



Veazie Town Council

Special Meeting

June 3rd, 2013 at 6:30 PM

AGENDA

- ITEM 1. Call to Order
- ITEM 2. Secretary to do the Roll Call
- ITEM 3. Pledge of Allegiance
- ITEM 4. Consideration of the Agenda
- ITEM 5. Public comments

New Business:

- ITEM 6. Approval of the School Warrant
- ITEM 7. Signing of the Amended Warrant

Old Business:

- Item 8. Comments from the Public
- Item 9. Requests for information and Town Council Comments
- Item 10. Adjournment

**Joseph Friedman
1 Veazie Villas
852-0933**

**Jonathan Parker
1149 Buck Hill Dr.
947-4740**

**Brian Perkins
1116 Chase Rd.
942 -2609**

**Tammy Olson
5 Prouty Drive
947-9624**

**Chris Bagley
16 Silver Ridge
907-4820**

Agenda Items

For June 3, 2013

Item 1- Attached you will find a memo from the Town Attorney along with the proposed warrant that was drafted by him as well. This has been a very trying week as I have been sorting through the proper way to complete this budget process correctly. From my research and discussions with the Town Attorney it appears that by approving this warrant this will be accomplished.

You will also see a warrant for school budget validation that will need signing. The Attorney has set the date of June 18th, 2013 which can be changed. This is the first date that this can occur and can't occur later than July 1, 2013. This will require an additional voting process at the Town Office but needs to occur so that we meet the requirements of the law which has been outlined in Attorney Russell's memo.

Item 2- I would recommend the Council sign the amended warrant after the reading so that we can post this after the meeting so we continue to meet the guidelines of postings. Additional Council signatures will be needed for the warrant for the school budget validation referendum. I will also recommend signing this as well so we can continue to meet the guidelines for postings

Attorney Russell will be unable to be with us so I have asked that you bring any question you may have to my attention prior to the meeting so that I can present them to Attorney Russell for review and possible resolve.



Message

Fri, May 31, 2013 10:05 AM

From: "Thomas A. Russell" <tar@frrlegal.com>
To: <mleonard@veaziepd.net> **Mark Leonard**

Subject: Warrants

Attachments: Attach0.html / Uploaded File 4K
 town meeting warrant revised 05 30 13.doc / Uploaded File 50K
 Warrant for School Budget Validation 05 31 13.doc / Uploaded File 28K

Mark: Attached are the warrants for the combined town meeting/school budget meeting and the calling of the budget validation referendum. The town meeting/school budget meeting warrant needs to be signed and posted in conspicuous places by 8:00 pm on June 3rd. The referendum warrant must be signed and distributed (posted and available to the public) at least 14 days before the date of the referendum. Assuming it is signed and posted on June 3rd, the earliest the referendum could occur would be Tuesday, June 18th, and that is the date I inserted in the warrant. The Town Council could decide on a different date, but it must be before July 1st. The ballots need to be available the day after the school budget meeting, which would be June 12th. Please call if you have any questions. Both warrants need to have a Return. I assume that you have language for that, so I have not drafted Returns. If you want me to do that, just let me know. Tom

FARRELL, ROSENBLATT & RUSSELL

**ATTORNEYS AT LAW
61 MAIN STREET
P.O. BOX 738
BANGOR, MAINE 04402-0738**

**ANGELA M. FARRELL
NATHANIEL M. ROSENBLATT
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JON A. HADDOW
GREGORY P. DORR
ROGER L. HUBER**

**TELEPHONE (207) 990-3314
TELECOPIER (207) 941-0239
e-mail: tar@frlegal.com**

MEMORANDUM

May 30, 2013

To: Mark Leonard, Town Manager
From: Tom Russell
Re: FY 2013/2014 School Budget

The withdrawal of Veazie from RSU #26 will become effective as of June 30, 2013, and Veazie will become a municipal school unit as of July 1, 2013. The existing Veazie members of RSU #26 are serving as Veazie School Committee, and developed the school budget for FY 2013-2014. Pursuant to Title 20-A MRS §2307, municipal school budgets must follow the same school budget requirements as RSUs, pursuant to 20-A, Chapter 103-A, except as provided in §2307(1) and (2).

The school budget adoption process involves two steps. Title 20-A MRS §1482-A requires a school budget meeting, which must be called by a warrant. For a municipal school unit, that warrant must be signed by the municipal officers (Town Council in Veazie). Section 1485 requires that the annual budget of a school unit must be in the cost center summary budget format, and that the budget warrant articles for the budget meeting must correspond to the categories of the cost center summary budget format. Once the school budget is approved at the budget meeting, Section 1486 requires that a referendum election be held to allow the voters to validate or reject the total budget adopted at the school unit budget meeting.

Since Veazie is a charter municipality, §2307(1) provides that the budget meeting required by 20-A MRS §1485(3) must be a meeting of the municipal council or other municipal legislative body established by the charter with the authority to approve the budget. Under Section 00.07.03 of Veazie's Town Charter, the Town Council's budget authority is limited to the final determination of the total appropriations to be made to each department, including the School Committee. After a public hearing before the Town Council, it must recommend the budget, with or without change, to the annual Town Meeting. Under Section 00.09.02 of the Charter, the Town Meeting is the legislative body of the Town that approves the budget. Therefore, in accordance with §2307(1), the annual Town Meeting constitutes the school budget meeting.

It appears that the School Committee was operating under the understanding that the Town Council had the legislative authority to approve the school budget, and that the Council's

vote constituted approval of the school budget. Based on that understanding, the referendum validation vote required by §1486 was scheduled for June 11th.

In a Memorandum from Attorney Daniel Stockford dated May 22, 2013, he stated that “it appears that a Veazie town meeting must serve as the budget meeting at which the required budget articles are approved.” He advised that in order to still hold the budget validation referendum on June 11th, the Town Council would have to call a Special Town Meeting to consider the school budget, preferably on June 3rd. That recommendation is problematic. First, Section 00.07.03 provides that the Town Council’s recommendation on the budget is to be to the annual Town Meeting. Second, Section 00.09.01 provides that an annual Town Meeting for consideration of the budget and other Town business is to be held on the second Tuesday in June at 8:00 PM. Third, Section 00.09.02 provides that the Town Meeting is required for approval of the Annual Budget. Fourth, even if a special Town Meeting could consider the annual school budget, there is insufficient time to prepare, sign and post a warrant for such a Meeting for June 3rd. So, the bottom line is that the Town Council needs to issue and sign a new Warrant that adds the school budget articles thereto. It must be signed and posted by no later than 8:00 PM on June 3rd.

In addition, since the school budget validation referendum must be held after the adoption of the school budget at the school budget meeting, the validation referendum cannot be held on June 11th. That referendum must be cancelled, and the two ballot questions concerning the school budget and the continuation of the budget validation process must be removed from the ballot. The Town Council will need to sign another warrant to call the budget validation referendum.

There is also an issue of what school budget articles must be on the warrant. Section 2307 provides that municipal school budgets must follow the same school budget requirements as regional school units pursuant to Title 20-A, chapter 103-A, except as provided in §2307(1) and (2). As stated above, §2307(1) deals with which municipal body constitutes the school budget meeting in charter municipalities, and that is the town meeting in Veazie.

Section 2307(2) provides as follows:

“In charter municipalities where the municipal charter confers upon a municipal council or other municipal legislative body the authority to determine the total amount of the school budget and confers upon the school committee or school board the authority to direct the expenditure of those funds for school purposes, the municipal council or other municipal legislative body shall determine the total amount of the school budget to be submitted to a budget validation referendum and the school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format.”

Under Section 00.07.07 of the Veazie Town Charter, the Town Meeting shall make a gross appropriation for each department, including the School Department. Section 00.07.07 also provides that the school budget shall be expended under the direction and control of the School Committee. Arguably, given the foregoing provisions of §2307(2), the town

meeting/school budget meeting only needs to vote on the total amount of the proposed school budget, and it is up to the School Committee to determine the allocation of the approved school budget amongst the cost centers of the cost center summary budget format. The articles submitted by Dan Stockford are based on the interpretation that the language of §2307(2) exempts the Town of Veazie from the requirement to use budget articles that correspond to the categories of the cost center summary budget format. I tend to agree with that interpretation.

However, while researching that issue for the Town of Glenburn, I discussed the matter with James Rier, Deputy Commissioner of the State of Maine Department of Education and the point man on withdrawal issues. It was his opinion that municipal school units had to use the budget articles that correspond to the categories of the cost center summary budget format. It was his opinion that the Legislature created the cost center summary budget format and the requirement that a separate vote be taken on each cost center category to provide the voters with an opportunity at the budget meeting to vote on each category of the budget. Otherwise, if the vote was on the gross amount of the budget, the voters could not target any reductions in the budget. If the gross amount was reduced, then the School Committee would determine where the cuts would be made in the budget. However, that is exactly what the Veazie Town Charter contemplates, the voters will decide on a gross appropriation for each department, including schools, and the Town Council (for the Town Budget) of the School Committee (for the School budget) will determine where to make the cuts. In addition, Michael Stultz, an attorney with the Maine Municipal Association, agreed with Mr. Rier's opinion.

Therefore, given that difference of opinion, it is my recommendation that the School Committee and the Town Council should be prudent, and utilize the cost center summary budget format and the corresponding warrant articles. Perhaps we can research that issue for next year.

Finally, there is an issue of whether it is appropriate to place a question on the referendum ballot asking the voters if they wish to continue with the budget validation referendum requirement. Section 1486 provides that every three years, the school unit shall consider continued use of the budget validation referendum process, and that the warrant at the budget validation referendum in the third year following adoption or continuation of the referendum process must include an article by which the voters can indicate whether they wish to continue the referendum process for another three years. Section 1486 also provides that the warrant to validate the fiscal year 2010-11 budget is deemed the third year warrant. Therefore, for any school units in existence for FY 2010-2011, the warrant referendum for the FY 2013-2014 fiscal year must contain the required article. If the voters decide to not continue the process, that will become effective for the 2014-2015 fiscal year budget. However, the Veazie municipal school unit is only becoming effective as of July 1, 2013. It is a new entity, and has not used the budget validation referendum process for the past three years. I question whether it can piggy back on the fact that RSU #26 used the process for the past three years. It is Mr. Rier's position that since the Veazie MSU is a new school unit as of July 1, 2013, it must use the budget format for at least three years, and that the continuation question should be on the referendum ballot for Fiscal Year 2015-2016.

I believe Mr. Rier's opinion is consistent with the provision that every three years the school unit shall consider continued use of the budget validation referendum process. Therefore,

it is my recommendation that the question on continuation of the budget validation referendum process not be placed on the warrant for the budget validation referendum.

I will work on preparation of the warrant for the Town Meeting and the warrant to call the referendum election, and send those to you tomorrow. If you have any questions or comments, please feel contact me.

**WARRANT FOR ANNUAL TOWN MEETING
AND SCHOOL BUDGET MEETING**

State of Maine
Penobscot, ss.

To: Mark Leonard, Chief of Police for the Town of
Veazie, in said County of Penobscot, State of Maine

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Veazie, in said County, qualified by law to vote in Town affairs, to meet at the Municipal Building, in said Town, on Tuesday, the 11th day of June, A.D., 2013 at 8:00 a.m., then and there to act on Article 1 and by secret ballot on Article 2 as set out below.

Article 1: To elect a Moderator by written ballot to preside at said meeting.

Article 2: To elect by secret ballot all town councilors, school committee members and sewer district trustees as are required to be elected.

It is hereby specified that the polls be open from 8:00 a.m. to 8:00 p.m. for the election of the aforementioned officials.

The Office of the Registrar of Voters will be open at the Municipal Building on Tuesday, June 11, 2013 to add new registrations to the list of voters from 8:00 a.m. until 8:00 p.m.

And, to notify and warn said inhabitants to meet at the Veazie Community School in said Town on Tuesday, the 11th day of June, A.D., 2013 at 8:00 p.m., then and there to act on Articles 3 through 30 as set out below.

TOWN BUDGET ARTICLES

Article 3: To see what sum the Town will vote to raise and/or appropriate for the Executive Department.

Recommended by the Town Council & Budget Committee: **\$293,824.00**

Article 4: To see what sum the Town will vote to raise and/or appropriate for Public Works.

Recommended by the Town Council & Budget Committee: **\$72,600.00**

Article 5: To see what sum the Town will vote to raise and/or appropriate for Fixed Cost Items:

Recommended by the Town Council & Budget Committee: **\$353,843.00**

Article 6: To see what sum the Town will vote to raise and/or appropriate for the Fire Department.

Recommended by the Town Council & Budget Committee: **\$171,767.00**

Article 7: To see what sum the Town will vote to raise and/or appropriate for the Police Department.

Recommended by the Town Council & Budget Committee: **\$331,189.00**

Article 8: To see what sum the Town will vote to raise and/or appropriate for the Parks and Recreation Department.

Recommended by the Town Council & Budget Committee: **\$68,897.00**

Article 9: To see what sum the Town will vote to raise, transfer, and/or appropriate for the Capital Improvements and Reserve Account Program for the Fiscal Year 2013-2014.

Recommended by the Town Council & Budget Committee: **\$191,550.00**

Article 10: To see what sum the Town will vote to raise and/or appropriate for Comm. Invest.

Recommended by the Town Council & Budget Committee: **\$23,600.00**

Article 11: To see if the Town will vote to fix a date when taxes are due and to set an interest rate, the amount not to be compounded, on all real estate and personal property taxes not paid on or prior to September 30th. Interest will commence on October 1st on all taxes not paid on or prior to September 30th.

Due Date suggested: **Upon receipt of tax bill**

Interest rate suggested: **7.0%**

Article 12: To see if the Town will vote to finance the voted expenditures as follows:

TAX COLLECTOR'S REVENUE

Total Tax Collector's Revenue:\$309,753.00

TREASURER'S REVENUE

Total Treasurer's Revenue\$397,631.00

TOWN CLERK'S REVENUE

Total Town Clerk's Revenue\$1,750.00

Recommended non-property tax revenues by the Town Council & Budget Committee:
\$709,134.000.

Article 13: To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2012-2013 at **3.0%** per year on the amount of overpayment.

SCHOOL BUDGET ARTICLES

Article 14: To see what sum the Town of Veazie School Committee will be authorized to expend for Regular Instruction.

Recommended by the School Committee: **\$ 2,188,890.00**

Article 15: To see what sum the Town of Veazie School Committee will be authorized to expend for Special Education.

Recommended by the School Committee: **\$768,465.73**

Article 16: To see what sum the Town of Veazie School Committee will be authorized to expend for Career and Technical Education.

Recommended by the School Committee: **\$18,593.51**

Article 17: To see what sum Town of Veazie School Committee will be authorized to expend for Other Instruction.

Recommended by the School Committee: **\$41,382.29**

Article 18: To see what sum the Town of Veazie School Committee will be authorized to expend for Student and Staff Support.

Recommended by the School Committee: **\$181,879.65**

Article 19: To see what sum the Town of Veazie School Committee will be authorized to expend for System Administration.

Recommended by the School Committee: **\$97,162.82**

Article 20: To see what sum the Town of Veazie School Committee will be authorized to expend for School Administration.

Recommended by the School Committee: **\$163,271.01**

Article 21: To see what sum the Town of Veazie School Committee will be authorized to expend for Transportation and Buses.

Recommended by the School Committee: **\$130,000.00**

Article 22: To see what sum the Town of Veazie School Committee will be authorized to expend for Facilities Maintenance.

Recommended by the School Committee: **\$224,785.00**

Article 23: To see what sum the Town of Veazie School Committee will be authorized to expend for Debt Service and Other Commitments.

Recommended by the School Committee: **\$402,731.07**

Article 24: To see what sum the Town of Veazie School Committee will be authorized to expend for All Other Expenditures including School Lunch transfers.

Recommended by the School Committee: **\$50,000.00**

**ARTICLES 25 AND 26 RAISE FUNDS FOR THE
PROPOSED SCHOOL BUDGET**

Article 25: (Requires a recorded vote.) To see what sum the Town of Veazie will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and to see what sum the Town of Veazie will raise as the municipality'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.

School Committee Recommends Total Appropriated by Town of Veazie:
\$3,085,123.80

School Committee and Town Council Recommend Total Raised by Town of
Veazie:
\$1,875,437.50

Explanation: The school administrative unit'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 a municipality must raise in order to receive the full amount of state dollars.

Article 26: (Requires a recorded vote.) Shall the Town of Veazie raise and appropriate **\$901,259.01** in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$789,687.02** as required to fund the budget recommended by the School Committee.

The School Committee and Town Council recommend **\$901,259.01** for additional local funds and the School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$789,687.02**: The Essential Programs and Services funding formula does not provide funding to fully cover the actual costs of special education programming, student transportation, system administration, and co-curricular and extra-curricular programming. If student enrollment remains static or declines, and/or property valuations continue to increase at a rate faster than the state average, the formula will calculate lower EPS total allocations and/or higher local contributions.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit'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 municipality/district budget for educational programs.

ARTICLE 27 SUMMARIZES THE PROPOSED SCHOOL BUDGET

Article 27: (Requires a recorded vote.) To see what sum the Town of Veazie will authorize the School Committee to expend for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the Town of Veazie'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, 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.

Recommended by School Committee:

\$4,267,161.08

Article 28: In addition to amounts approved in the preceding articles, shall the School Committee be authorized to expend for school purposes such other sums as may be received from federal or state aid, grants, programs or other sources during the fiscal year beginning July 1, 2013 and ending June 30, 2014, provided that such aid, grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Explanation: This article has no relation to previously voted articles pertaining to the general operating budget's expenditures and revenues. The question authorizes the School Committee to expend any other receipts such as state and federal aid or grants to assist in the operation of the Veazie Community School. Examples would be Title I (federal reading intervention program), Special Education (local entitlement) and unanticipated state aid, including increases in municipal revenue sharing.

Article 29: Shall the Regional Vocational Budget as approved by the Cooperative Board for the year beginning July 1, 2013 through June 30, 2014 be approved in the amount of **\$2,510,839.00**.

Article 30: Shall the Regional Vocational Budget as approved by the Cooperative Board for adult education for the year beginning July 1, 2013 through June 30, 2014 be approved in the amount of **\$201,104.00** with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and well-being of its adult education program, and shall the Town of Veazie raise **\$1,385.98** as its share of the adult education budget for the career and technical education region?

Given under our hands this 3rd day of June, A.D., 2013.

TAMMY OLSON, Chair _____

JOSEPH FRIEDMAN _____

BRIAN PERKINS _____

JONATHAN PARKER _____

CHRIS BAGLEY _____

Veazie Town Council

ATTEST:
Mark Leonard, Chief of Police

WARRANT FOR SCHOOL BUDGET VALIDATION REFERENDUM

STATE OF MAINE
PENOBSCOT, ss.

To: Mark Leonard, Chief of Police for the Town of Veazie, in said County of Penobscot, State of Maine.

GREETINGS:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of Veazie in said County and State, qualified by law to vote in Town affairs, to meet at the Municipal Building , in said Town, on Tuesday, the 18th day of June, A.D. 2013, at 8:00 a.m., then and there to act upon Article 1 and by secret ballot on Article 2 as set out below, the polling hours to be from 8:00 a.m. to 8:00 p.m.

Article 1. To elect a Moderator by written ballot to preside at said meeting.

Article 2. Do you favor approving the Veazie Municipal School Unit budget for the upcoming school year that was adopted at the latest Veazie school budget meeting?

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list and to accept the registration of any person eligible to vote. A person who is not registered as a voter may not vote in any election.

GIVEN UNDER OUR HANDS THIS 3RD DAY OF JUNE, 2013, AT VEAZIE, MAINE.

TAMMY OLSON, Chair _____

JOSEPH FRIEDMAN _____

BRIAN PERKINS _____

JONATHAN PARKER _____

CHRIS BAGLEY _____

Veazie Town Council

ATTEST:

Mark Leonard, Chief of Police

Officer's Return



**PENOBSCOT, ss.
State of Maine**

I certify that I have notified and warned the voters of the Town of Veazie, qualified as therein expressed to meet at the time and place for the purposes therein named, by posting this day an attested copy of the within warrant at the Community Bulletin Board (at the Fletcher Municipal Building), Veazie Mini-Mart, and the Veazie Community School the same being conspicuous and public places in said Town.

**Police Officer/Constable
Town of Veazie**

Date

**PENOBSCOT, ss
State of Maine**

Then appeared before me, _____ of said municipality and acknowledged the foregoing instrument to be his free act and deed in said capacity.

**Julie Strout-Notary Public
Commission Expires 03-03-17**