



## Cape Elizabeth Town Council Special Meeting

**DRAFT Minutes    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

**The meeting via Zoom, an online video and audio conferencing platform, was convened at 7:00 p.m. by Town Council Chairman Valerie A. Adams.**

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) Governor Mills 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 The section is repealed 30 days after the termination of the state of emergency.

The Cape Elizabeth Town Council will meet as necessary to continue the town's work via an online platform as allowed by State authorization during the state of emergency due to COVID-19. The platform will allow for public comment as outlined in the Town Council Rules. The public is reminded they should continue to provide questions and comments to the town council relating to business of the town via email or mailing correspondence to their attention to town hall.

### **The Pledge of Allegiance to the Flag**

#### **Roll Call by the Town Clerk**

All members of the town council were present.

Debra M. Lane, Town Clerk  
John Quartararo, Finance Director  
Matthew E. Sturgis, Town Manager  
Donna Wolfrom, Superintendent of Schools

### **Item #90-2020            Fiscal Year 2021 Proposed School Budget**

#### **Public Comment**

Heather Altenburg, 31 Olde Colony Lane, member of the school board encouraged the town council to vote for the budget as presented. Funds will be needed to address virus protocols and student needs whether learning continues remotely and/or by returning to the classroom.

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Moved by Caitlin R. Jordan and Seconded by Jeremy A. Gabrielson

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.

(5 yes) (2 no Councilors Valerie Deveraux and Penelope Jordan)

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.

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*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.

**Citizens Discussion of Items Not on the Agenda**

None

Chairman Adams left the meeting. Chairman Pro-Tem Garvin presided over the remainder of the meeting.

**Item #91-2020            Town Emergency Order Expiring June 30, 2020 at 6:00 p.m.**

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 provided an overview of requests from local businesses relating to consideration of allowing businesses to temporarily operate outside and other updated state guidelines.

Following town council discussion, no further action was taken on the emergency order.

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**Item #92-2020                    Amendment to Fiscal Year 2021 Municipal General Fund Budget  
Summary Motion Concerning Property Taxes**

Introduction – John Quartararo, Finance Director

Moved by Penelope A. Jordan and Seconded by Valerie J. Deveraux

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.

(6 yes) (0 no)

Councilor Penelope Jordan noted emails and correspondence received from residents relating to the Black Lives Matter movement, racism, and recent demonstrations and protests. Several residents suggested signs on town property e.g. town hall, police department. How does the town council want to proceed to put actions into motion relative to the protests, demonstrations and statement of views?

Moved by Penelope A. Jordan and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council schedules a workshop on Monday, June 22, 2020 at 7:00 p.m. via Zoom on issues relating to diversity and racial equality in Cape Elizabeth.

(6 yes) (0 no)

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

Jennifer McVeigh, 7 Brentwood Road asked how interested residents get a voice at the table at the 6/22 workshop.

John Cesere, 9 Old Fort Road thanked the town manager, police chief and Councilor Penny Jordan relating to the response on a sign. The town council should act swiftly. Could the electric traffic sign be used?

Nicole Boucher, 14 Grover Road stated the town has already waited too long. The town council needs to take a public stance.

Melanie Thomas, 6 Starboard Drive supports a sign with a clear statement representing the people of color.

Nicole Boucher stated she is disappointed the town isn't making a statement now.

John Cesere agrees with Ms. Boucher.

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Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council schedules a special town council meeting following the workshop on Monday, June 22, 2020 via Zoom. The workshop begins at 7:00 p.m. The special meeting is scheduled so that the town council could vote on the placement of signs, a public statement or any other action following the workshop.

(6 yes) (0 no)

**Adjournment**

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 9:28 p.m.

(6 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk