



## Special Town Council Meeting

Monday, May 15, 2023 at 7:00 pm

### Town Hall Council Chambers

### Live on CETV/Hybrid Meeting

Hybrid Meeting - Members of the Public May Participate Remotely During Public Comment Opportunities

To view the meeting livestream: <https://cstv.capeelizabeth.org/> and push watch in the upper right hand corner

Live broadcast on CETV, livestream and remote participation are offered as a convenience when the technology is available and operational in the given meeting space. If the technology is not available or in the event there is a disruption in service and the communication can't be restored the expectation is the meeting will continue.

Zoom Meeting  
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Enter First and Last Name

To offer comments during public comment opportunities. When the chair introduces the opportunity for public comments for an item you wish to speak to, click the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting, exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

#### 1. Convening of the Meeting

Town Council Chair Jeremy A. Gabrielson

#### 2. Roll Call by the Town Clerk

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

#### 3. The Pledge of Allegiance to the Flag

#### 4. Citizen Opportunity for Discussion of Items Not on the Agenda

Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

#### 5. Item #73-2023 Fiscal Year 2024 Municipal General Fund Operating and CIP Budget Approval

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

A public hearing on the proposed FY 2024 general fund budget was held on May 8. In addition, the town council scheduled the budget vote for May 15.

Councilor Reiniger is proposing School Department expenditures of \$32,170,000 from the proposed \$34,170,000, see attached email. A proforma has been drafted based on the proposal.

Note: The following draft motion is based on the proforma dated April 26, 2023. If any changes to the proposed budget are approved, the proforma would be updated accordingly.

##### Draft Motion

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 8, 2023 does hereby adopt the Municipal General Fund Operating and CIP expenditure budget for Fiscal Year 2024, of \$20,501,626 that includes the estimated overlay of \$200,000 and county assessment of \$1,860,103, with estimated non-property tax revenues of \$8,968,140, use of fund balance of \$1,600,000 and estimated property taxes of \$9,933,381 and hereby adopts the following revenue budget and gross appropriations for each listed department as follows.

Note: The revenue and expenditure breakdowns are listed in the attachment and will be included in the minutes.

##### Attachments:

- [FY 2024 General Fund Budget Proforma 04 26 2023](#)
- [FY 2024 General Fund Revs.Exps,CIP Projects 05 10 2023](#)
- [Proposed FY 2024 Municipal Budget](#)

#### 6. Item #74-2023 Fiscal Year 2024 School Department Budget Approval

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

A public hearing on the proposed FY 2024 general fund budget was held on May 8. In addition, the town council scheduled the budget vote for May 15. The school budget validation referendum will be held on June 13, 2023.

Councilor Reiniger is proposing School Department expenditures of \$32,170,000 from the proposed \$34,170,000, see attached email. A proforma has been drafted based on the proposal.

##### Draft Motion

ORDERED, the Cape Elizabeth Town Council following a public hearing on May 8, 2023 at 7:00 p.m. approves the School Department budget as recommended by the School Board for Fiscal Year 2024 for a total appropriation of \$34,170,000 and estimated revenues of \$3,597,711.

**1.ORDERED: State/Local EPS Funding Allocation.**That the Town of Cape Elizabeth appropriate \$19,940,243.28 for the total cost of funding public education from pre-k to grade 12 as described in the Essential Programs and Services Funding Act and that the Town of Cape Elizabeth raise \$16,963,586 as the Town's contribution to the total cost of funding public education from pre-k 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 pre-k 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 \$398,800 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 pre-k 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: Additional Local Funds.** That the Town of Cape Elizabeth raise and appropriate \$13,209,903 in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$13,209,903 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 Pre-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 pre-k 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.

**4.ORDERED: Total School Budget Summary.** That the Town of Cape Elizabeth authorizes the School Board to expend \$34,170,000 for the fiscal year beginning July 1, 2023 and ending June 30, 2024 from the Town's contributions to the total cost of funding public education from pre-k 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.

**5.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.

**6.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 \$3,019,211 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.

##### Attachments:

- [FY 2024 School Board Budget Presentation 04 24 2023](#)
- [Proposed FY 2024 School Department Budget](#)
- [Councilor Reiniger's Email 05 09 2023](#)
- [FY 2024 Revised Proforma Based on Councilor Reiniger's Proposal 05 10 2023 \\$2.0M](#)
- [FY 2024 Revised Proforma Based on Councilor Reiniger's Proposal 05 15 2023 \\$1.8M](#)
- [Councilor Reiniger Presentation FY 2024 School Budget 05 15 2023](#)

#### 7. Item #75-2023 Proposed Fiscal Year 2024 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 majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

##### Draft Motion

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 8, 2023 does hereby adopt the following items concerning property taxes:

Fix October 16, 2023 and April 16, 2024 as the dates upon each of which one-half (1/2) of such tax is due and payable 36 M.R.S. §505 (2);

Interest to accrue upon taxes due and unpaid after each date at the interest rate of 6% (should be corrected to 8%) per annum 36 M.R.S. §505 (4);

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

Fix the interest rate for taxes paid in excess of the assessment 6% per annum  
36 M.R.S. § 506-A.

#### 8. Item #76-2023 Property Tax Levy Limit

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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##### Draft Motion

ORDERED, the Cape Elizabeth Town Council hereby increases the property tax levy for municipal services to \$9,010,200 in accordance with 30-A M.R.S. §5721-A.

#### 9. Item #77-2023 Consideration to Increase Building Permit Fees

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

##### Fee Schedule - Building Permits

Estimated Cost of Improvement	\$0 - \$2,500 Min.	\$25.00
Exceeding \$1,000 (per thousand)	<b>(suggested correction to Exceeding \$2,500)</b>	
1% of Total Value	<b>(suggested increase to 1.2% of total value)</b>	
Building Permit Late Fee	Double Fee	

At the April 25, 2023 budget workshop the Town Manager proposed amending the fee schedule to increase the building permit fee from 1% to 1.2%. In addition there is a correction to the fee schedule that the building permit fee is based on a percentage of total value for the estimated cost of improvement exceeding \$2,500 (not \$1,000).

##### Draft Motion

ORDERED, the Cape Elizabeth Town Council amends the fee schedule, effective July 1, 2023, to increase the building permit fee and corrects the fee schedule, effective immediately, as follows:

Estimated Cost of Improvement	\$0 - \$2,500 Min.	\$25.00
Exceeding <b>\$2,500</b> (per thousand)		
<b>1.2%</b> of Total Value		
Building Permit Late Fee	Double Fee	

##### Attachments:

- [Proposed Amendment to Fee Schedule 05 15 2023](#)

#### 10. 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 majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial \*9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

#### 11. Adjournment

### 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 chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 chair 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 chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 chair.