	Infrastructure Improvement Fund	30,000	(15,000)	(15,000)	185,000	-92.50%
46	Library Fund	(61,492)	(61,492)	(61,492)	16,161	-20.81%
50	Riverside Cemetery Perpetual Care Fund	4,475	5,265	5,265	(4,232)	-44.56%
51	Riverside Cemetery CIP Fund	17,000	17,000	17,000	-	0.00%
52	Tax Increment Financing Fund	-	(118,152)	-	348,715	-99.63%
55	Thomas Jordan Fund	(29,530)	(29,530)	(29,530)	-	0.00%
60	Land Acquisition Fund	-	(32,914)	-	-	0.00%
65	Fort Williams Park CIP Fund	(280,206)	(128,206)	(128,206)	(26,985)	26.66%
70	Portland Head Light Fund	89,588	87,570	87,570	282,452	-144.93%
95	Turf Field Fund	-	(30,000)	-	-	0.00%
	Total Net Income	(640,176)	(716,026)	(534,960)	654,064	-54.95%

		Department Requested	Manager 6% COLA	Approved	\$ Variance (Approved Requested)	% Change
	Description	2023-2024	2023-2024	2023-2024		FY 23 to FY 24
Fund	Transfers from General Fund					
40	Sewer Fund	-	-	-	-	0.00%
42	Infrastructure Improvement Fund	-	-	-	-	0.00%
46	Library Fund	-	-	-	-	0.00%
50	Riverside Cemetery Perpetual Care Fund	-	-	-	-	0.00%
51	Riverside Cemetery CIP Fund	-	-	-	-	0.00%
52	Tax Increment Financing Fund	118,152	118,152	118,152	(1,285)	-1.08%
55	Thomas Jordan Fund	-	-	-	-	0.00%
60	Land Acquisition Fund	32,914	32,914	32,914	-	0.00%
65	Fort Williams Park CIP Fund	200,000	48,000	48,000	(6,795)	-12.40%
70	Portland Head Light Fund	-	-	-	(75,615)	-100.00%
95	Turf Field Fund	30,000	30,000	30,00	-	0.00%
	Total Transfers from General Fund	381,066	229,066	229,066	(83,695)	-26.76%
Fund	Use of Fund Balance					
40	Sewer Fund	410,012	410,567	410,567	147,047	55.80%
42	Infrastructure Improvement Fund	(30,000)	15,000	15,000	(185,000)	-92.50%
46	Library Fund	61,492	61,492	61,492	(8,900)	-11.46%
50	Riverside Cemetery Perpetual Care Fund	(4,475)	(5,265)	(5,265)	4,232	-44.56%
51	Riverside Cemetery CIP Fund	(17,000)	(17,000)	17,000)	-	0.00%
52	Tax Increment Financing Fund	-	(118,152)	(118,152)	(348,715)	-151.24%
55	Thomas Jordan Fund	29,530	29,530	29,530	-	0.00%
60	Land Acquisition Fund	(32,914)	(32,914)	(32,914)	-	0.00%
65	Fort Williams Park CIP Fund	80,206	80,206	80,206	33,780	72.76%
70	Portland Head Light Fund	(87,570)	(87,570)	(87,570)	(151,712)	-22.51%
95	Turf Field Fund	(30,000)	(30,000)	(30,000)	-	0.00%
	Total Use of Fund Balance	379,280	305,894	305,894	(509,268)	-35.58%