



# Special Town Council Meeting

Thursday, May 19, 2022 at 7:00 pm

**via Zoom**

**Please click the link below to join the webinar:**

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to lower your hand.

## **COVID-19 Update**

Public proceedings by remote access for Town Council meetings are authorized by the Town of Cape Elizabeth's Remote Participation Policy adopted August 30, 2021 and the Order Declaring a Limited Emergency adopted August 30, 2021. The Order enacted as an Emergency was extended on May 9, 2022 until August 31, 2022. The Order may be further extended by vote of the Town Council.

### **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 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.

### **5. 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 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.

Town Charter

Article II Town Council

Sec. 10. Quorum. A majority of the council shall constitute a quorum for the transaction of business. At least 4 votes shall be required for passage of any ordinance, order or resolution, except as provided in Article II, Section 12. A smaller number may adjourn

from time to time. At least 24 hours notice of the time and place of holding such adjourned meetings shall be given to all members who were not present at the meeting from which adjournment was taken.

### **Draft Motion**

The Cape Elizabeth Town Council held a public hearing on the School Department budget on May 9, 2022. On May 16, 2022 at which 5 members of the Town Council were present with a quorum to conduct business, a vote of 3-2 on the School Department budget was ineffective thus requiring a subsequent vote (per the Town Charter Article II Town Council Sec. 10. Quorum at least 4 votes shall be required for passage of any ordinance, order or resolution, except as provided in Article II, Section 12.).

ORDERED, the Cape Elizabeth Town Council 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:**

- **FY 2023 General Fund Proforma** (FY\_2023\_General\_Fund\_Budget\_Proforma.pdf)
- **Proposed FY 2023 School Department Budget** (Proposed\_FY\_2023\_School\_Department\_Budget.pdf)

**6. 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.

**7. 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.