



# Special Town Council Meeting

Monday, May 16, 2022 at 7:00 pm

Town Hall Council Chambers

Live on CETV

**Masks Strongly Encouraged**

**1. Convening of the Meeting**

Town Council Chairman Jeremy A. Gabrielson

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

Jeremy A. Gabrielson, Chairman

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**5. Item #93-2022 Fiscal Year 2023 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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

A public hearing on the proposed FY 2023 general fund budget was held on May 9. In addition, the town council scheduled the budget vote for May 16.

### **Draft Motion**

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 9, 2022 does hereby adopt the Municipal General Fund Operating and CIP expenditure budget for Fiscal Year 2023, of \$18,537,065, not including overlay or county assessment, with estimated non-property tax revenues of \$11,447,347 and estimated property taxes of \$7,089,718 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 2023 General Fund Budget Proforma** (FY\_2023\_General\_Fund\_Budget\_Proforma.pdf)
- **FY 2023 Municipal General Fund Budget Summary** (FY\_2023\_Municipal\_General\_Fund\_Budget\_Summary\_Draft.pdf)
- **Proposed FY 2023 Municipal Budget** (Proposed\_FY\_2023\_Municipal\_Budget.pdf)

### **6. Item #94-2022 Fiscal Year 2023 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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

A public hearing on the proposed FY 2023 general fund budget was held on May 9. In addition, the town council scheduled the budget vote for May 16. The school budget validation referendum will be held on June 14, 2022.

### **Draft Motion**

ORDERED, the Cape Elizabeth Town Council following a public hearing on May 9, 2022 at 7:00 p.m. approves the School Department budget as recommended by the School Board for Fiscal Year 2023 for a total appropriation of \$31,255,751 and estimated revenues of \$2,847,606.

1. ORDERED: **State/Local EPS Funding Allocation.** That the Town of Cape Elizabeth appropriate \$18,138,130 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 \$16,160,901.66 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 \$419,000 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 \$50,000 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 \$11,778,243 in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$11,778,243 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 \$31,255,751 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 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 \$2,019,106 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:**

- **Proposed FY 2023 School Department Budget** (Proposed\_FY\_2023\_School\_Department\_Budget.pdf)

**7. Item #95-2022 Proposed Fiscal Year 2023 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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 9, 2022 does hereby adopt the following items concerning property taxes:

Fix October 15, 2022 and April 15, 2023 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 4% 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 1% per annum 36 M.R.S. § 506-A.

**8. Item #96-2022 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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council hereby increases the property tax levy for municipal services to \$8,536,779 in accordance with 30-A M.R.S. §5721-A.

**9. Item #97-2022 Ad-Hoc Housing Diversity Study Committee Consultant RFP**

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On May 9, 2022, the Town Council approved the charge for the Ad-Hoc Housing Diversity Study Committee. The Town Manager designates a person to serve as staff to the committee. Anticipating committee appointments are completed by the end of summer, now is the time to begin the selection process to hire a consultant to support the committee.

The Town Planner has provided a memo relating to this item.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee development of an Ad-Hoc Housing Diversity Study Committee consultant RFP relating to support staff for the committee, with a recommendation back to the town council for

consideration.

**Attachments:**

- **Memo Town Planner HDSC Consultant RFP** (Memo\_Town\_Planner\_HDSC\_Consultant\_RFP\_05\_10\_2022.pdf)

**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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**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 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.

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| Agenda published on 05/11/2022 at 2:27 PM