



Cape Elizabeth Town Council Special Meeting

Agenda Monday, June 15, 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/93152035606>

Or iPhone one-tap :

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Or Telephone:

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

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Webinar ID: 931 5203 5606

International numbers available: <https://zoom.us/u/a1F1jvdmn>

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 The section is repealed 30 days after the termination of the state of emergency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 of the Meeting

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 #90-2020 Fiscal Year 2021 Proposed School Budget

[Link](#) to School Budget

[Link](#) to School Budget Tax Implications

[Link](#) to Proforma – Based on the municipal budget approved May 27, 2020 and the proposed School Board school department budget.

[Link](#) to Memo – Superintendent Wolfrom

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 May 27, 2020 the town council voted to hold a public hearing on June 8 relating to the fiscal year 2021 school budget, with a vote on June 15. The validation election will be held on July 14.

The Cape Elizabeth School Board is recommending proposed expenditures of \$28,490,012. Estimated revenues of \$2,218,949; 3.79% change from FY 2020.

Draft Motion:

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council following the public hearing on Monday, June 8, 2020 at 7:00 p.m. via Zoom approves the school department budget as recommended by the School Board for Fiscal Year 2021 for a total appropriation of \$28,490,012.

1. ORDERED, **State/Local EPS Funding Allocation.** That the Town of Cape Elizabeth appropriate **\$17,964,495** 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 **\$16,418,623** 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 **\$454,800** 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 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 **\$105,500** 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 **\$9,292,139** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$9,292,139** 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 **\$28,490,012** for the fiscal year beginning July 1, 2020 and ending June 30, 2021 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 \$1,734,363 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 #91-2020 Town Emergency Order Expiring June 30, 2020 at 6:00 p.m.

[Link](#) to Emergency Order

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, April 28, May 27 and June 8, 2020. The emergency order expires June 30, 2020 at 6:00 p.m.

The town manager will provide an overview of requests from local businesses relating to consideration of allowing businesses to temporarily operate outside.

**Item #92-2020 Amendment to 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.

On May 27, 2020 the town council approved Item #79-2020 related to motions concerning property taxes for fiscal year 2021. Following the vote, municipalities were notified by the Office of the State Treasurer that the office mistakenly posted the maximum allowable rate that municipalities may apply to delinquent property taxes and the interest rate for taxes paid in excess of the assessment.

Finance Director John Quartararo recommends the town council approve the following order.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council adopts the following motion relating to fiscal year 2021 property taxes. Said motion corrects Item #79-2020 approved May 27, 2020.

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~~ eight percent (~~9.00%~~) (8.00%) 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~~ four percent (~~5%~~) (4%) per annum 36 M.R.S. §506-A.

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