



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commission
From: Jonathan Wayne, Executive Director
Date: July 15, 2025
Re: School Construction Referenda in Cape Elizabeth

Update on Developments since Commission's May 28, 2025 Meeting

This matter concerns two school construction referenda in Cape Elizabeth held on November 5, 2024 and June 11, 2025. In a complaint filed April 18, 2025, Robert L. Benoit and Mary Ann Lynch allege that the school department spent more than \$5,000 on advertisements in the Cape Courier newspaper to influence the referenda and therefore should have registered and filed campaign finance reports as a ballot question committee. At its May 28, 2025 meeting, the Commission reserved judgment so it could consider the legal question of whether the Cape Elizabeth School Department, as a municipal entity, could qualify as a ballot question committee.

Since the Commission's May 28, 2025 meeting:

- The Commission received a legal and factual memo from Robert L. Benoit and Mary Ann Lynch dated June 20, 2025. ETH 165-172.
- The Commission received a legal memo from Adrienne E. Fouts, Esq., counsel for the Cape Elizabeth School Department dated June 20, 2025. ETH 173-176.
- The Commission received a legal memo from its counsel, Assistant Attorney General Jonathan R. Bolton, dated July 14, 2025. ETH 177-189.

Attached Materials

Old Materials (materials numbered in the packet for the last meeting)	
ETH 1-27	Complaint by Robert Benoit and Mary Ann Lynch
ETH 28-30	Follow-up email from Robert Benoit dated May 1, 2025
ETH 31-32	Response by Cape Elizabeth School Department
ETH 133-136	Timeline of development of school construction proposal
ETH 137-151	Staff memo for 2009 South Portland matter
ETH 152-154	Legislative history of ballot question committee reporting prepared for 2009 South Portland matter
ETH 155-158	Relevant Statutes
ETH 159-164	Cape Elizabeth School Board Policies
New Materials	
ETH 165-172	Legal and factual memo by Robert Benoit and Mary Ann Lynch dated June 20, 2025
ETH 173-176	Legal memo by Counsel for Cape Elizabeth dated June 20, 2025
ETH 177-189	Legal memo by Commission Counsel, Assistant Attorney General Jonathan R. Bolton, dated July 14, 2025
ETH 190-207	Staff memo by Jonathan Wayne dated May 22, 2024 (prepared for last meeting)
ETH 208-211	Correspondence by Commission staff
ETH 212-226	Additional materials received at May 28, 2025 meeting
ETH 227-239	Benoit/Lynch Request for Continuance dated May 27, 2025
ETH 240-242	Letter from Elizabeth Biermann

Staff Recommendation

The Commission staff has reviewed all of the submissions since your last meeting. We agree with the Commission's counsel that the threshold question is whether the statutory term "person," defined in 21-A M.R.S. § 1001(3), could include a municipal entity.

All the memoranda were helpful. The Commission's counsel performed a particularly thorough job examining the dictionary definitions of the relevant terms, legislative history, case law interpreting "person" and "corporation," legislative practice in defining "person," the legislative framework of Maine campaign finance law, and agency precedent. ETH 177-189. Mr. Bolton's conclusion is: while the term "person" could reasonably be interpreted to include or exclude municipal entities, his "recommendation is that the Commission should conclude that *person* excludes municipal entities." ETH-188.

Based on the reasoning in Mr. Bolton’s memo, the Commission staff recommends that you determine that the ballot question committee reporting requirements in Chapter 13 of the Maine Election Law do not apply to municipal entities and that you take no action on the complaint. In our view, interpreting the law correctly going forward in accordance with legislative intent is the paramount concern. We believe the reliance interests in maintaining the Commission’s 2009 South Portland decision are not that strong. Since 2009, the Commission has received no registrations or campaign finance reports from municipal entities. From 2009 until this Cape Elizabeth matter, the Commission received no complaints alleging that municipal entities should have registered as ballot question committees. The 2009 case was a one-off that is not mentioned in our guidebook for ballot question committees.

If the Commission is not ready to make a general determination about municipal entities, the Commission staff recommends taking no further action on the complaint for the reasons expressed in our staff memo for the last meeting. ETH 190-207. In summary, our opinion was that the Cape Elizabeth school superintendent made a persuasive case that the school department’s purpose in purchasing 11 Cape Courier advertisements in 2024 and 2025 was to encourage the public to participate in public forums, meetings and hearings; to communicate with town and school officials; and to learn more about the issues through the town website, school tours, etc. If Commissioners would like to review the ads, they can be found at ETH 4-14 and a list of the ads with commentary by staff appears on page ETH-202. The advertisements barely mention the November 5, 2024 and June 10, 2025 referenda, and do not tell anyone how to vote. They provide information that the school officials would plausibly believe is necessary for the public to understand the issues. In the Commission staff’s view, there’s reason to doubt whether any of the advertisements constitute advocacy.

Even if the Commission disagrees with this staff view and is inclined to believe that some of the advertisements in 2024 and 2025 were for the purpose of influencing the November 5, 2024 or June 10, 2025 referenda, the chances that the school department spent more than \$5,000 to influence either election seem low. Commission staff recommends the view that the November 5, 2024 and June 10, 2025 referenda be considered *separate* election campaigns, each with their own \$5,000 threshold for registration. “Ballot question committee” is defined as:

a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate

The test is spending more than \$5,000 for the purpose of initiating or influencing “a campaign” (singular, not plural). “Campaign” is defined as “any course of activities ... to initiate or influence ...[a]ny county or municipal referendum...” (again, “any” referendum is singular not plural). The 2024 and 2025 were different referenda with different price tags. We believe the best application of statute is that they should not be combined into a single “campaign.” Although we do not have specific examples to cite, we believe this recommendation is also consistent with informal advice historically provided by Commission staff in similar situations in which successive statewide ballot questions were scheduled on related topics (energy construction projects, same sex marriage, etc.).

The Cape Courier charged either \$947.52 or \$1,015.20 for each ad. The complainants would like the costs of Harriman in preparing the graphics and explanations in the ads to be considered as a campaign expenditure, even though this content was used for a mix of purposes (not just the Cape Courier ads but also other communications such as signs, visual presentations or posters). In order for the complainants to persuade the Commission that the school department spent more than \$5,000 to influence either referendum, the Commission would need to conclude that multiple ads in either election were purchased for the purpose of influencing the referendum. Some of the early ads in each year ran more than three months before the referenda and don’t mention the referenda at all. ETH-202. We question whether those ads should be considered “for the purposes of influencing” the referenda.

While our recommendation is to take no action on the complaint, if the Commission believes additional investigation is necessary, the Commission will gladly gather more information and report back at a future meeting.

Ms. Heidi Hoefler, Political Committee and Lobbyist Registrar
Maine Commission on Governmental Ethics
and Election Practices
135 State House Station
Augusta, Maine 04333

Re: Cape Elizabeth School Construction Project Referendum

Dear Ms. Hoefler,

We are writing to you out of concern that the Cape Elizabeth School Superintendent, acting as an agent of the School Department, may have violated and may continue to violate a fundamental principle of election ethics. In particular, the Superintendent is spending taxpayer funds to influence the outcome of a referendum on the proposed construction of a new middle school in Cape Elizabeth. “[A]bsent specific legislative authorization, public agencies may not spend public funds to take sides in elections and attempt to influence results.” *Campaign for Sensible Transportation v. Maine Turnpike Authority*, 1991 Me. Super. LEXIS 228 at *6 (Oct. 8, 1991) (Alexander, J.); see also, Op. Me. Att’y Gen. 04-05 at 10-11 (2004).

The citizens of Cape Elizabeth have twice rejected proposals to spend over \$115 million and nearly \$95 million on similar projects in November 2022 and November 2024. That has not prevented the School Department and its allies on the Town Council from advancing yet another vote, this time in June 2025, on a similar project costing over \$86 million.

The question of whether or not the Cape Elizabeth School Department may spend public funds to influence a ballot question may not be within the purview of the Commission; however, separately we believe there is clear and convincing evidence that the Superintendent and the School Department spent more than \$5,000 of public funds to influence the referendum election on November 5, 2024, for the \$95 million bond (Exhibit 13), and consequently should have registered as a ballot question committee (BQC) and filed required campaign finance reports.

Beginning in the summer of 2024, the School Department initiated a series of paid advertisements in the Cape Courier to influence the campaign for the \$95 million school bond (Exhibits 2,3,4,5,6). These advertisements include exhortations such as “3 REASONS WHY NOW IS THE TIME”. The School Business Manager, Cape Elizabeth School Department, provided upon our request a list advertising expenditures and design services

in excess of \$5,000 leading up to the 2024 election (Exhibit 10). These expenditures were authorized by the Superintendent, who meets the definition of a ballot question committee along with the school department in Title 21A-2A:

2-A. Ballot question committee. "Ballot question committee" means a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. The term "ballot question committee" does not include a political action committee or an exempt donor.

Recently, you responded to an inquiry from Mary Ann Lynch concerning registration and reporting requirements regarding municipal referendum elections as follows (Exhibit 14):

"There is no requirement to register as a BQC until a **person** receives **contributions** or makes **expenditures** aggregating in excess of \$5,000 for the purpose of **initiating** or **influencing** a **campaign**. (See 21-A MRS §1052 (2-A) and §1052-A (1)(A-1) – words in bold and underlined are defined terms.)

A couple of things you may want to keep in mind:

1. For BQCs, the statute contemplates certain efforts prior to a question being on the ballot counting toward the in excess of \$5,000 activity – initiating...a campaign.
2. The statutory definition of expenditure does not include "[a]ctivity designed to encourage individuals...to vote (See 21-A MRS §1052 (4)(B)(2).
3. Required disclosure on political communications exceeding \$500 – 21 MRS §1055-A applies to all "persons", including individuals, and to communications for or against an initiative. "

After defeat of the \$95 million bond the Superintendent immediately initiated a campaign in support of a new \$86 million bond proposal and signed a contract for assistance in developing written and graphic communications for "8 newspaper ads and 8 flyers" among other services. (Exhibit 12 attached).

Even before the Town Council set the referendum vote for June 10th, the School Department was advocating for passage of a June referendum. An advertisement calling itself a FAQ begins: "**WHY DO WE NEED A NEW MIDDLE SCHOOL?**" (Exhibit 1, attached.) It argues that "the current middle school and systems therein have far exceeded their useful life" and "is struggling to stay operational"; "the school cannot meet the needs of

the students and modern educational practices”; “[t]he new building is more efficient, provides better learning spaces and has a smaller footprint”; [t]he new build is a better long-term solution”; and “[e]very day we wait, the project costs more”; and finally **“WHAT ARE THE BENEFITS OF A JUNE ELECTION?”**

The School Department could have registered as a ballot question committee, filed the necessary reports, and raised private funds instead of spending taxpayer monies to advance its arguments in favor of a new middle school. But it didn’t. Instead, it may have repeatedly violated a fundamental election law ethics principle. This is not an anomaly. As its other advertisements in this long-standing campaign demonstrate, the School Department has routinely used public funds to argue for its preferred election outcome. (Exhibits 2-8, attached.)

On behalf of concerned citizens of Cape Elizabeth, we respectfully request that the Maine Commission on Governmental Ethics and Election Practices investigate the conduct of the Cape Elizabeth School Department and School Superintendent and require them to comply with the law, terminate any further advocacy with public funds, register as a Ballot Question Committee, and file reports on election expenditures.

Very truly yours,



Date: 4-19-25

Robert L Benoit

26 Cross Hill Rd.

Cape Elizabeth, Maine 04107



Date: 4/19/25

Mary Ann Lynch

2 Olde Colony Lane

Cape Elizabeth, Maine 04107

PLEASE ATTEND THE PUBLIC HEARING ON 7/29

"THE MIDDLE GROUND" SCHOOL DESIGN CONCEPT

RECENT MEETINGS



JULY 1 SCHOOL BOARD MEETING

The Board voted unanimously to support the \$89.9M 'Middle Ground Concept' and recommended that Town Council send it to a November Referendum.



JULY 8 TOWN COUNCIL MEETING

Council voted unanimously to send the \$89.9M 'Middle Ground Concept' to Public Hearing, with an amendment to discuss future use of the 1934 building.

A \$42M option, proposed by the Town Council Chair, was supported by a 4-3 vote to go to Public Hearing as well. This proposal had not been voted on by the School Board and would address only facility repairs and security renovations.



JULY 29 PUBLIC HEARING

Attend the Public Hearing on the \$89.9M 'Middle Ground Concept' and discussion of future use of the 1934 building, and the \$42M repairs option proposed by the Council Chair.



AUGUST 12 TOWN COUNCIL MEETING

Council votes on bond language for the November 5 Referendum.



NOVEMBER 5 REFERENDUM

The public votes on the proposed concept.

WHAT QUESTIONS ARE WE HEARING IN THE COMMUNITY?

WHAT IS IN THE BOND?

The bond includes up to \$89.9M to address educational and facility needs at all three schools as follows:

- To construct and equip a new middle school,
- To renovate, repair, and expand Pond Cove Elementary School; and
- To repair Cape Elizabeth High School

As well as additional expenditures of up to \$1,625,000 in the form of pledges, gifts, grants and other donations to pay for a solar array on the roof of the new middle school.

WHAT WILL HAPPEN TO THE 1934 BUILDING?

- Conceptual design for an alternative use of the 1934 building does not fall within the scope of work for the school design team.
- The use of the building is still being determined.
- The bond addresses removing the MS additions that are connected to the 1934 building and making the 1934 building weather-tight.
- The plan allows for future parking at the 1934 building for a variety of potential uses.
- Cost will vary based on determined use, however, the Owners Project Manager (OPM) has provided a Rough Order of Magnitude Estimate of \$4.8M for reuse of the 1934 building for continuous, but separate, use as a municipal building. Cost includes new standalone utility services, new HVAC, electrical systems, reconfiguration, and fresh paint. This cost is not included in the \$89.9M.

WHAT HAPPENS TO REPAIR ITEMS NOT INCLUDED IN THE 'MIDDLE GROUND CONCEPT'? WE HAVE A PLAN!

CESD CIP/MAINTENANCE/REPAIR PROJECTIONS OVER AN 8-YEAR PERIOD

\$9,251,694 in Repairs Items Over 8 Years

In this year's budget we have \$1.3M allocated for CIP, Repairs and Maintenance. This same amount will be budgeted every year going forward with a 2% inflationary factor. The plan utilizes \$1.1M to address the \$9.2M in repairs over 8 years. This leaves a remaining \$200,000 in the yearly budget for Repair & Maintenance Contingency Items. **This is why it's budget neutral.**

CIP	MAINTENANCE & REPAIRS
\$700,000 In Current 2024-25 Budget	\$600,000 In Current 2024-25 Budget

KEY TAKE AWAY: THIS WILL WORK WITHIN OUR BUDGET!

CESD can complete all CIP/Maintenance/Repair Items in 8 years, utilizing our school budget, with only a 2% inflation factor for these budget lines.

YEAR	CIP AND REPAIR & MAINTENANCE	DECREASE EACH YEAR FROM TOTAL
		\$9,251,694
2025	\$1,100,000	\$8,151,694
2026	\$1,122,000	\$7,029,694
2027	\$1,144,440	\$5,885,254
2028	\$1,167,329	\$4,717,925
2029	\$1,190,675	\$3,527,250
2030	\$1,214,489	\$2,312,761
2031	\$1,238,779	\$1,073,982
2032	\$1,263,554	\$(189,572)

ESTIMATED TOTAL PROJECT COST: \$89.9M +/-

(does not include estimated savings of \$800K+ in Efficiency Maine Incentives)

TAX IMPACT OF NEW DEBT 'THE MIDDLE GROUND CONCEPT'

FISCAL YEAR	% INCREASE PER YEAR
2027	2%
2028	3.6%
2029	6.4%
Tax Increases Due to the Bond 2029/2030 and After	No Additional Tax Increases Due to the Bond

Calculations completed by Joseph Cuetara, Moors & Cabot, Inc.

Assumptions for tax rate projections:

- Percentages rounded to the nearest tenth value
- 3.75% interest rate (current market rate)
- .5% projected annual increase in town assessed valuation
- Total project cost of \$89,900,000

COMMUNITY-DEVELOPED DESIGN STATEMENT:

"A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

NEW MIDDLE SCHOOL

PRELIMINARY RENDERING ('MIDDLE GROUND CONCEPT')



0% STUDENT DISRUPTION DUE TO CONSTRUCTION



LEARN MORE: www.cape.k12.me.us

Refer to the July 1, 2024 School Board Presentation by Harriman for other questions and responses we have heard and addressed.

Email CESB@capeelizabethschools.org with additional questions!

CE HOW DOES "THE MIDDLE GROUND" CONCEPT ADDRESS THE BARRIERS TO EDUCATION?



SAFETY & SECURITY CONCERNS

- New MS takes a holistic approach to safety & security, providing layers of security including secure entry with sight lines in all directions, the ability to separate public and private spaces, wayfinding practices, and more.
- ES addition provides a secure entry with adjacent administration with sight lines in all directions.
- Barriers outside to prevent vehicles from driving into the entrance and pedestrian areas.



INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION

- Vehicular and pedestrian concerns on the existing site have been addressed with separate bus and car drop offs, sidewalks, and elimination of cut throughs across pedestrian areas.



OUTDATED CLASSROOMS, LIMITING EDUCATIONAL METHODS

- New MS right-sizes classrooms and integrates flexibility to allow the school to evolve as education evolves.
- The MS integrates team areas which are integral to MS education.
- The elementary school renovations and additions will provide updated educational spaces and a STEM | STEAM space adjacent to the library.



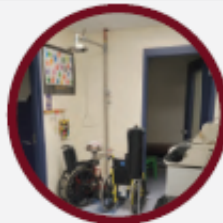
PCES/CEMS SPRAWLING LAYOUT & LONG TRAVEL DISTANCES

- The new MS allows us to address the sprawling layout at one of the three schools, while planning for future investments in our elementary school to address these concerns.



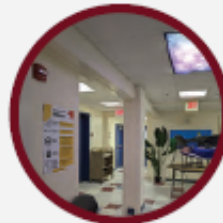
INEFFECTIVE OVERSIGHT FROM MAIN OFFICES

- The new MS and the new ES Admin Addition provide secure entries with adjacent admin offices with clear sight lines for oversight of pedestrians and both car and bus drop off.



NURSE'S OFFICE LIMITATIONS

- The ES nurse office is relocated to have direct outdoor access, natural light, and right sized space.
- The new MS has a nurse office that is adequately size, with direct outdoor access, natural light and is integrated into the administrative offices at the main entry.



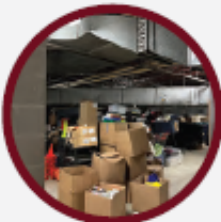
DEFICIENCY OF NATURAL LIGHT

- The new MS allows us to integrate the usage of natural light and views throughout the school, which studies show improves educational outcomes.
- New additions at the ES integrate natural light and views to the outside.



COMPLICATIONS FROM SHARED CAFETERIA

- With the construction of the new MS, the existing cafeteria will be used solely by the ES.



INADEQUATE STORAGE FACILITIES

- New MS provides shared building storage as well as adequate classroom storage.
- New ES Admin addition provides adequate admin and district special education storage.



NEED FOR TECHNOLOGY UPGRADES

- Working with the Technology Director for the District, the new MS and ES will be outfitted with the latest technology and infrastructure to support education.



OUTDATED & INEFFICIENT MECHANICAL SYSTEMS

- The new MS will include new efficient mechanical systems.
- By integrating them into the building, we can extend their useful life, rather than having them on the roof, as they are in the existing school.
- Critical mechanical system repairs/ replacements at the elementary and high school are also being addressed as part of this project.



INADEQUATE PERFORMING ARTS SPACES

- The new MS will have a stage and music/band classrooms that meet the specifications requested by the Music/Band staff, including a stage large enough to hold the 100+ person school band.
- The stage, when open to the Gymnasium will be able to have over 510 spectators in chairs, plus an additional 300 bleacher seats—nearly double the number of spectators we could accommodate in the Option B multipurpose space.



LEARN MORE: www.cape.k12.me.us

Email CESB@capeelizabethschools.org with additional questions!



WHY THE “MIDDLE GROUND” SCHOOL DESIGN MATTERS TO STUDENTS, TEACHERS, FAMILIES... & HOPEFULLY YOU TOO

In a recent survey, we asked Cape Elizabeth Middle School students, teachers, and parents/guardians about their *Satisfaction with the Quality and Comfort of the Middle School.*

Key Takeaways from Current Condition of CEMS:

- The top driver of student dissatisfaction
- Is significantly driving down teacher satisfaction



STUDENT RESPONSE

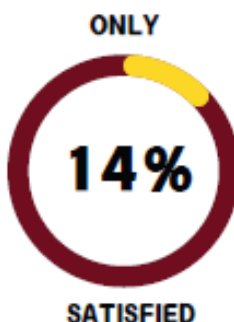
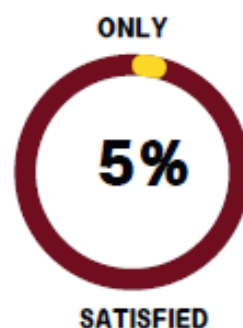
“The building is falling down and some spots are unsafe.”
~ Student

“The overall care of the school--it’s falling apart and needs to be fixed. Just for an example, when it rains, it leaks everywhere!” ~ Student

“I don’t really like this school to be honest. It seems unfinished and extremely old. Some of the buildings were made in the 1930s.” ~ Student

TEACHER RESPONSE

“The current design of CEMS hinders teachers’ ability to offer programming and provide a safe environment to students on a daily basis. We are constantly jumping through logistical hurdles for events, collaborations, and daily teaching – it is truly draining. We work so hard to make the best of what we have, but we spend so much time, effort trying to fit our programming into a building that is simply not built for it. We’ve reached the breaking point where our facilities are negatively impacting students’ education on a daily basis.” ~ Teacher



PARENT/GUARDIAN RESPONSE

“The building itself is disgraceful and falling apart. It does a disservice to the children and everyone who works in it.”
~Parent/Guardian

“Build a new school that would be much more responsive to teaching and learning in today’s world and not limit educational methods, and that would meet federal guideline standards for both regular and special education.”
~Parent/Guardian

“The school buildings are in bad shape and it impacts my child’s learning. The cafeteria does not allow enough time to eat and is over crowded. And I’m nervous about the security.”
~Parent/Guardian



LEARN MORE: www.cape.k12.me.us

Email CESB@capeelizabetschools.org with additional questions!

CE JUST THE FACTS

THE "MIDDLE GROUND" SCHOOL DESIGN

THE PROBLEMS FACING OUR SCHOOLS

- **SAFETY & SECURITY** SITE & BUILDING CONCERNS
- **POOR SIGHT LINES** FROM MAIN OFFICES, **IMPACTING SECURITY**
- **OUTDATED CLASSROOMS**, LIMITING EDUCATIONAL METHODS
- **INADEQUATE** MUSIC, ART, DRAMA **PROGRAM SPACES**
- EDUCATIONAL COMPLICATIONS FROM **SHARED CAFETERIA**
- PCES/CEMS **SPRAWLING LAYOUT** & LONG TRAVEL DISTANCES
- **INEFFICIENT** VEHICULAR & PEDESTRIAN **SITE CIRCULATION**
- **NURSE'S OFFICE** SPACE & NATURAL LIGHT LIMITATIONS
- DEFICIENCY OF **NATURAL LIGHT**
- **INSUFFICIENT STORAGE** FACILITIES
- NEED FOR **TECHNOLOGY UPGRADES**
- OUTDATED & INEFFICIENT **MECHANICAL SYSTEMS**

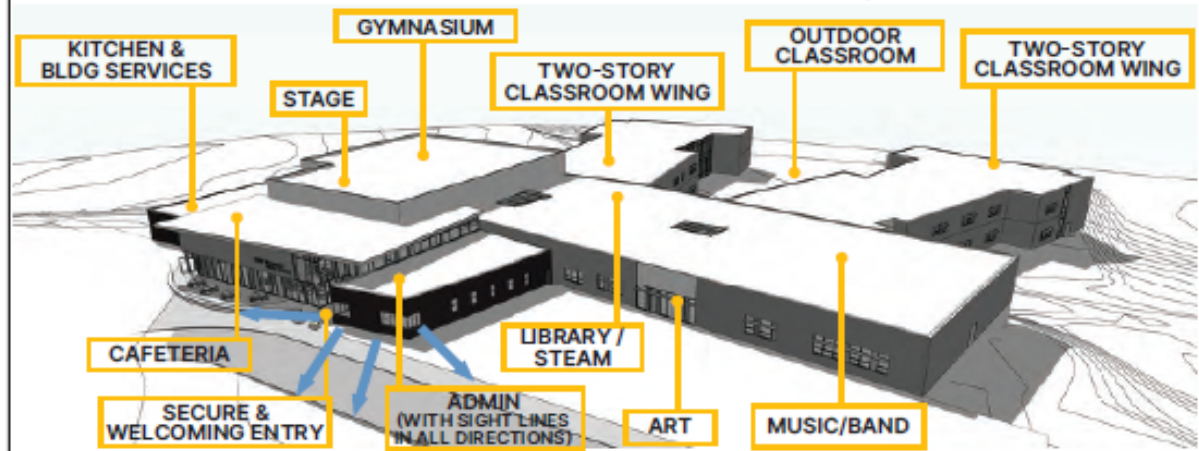


THE "MIDDLE GROUND" SCHOOL DESIGN

An \$89.9M school solution & a \$4.8M municipal project will be on the November 5th referendum!

COMMUNITY-DEVELOPED DESIGN STATEMENT: "A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

NEW MIDDLE SCHOOL PRELIMINARY RENDERING ("MIDDLE GROUND CONCEPT")



BREAKDOWN OF ANNUAL TAX INCREASES INCLUDED IN FULL BOND

(Tax Impact provided by Town of Cape Elizabeth)

YEAR	\$89.9M "MIDDLE GROUND" PROJECT	\$4.8M MUNICIPAL USE (RENOVATION OF 1930s BUILDING)	\$94.7M FULL BOND AMOUNT
2025/2026	0.0%	0.0%	0.0%
2026/2027	1.9%	0.1%	2.0%
2027/2028	5.8%	0.3%	6.1%
2028/2029	3.9%	0.2%	4.1%
2029/2030 and after	0.0%	0.0%	0.0%

ATTEND A SCHOOL TOUR!

9/30 6PM & 10/29 6PM

Meet in front of CEMS

QUESTIONS FROM THE COMMUNITY:

Q: What are "Flex Classrooms" in the New Middle School Floor Plan?

A: Each grade level needs 6 classrooms for core middle school programming, in addition to classrooms for Special Education, World Language, Math/Literacy Support, etc.

"Flex Classrooms" are not empty. They serve our current Special Education needs in a space that is sized the same as a general classroom. This allows for flexibility in the number of core classrooms serving each grade level wing in the event of fluctuations in enrollment or changes in program needs.

For example, if the 6th Grade has an enrollment bubble one year and needs seven core classrooms, but the 5th Grade needs one less core classroom that year, the special education classroom can move into a 5th Grade core classroom, freeing up a classroom-sized space for that seventh 6th Grade classroom.

Look for the next Courier ad for more Q&A or email your questions to:

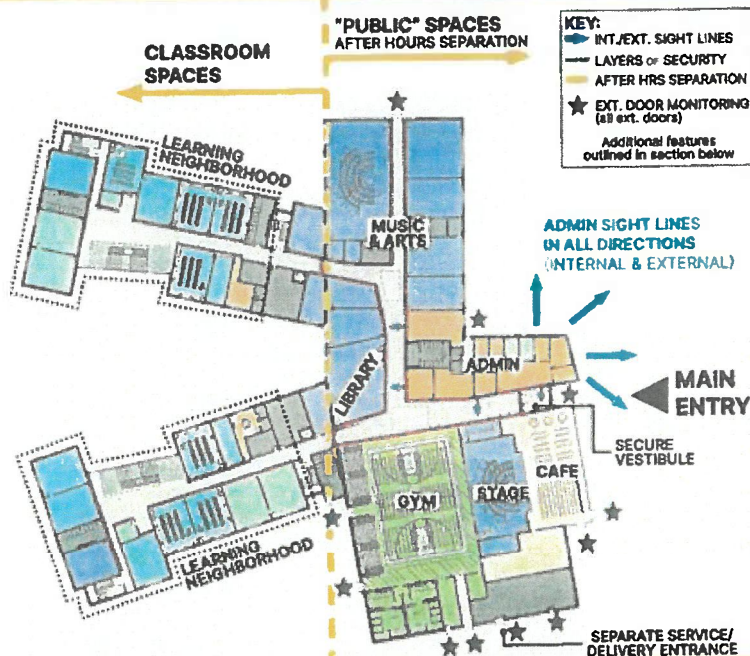
CESB@capeelizabethschools.org

www.cape.k12.me.us



A COMPREHENSIVE APPROACH TO SAFETY & SECURITY

How The "Middle Ground" School Design Allows Our Students & Teachers to Focus On The Joy Of Learning



HOW ARE SAFETY & SECURITY REFLECTED IN THE FLOOR PLAN?

Safety (Strategies that promote safety focus on how people feel within a space)

- **Welcoming Spaces** — Students who feel more attached to their school physically and emotionally have pride of ownership. This supports a strong school culture and sense of safety by fostering social and emotional connectedness.
- **Thoughtful Organization** includes separation between public-use and classroom spaces, easy-to-navigate organizational patterns, and clear wayfinding to understand where one is within the building. The sprawling nature of our current CEMS inhibits this understanding and can lead to confusion during an emergency.
- **Visibility and Transparency** into learning spaces give students a better understanding of how they're connected. Eliminating fear of the unknown promotes a sense of safety.
- **Connection to the Outdoors** — Cape Elizabeth has a beautiful campus, but many of our current learning spaces lack a visual connection or access to natural light. Studies show daylit spaces and connections to nature positively impact learning and emotional wellbeing. That connection helps students and teachers feel more relaxed and safer.

Security (Physical strategies to make a building more secure):

- **Clear Main Point of Entry** with Secure Entry Vestibule and Admin Oversight in all directions (interior and exterior). The existing admin is located far away from the main entrance, posing security concerns.
- **Transparency and Visibility** can compromise a sense of safety in emergency situations. Controls such as window coverings and carefully planned placement of transparency within a space can balance the need for an open environment that is welcoming yet secure.
- **Areas of Demarcation** inside rooms and hallways using floor tile color and other methods help students, teachers and staff know where they can stand to be out of sight of potential intruders.
- **Layers of Access** — organization of spaces and successive rings of hardened boundaries within a building can slow an intruder, providing more time for first responders to arrive.
- **Control Mechanisms** such as key card access can limit and track who is in each space.

HOW ARE SAFETY & SECURITY REFLECTED ON THE SITE?

- **Visibility** in all directions from both CEMS and PCES main entries/administration for total site oversight
- **Separation of Parent & Bus Drop-off Areas**
- **Pedestrian and Bicycle Access Improvements**
- **Emergency Vehicle Access** around entire new MS building
- **Separate Delivery Entrance** for vendors (no longer must travel down student corridor)
- **Moves school further away from Scott Dyer Rd.**



LEARN MORE

www.cape.k12.me.us/page/buildingproject

"A safe, secure school is not a fortress, but a carefully designed space where students feel safe, engaged, and open to learning."

—Lisa Savin, AIA

Executive Director

The "Middle Ground" building design takes a holistic approach to Safety & Security, as a carefully designed educational space that fosters feelings of safety, and utilizes security strategies that support students' mental health and their ability to achieve their potential.

Educators, mental health professionals, and others have long known that when students feel unsafe, it affects their emotional and physical health as well as their ability to learn.

How Do Safety & Security Differ From One Another?

Safety — Strategies that promote safety focus on how people feel within a space. Feeling safe is more than just physically feeling secure. It's about creating an environment where students feel connected to and supported by their peers, teachers, and community.

Security — Physical strategies to make a building more secure.

ATTEND AN UPCOMING
SCHOOL TOUR
9/30 6PM & 10/29 6PM
Meet in front of CEMS

CE THE "MIDDLE GROUND" 3 REASONS WHY NOW IS THE TIME

1 MEETS OUR EDUCATIONAL NEEDS NOW AND LOOKING TO THE FUTURE

NEW MIDDLE SCHOOL

(Average Age of Building = 64 Yrs Old - the oldest of all our schools)



Comprehensive Approach to Safety & Security to allow kids to focus on learning, including:

- Addresses sprawling layout
- Implements layers of security
- Public/after-hours separation
- Wayfinding mechanisms
- Site circulation and oversight improvements
- Secure door access
- And more...



Flexible 21st Century Classrooms to support modern teaching & learning practices and flexibility to accommodate future evolution of teaching & learning practices



Classroom & Performance Spaces to Support Robust Performing Arts Programming (over 60% of students participate in Band program)



Appropriate Space to Serve Special Education Programming Special Education programming has changed dramatically since the school was originally built. A new school allows us to construct spaces that can meet the needs of all students.



Healthy Building Features that positively impact student learning, including:

- Modern mechanical systems
- Natural light
- Appropriate nurse office space
- Indoor air quality

HIGH SCHOOL REPAIRS/RENOVATION

(Average Age of Building = 54 Years Old)



Addresses Repairs that are most beneficial to address as part of a large construction project, including:

- Acoustical/sound transfer between classrooms
- ADA compliance in restrooms
- Roof replacement
- Mechanical replacement
- Associated abatement

ELEMENTARY SCHOOL REPAIRS/RENOVATION

(Average Age of Building = 54 Years Old)



Addresses Security, Repairs, & Renovation, including:

- Secure entry & admin addition, & other safety upgrades
- New mechanical addition & other HVAC replacement
- STEAM program addition
- Renovated Nurse & Conference
- Classrooms/corridor finish replacement

MEETING ALL OUR EDUCATIONAL NEEDS WITH 0% DISRUPTION TO STUDENTS



Construction of a New Middle School means **students will not experience learning disruption due to construction.**

- Students will not have to be moved to portables or bussed out of Cape during construction.
- Saves an estimated \$3M that would be required as part of a renovation/addition project for temporary learning space.
- Students remain in existing MS while new MS is constructed.
- ES and HS work is achieved over summer and school breaks.

2 FISCALLY RESPONSIBLE IT WILL NEVER BE MORE AFFORDABLE THAN IT IS TODAY



The master plan for our schools is eventual replacement of all schools. The "Middle Ground" is **the first step in implementing this plan.**



Delaying this plan only becomes more expensive and leads to more piecemeal renovations and repairs that will inevitably have to be replaced.



New construction **avoids the risks associated with renovation** where unforeseen conditions can drain money from the budget.



Patchwork of mechanical systems, building codes, hallways, and load-bearing walls make **renovating CEMS prohibitively expensive. New Construction is a better use of funds.**



The new CEMS and additions to PCES will **bring mechanical systems indoors, extending the life of those systems**, making the best use of taxpayer dollars.



We can continue to address prioritized repairs **within the currently established CIP. Repairs, and Maintenance school budget**, with only a 2% inflation factor for these budget lines.

3 SETS THE COMMUNITY UP FOR THE FUTURE RESETS THE CLOCK ON ONE OF OUR THREE AGING SCHOOL BUILDINGS



The "Middle Ground" is an historic investment for a 50+ year building lifespan that meets ALL our educational needs and serves as a community asset for all citizens.

UPCOMING EVENTS

THE "MIDDLE GROUND" SCHOOL DESIGN FORUM
OCTOBER 8, 6:30 PM AT TOWN HALL
FINAL SCHOOL TOUR
OCTOBER 29, 6 PM - MEET IN FRONT OF CEMS

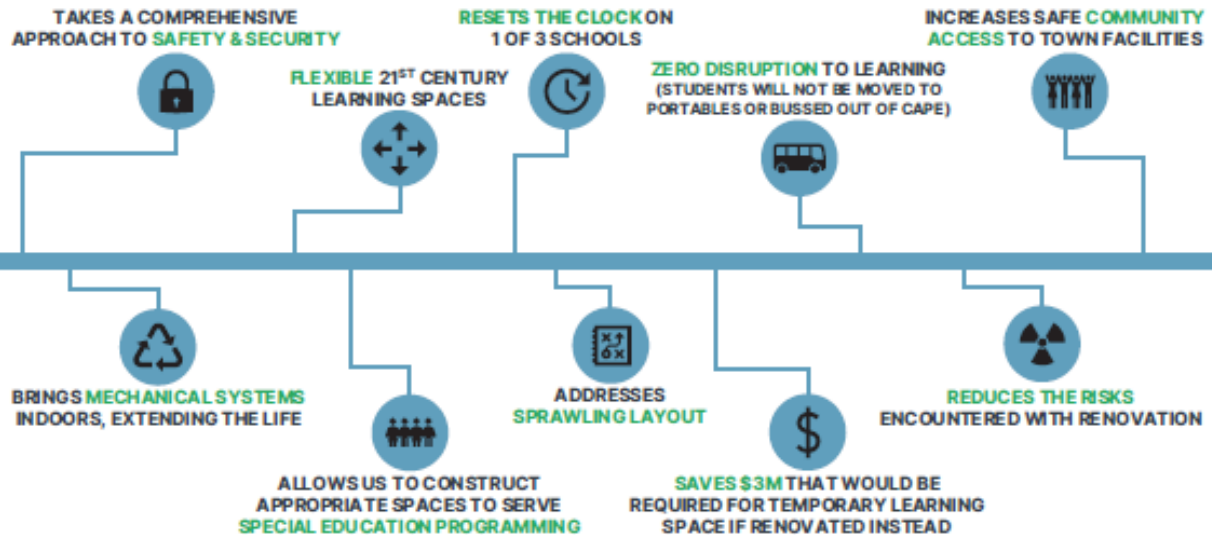
www.cape.k12.me.us/page/buildingproject



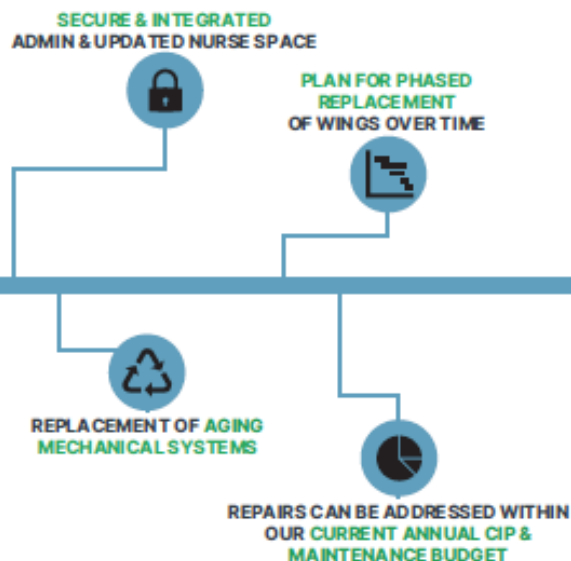
LEARN MORE

CAPE ELIZABETH'S THREE SCHOOL PHASED PLAN

WHY A NEW MIDDLE SCHOOL?



WHY AN ELEMENTARY ADDITION?



WHAT IS THE PHASED PLAN?

A new Middle School will last approximately 60 years.

We will replace wings of Pond Cove Elementary School and address more significant renovations at the High School over the coming decades.

Ongoing repairs and minor renovations at Pond Cove and the High School will be achieved with only an inflationary increase to the existing CIP/ Maintenance/Repair budget.



LEARN MORE

www.cape.k12.me.us/page/buildingproject

BUILDING PROJECT PUBLIC FORUM
FEBRUARY 11, 6PM AT TOWN HALL

Hear an update from Harriman and share your thoughts with the School Board.



A 3-SCHOOL PHASED PLAN

DEVELOPED BY LICENSED ARCHITECTS & ENGINEERS
WITH DECADES OF SCHOOL EXPERIENCE

On February 24, 2025 The School Board unanimously endorsed The 3-School Phased Plan, created by licensed Architects and Engineers, that addresses the following educational and facilities deficiencies:

ADDRESSED



SAFETY & SECURITY CONCERNS

ADDRESSED



INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION

ADDRESSED



OUTDATED CLASSROOMS, LIMITING EDUCATIONAL METHODS

ADDRESSED



CEMS SPRAWLING LAYOUT & LONG TRAVEL DISTANCES

ADDRESSED



INEFFECTIVE OVERSIGHT FROM MAIN OFFICES

ADDRESSED



NURSE'S OFFICE LIMITATIONS

ADDRESSED



DEFICIENCY OF NATURAL LIGHT

ADDRESSED



COMPLICATIONS FROM SHARED CAFETERIA

ADDRESSED



INADEQUATE STORAGE FACILITIES

ADDRESSED



NEED FOR TECHNOLOGY UPGRADES

ADDRESSED



OUTDATED & INEFFICIENT MECHANICAL SYSTEMS

ADDRESSED



INADEQUATE PERFORMING ARTS SPACES

"Since the beginning of 2021, we have agreed with all of the design professionals who have worked on this project: the replacement of the Middle School should be the first thing that you do. The Middle School has passed its useful life."

- Chuck Adam, Cape Elizabeth's Owner's Representative (Vice President at Turner, Townsend and Heery)

CAPE ELIZABETH MIDDLE SCHOOL: Replaces the middle school with a new building.

POND COVE ELEMENTARY SCHOOL: Constructs a secure entry & admin addition; addresses mechanical upgrades & builds a mechanical addition; right-sizes the nurse clinic; renovates to provide a STEM program space.

CAPE ELIZABETH HIGH SCHOOL & POND COVE ELEMENTARY SCHOOL: Addresses repairs by utilizing our existing annual CIP, maintenance, & repair budget over approximately 12 years. These items can begin to be addressed right away upon passage of the referendum.

TOTAL PROJECT COST: APPROXIMATELY \$86.5M

BUILDING PROJECT FAQs

WHY DO WE NEED A NEW MIDDLE SCHOOL?

- The current middle school and the systems therein have far exceeded their useful life. The school is struggling to stay operational. If we do not take action - and soon - there is a danger that we will not be able to safely provide instruction to students. On any given day, if something breaks down, the town's dedicated facilities team is stretched thin addressing emergency repairs.
- Beyond the very real operational concerns, the school cannot meet the needs of the students and modern educational practices. A new building allows for students to meet the needs of a 21st century education.

WHY ARE WE BUILDING A NEW MIDDLE SCHOOL INSTEAD OF RENOVATING?

- A renovation is almost as costly as building a new school, involves much more risk and is a short-term fix. Experts agree: if we renovate, we would still need a new middle school in as few as 10 years, whereas a new build carries nearly the same price tag and would last the town upwards of 60 years.
- Occupied renovations require phasing which lengthens the construction schedule and impacts education.
- The sprawling layout of the existing middle school, lack of separation between private and public spaces, and security concerns due to the physical constraints of the building do not meet the town's needs. The new building is more efficient, provides better learning spaces and has a smaller footprint.
- A new build is a better long-term solution for the financial health of the town.

HOW ARE REPAIRS TO POND COVE AND THE HIGH SCHOOL BEING ADDRESSED?

- The \$86.5M project includes a new secure entry and admin addition, mechanical addition, right-sized nurse space, and renovated STEM space at Pond Cove.
- In response to voters' cost concerns, this project thoughtfully reallocates some repairs to the annual Maintenance and Repair budget, bringing the overall price down to a smaller bondable amount. Our facilities staff will work with consultants to develop a plan to responsibly address these repairs over time using our established annual budget.
- Replacing the Middle School immediately focuses our annual Facility Funds (CIP, Maintenance, and Repair) budget toward repairs at the High School and Pond Cove. Once the referendum is approved, the town's facilities team will have the bandwidth to tackle the critical needs at the other schools immediately, without the pressure of ongoing emergency repairs at the Middle School.
- Items shifted to this budget were lower-priority items that can be addressed over time and through in-house or local resources at a lower cost than if included with the overall project. This allows us to reduce the impact to tax payers without sacrificing student need.

HOW ARE SAFETY & SECURITY BEING ADDRESSED?

- The new Middle School allows us to take a comprehensive approach to safety and security, beginning with a clear main point of entry, a secure entry vestibule, and administrative oversight in all directions (interior and exterior).
- The new Middle School eliminates school sprawl currently inhibiting our Middle School, with clear organization and wayfinding throughout.
- Separation of "public" and "private" spaces keeps the school safe during after hours use (the current gym is centrally located in the school, so visitors freely navigate through the school).
- Pond Cove will receive a new secure entry and admin addition, addressing the need for better oversight at the elementary school level. Other critical safety upgrades to Pond Cove are also included in this plan.

WHAT ARE THE BENEFITS OF A JUNE REFERENDUM?

- Every day we wait, the project costs more. The School Board recommends sending this to a June referendum -delaying until November could cost taxpayers \$1M.
- Multiple other large school projects are targeting a November referendum. With limited qualified contractors for large school projects, this could saturate the market and drive up cost.
- A June referendum allows for a Spring 2026 bid instead of a Winter 2026/27 bid, which could lead to winter conditions (temporary heat, frozen ground, etc.), which will increase cost and lengthen construction schedule.

FOR MORE INFORMATION, SCAN THE QR CODE OR VISIT:
www.cape.k12.me.us/page/buildingproject



IT'S TIME FOR AN INVESTMENT IN CAPE ELIZABETH SCHOOLS

Critically Needed School Construction Project on the June 10th Ballot

Experts Agree: Cape Elizabeth Middle School is facing critical issues that threaten student safety, learning, and wellbeing.

- **Hard to Exit in an Emergency:** Narrow stairwells and long hallways in the 1934 building create dangerous bottlenecks.
- **Difficult for First Responders to Navigate:** In an emergency, time matters—and this layout works against us.
- **Visitors Get Lost:** Sprawling layout leads to confusion and slows response times.
- **Poor Visibility:** Hidden corners and disconnected hallways make it hard to properly supervise students or guests.
- **Difficult to Lock Down:** In a crisis, every second counts—and this building wasn't designed with today's security needs.
- **Undersized Classrooms:** Many don't meet the needs of today's student population.
- **Aging Infrastructure:** Mechanical systems are well past their useful life, and at risk of failure.

"Those of us who drive cars with 200,000 miles on them know we are on borrowed time. The Cape Elizabeth Middle School far exceeds a car with 200,000 miles on it."

- Cape Elizabeth Owner's Representative
Turner & Townsend Heery



Sprawling MS layout is a safety concern.
Main Office is 50 yards from the front entrance.

Renovating the current Middle School would come at a high cost, with nearly every classroom built on load-bearing walls that make updates complex and expensive. It's not just a construction challenge—it's a growing risk to student safety and a financial liability for taxpayers. Fixing the old building would cost more than building new, and waiting could lead to sudden failures, emergency spending, and major disruptions to learning. Building a new school is the smarter, safer investment for Cape's future.

The School Board cut \$30 million dollars in cost and scope since the 2022 bond. The estimated tax impact - spread out over 8 years - never rises above \$231-a-year for a home valued at \$750,000, a monthly cost of \$20.

Approximate effect of \$86.5 million School Bond on Property Taxes annually (at a 4% interest rate)

Property Value	Current mill rate	Current Property Tax	Annual Property Tax Increase for Project							
			2026	2027	2028	2029	2030	2031	2032	2033
\$500,000	\$11.00	\$5,500	\$0	\$77	\$154	\$154	\$149	\$72	\$72	\$0
\$750,000	\$11.00	\$8,250	\$0	\$116	\$231	\$231	\$223	\$107	\$107	\$0
\$1,000,000	\$11.00	\$11,000	\$0	\$154	\$308	\$308	\$297	\$143	\$143	\$0
\$1,500,000	\$11.00	\$16,500	\$0	\$231	\$462	\$462	\$446	\$215	\$215	\$0
\$2,000,000	\$11.00	\$22,000	\$0	\$308	\$616	\$616	\$594	\$296	\$296	\$0

Annual Tax Increase Percentage: 0.0% 1.4% 2.8% 2.8% 2.7% 1.3% 1.3% 0.0%

Table 1 courtesy of the Town of Cape Elizabeth.

Estimated tax dollars per home based on property values. Increases occur incrementally between 2027 and 2032 and then remain flat until the bond payoff in 2057. An interest rate of 4% was applied based on guidance from Joe Quetars, of Moors & Cabot, on March 26, 2025.

The School Board's Phased Three-School Approach is:

- The best plan for the education of our town's children.
- The best plan for student and staff safety and security.
- The best plan to address critical needs at all three schools.
- The best plan for long-term facility planning of our schools.

A New Middle School & Effective Long-Term Planning Are Both Possible on June 10th!



LEARN MORE

www.cape.k12.me.us/page/buildingproject

TOP 10 REASONS

A NEW MIDDLE SCHOOL IS CRITICALLY NEEDED

What is "Critical"? Scope items of high importance to support Cape students' educational needs as outlined in the Educational Specifications (such as Safety & Security and Programmatic needs)



JOIN US FOR A SCHOOL TOUR!
MAY 12TH & JUNE 2ND
6PM

LEARN MORE



www.cape.k12.me.us/page/buildingproject



From: **Weeks, Marcia** <mweeks@capeelizabethschools.org>
Date: Thu, Oct 24, 2024 at 3:35 PM
Subject: Re: Spending on ads
To: Mary Ann Lynch <maryannlynch5788@gmail.com>

Hi Mary Ann! I have highlighted in green the new charges.
Best,
M

SCHOOL BUILDING PROJECT FUND
Expense Report as of 10.24.2024

Account: 0002-2050-4257-0000-00-8900A- 1000-9000-81000, 55000, 60000

AMOUNT	VENDOR NAME	COMMENT
1,015.20	CAPE COURIER	PUBLICATION
1,015.20	CAPE COURIER	PUBLICATION
947.52	CAPE COURIER	PUBLICATION
1,068.57	CAPE COURIER	PUBLICATION
947.52	CAPE COURIER	PUBLICATION
9.13	1,015.20 CAPE COURIER	PUBLICATION
10.1	1,015.20 CAPE COURIER	PUBLICATION
10.9	1,015.00 CAPE COURIER	PUBLICATION
	3,000.00 CESO COMMUNICATIONS	BUILDING PROJECT COMMUNICATION
	3,000.00 CESO COMMUNICATIONS	BUILDING PROJECT PLAN
	1,740.00 GROUP DECISIONS	
25,000.00	HARRIMAN	"COMMUNITY"
270.00	I.D. GRAPHICS GROUP	DESIGN SERVICES
497.13	MINUTEMAN PRESS	
419.00	MINUTEMAN PRESS	
289.70	MINUTEMAN PRESS	PLASTIC SIGNS
253.14	MINUTEMAN PRESS	FEB 1 MEETING
382.00	MINUTEMAN PRESS	COROPLAST SIGNS
304.00	MINUTEMAN PRESS	
1,031.31	MINUTEMAN PRESS	SIGNS
38.00	MINUTEMAN PRESS	
304.70	PORT PRINTING SOLUTI	PUBLIC FORM POSTCARD POSTAGE
9,750.00	PORTLAND RESEARCH GR	
19,506.99	PORTLAND RESEARCH GR	SCHOOL BUILDING ADVISORY COMMI
9,750.00	PORTLAND RESEARCH GR	

	24,733.12	PORTLAND RESEARCH GR
	14,425.00	PORTLAND RESEARCH GR
Total	122,733.50	

November 15, 2024

Chris Record, Ed.D. crecord@capeelizabethschool.org
Superintendent of Schools
Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

Re: Cape Elizabeth School Department
School Project
Cape Elizabeth, Maine
No. 24373
Proposal

Dear Chris:

Thank you for putting your trust in Harriman to lead this very important project for the Cape Elizabeth School Department. We look forward to helping you determine a modified building solution, based off the solution put forth to voters in November 2024, for a TBD 2025 referendum.

SCOPE OF WORK

Harriman's Scope of Services will include the work described in the outline below.

- The project includes the following schools:
 1. Pond Cove Elementary School
 2. Cape Elizabeth Middle School
 3. Cape Elizabeth High School
- Determine a revised scope of work for a project that has a reduced cost. The approximate target is up to \$87.5M total project cost.
- Review the current enrollment projections and determine what if any changes need to occur in the building designs.
- Assist in developing written and graphic communications with stakeholders and the community. Our budget assumes 8 newspaper ads and 8 flyers.
- Prepare for and attend meetings with the school department, school board, town council and the community. Our proposal assumes 12 meetings.
- Create updated floor plans, scope of work and renderings to communicate the project scope of work to the estimators, stakeholders and community.
- Deliverable: One document that contains the floor plan diagrams and capacity of each school listed in this proposal.

SCHEDULE

We can begin this work immediately upon execution of this proposal; however, the length of time to complete the project will vary depending on the information provided by the owner and the availability of the owner to meet. We understand this information is needed for a TBD 2025 referendum.

November 15, 2024
Chris Record
Page 2 of 2

FEE

Harriman proposes to provide the services described as basic services for a lump sum fee of \$58,000. The fee is outlined below and is distributed by tasks as follows:

BASIC SERVICES	
0.1: Revised Schematic Design and Cost Estimate	\$30,000
0.2: Communication support	\$16,000
0.3: Meetings	\$12,000
TOTAL FEE	\$ 58,000*

* Normal reimbursable expenses such as travel, plan and document reproduction, postage, permits by regulatory agencies and consultants will be billed separately at a 1.1 multiplier and are not included in the total fee.

The quoted fees are based on our current knowledge of the scope of architectural and engineering work required for this project. If this project becomes greater in scope than we currently understand, we reserve the right to negotiate a fair increase in the fee. An increase from the original Scope of Work and the respective fee change must be described in writing and be accepted prior to the respective additional work commencing. Increased scope will be billed at our current hourly rates (see attached hourly rates).

If this proposal and the attached Terms and Conditions are satisfactory and acceptable, please signify your acceptance by signing below and returning it to my attention.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact me.

Sincerely,
Harriman



Lisa D. Sawin, AIA, LEED AP
Principal
lsawin@harriman.com

Accepted by:



Chris Record
Superintendent of Schools
Cape Elizabeth School Department

11/15/2024
Date

lds
Enclosures: Hourly Rates
 Terms and Conditions

2024 HOURLY RATES

Principal	\$ 275
Senior Associate	195
Associate	180

Architecture & Interior Design

Senior Architect	155
Architect	130
Senior Architectural Designer	120
Senior Interior Designer	120
Architectural Designer/Interior Designer	90

Landscape Architecture

Senior Landscape Architect	135
Landscape Architect	105

Engineering

Senior Engineer	160
Engineer	140
Senior Engineering Designer	130
Engineering Designer	120

Interdepartmental Services

QA/QC Specialist	115
Project Assistant	85

TERMS AND CONDITIONS

Work performed by Harriman will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No warranty, express or implied is made.

INVOICES, TERMS, AND CHARGES

Harriman will submit invoices to the client on a monthly basis. Billing will usually occur at the end of each month. Payment on each invoice is due 30 days net from the posted date of invoice. Failure to pay invoices within the allotted time will constitute a breach of contract and will result in suspension of work by Harriman until all overdue payments are made in full. A service fee of 1-1/2% of the overdue balance will be charged monthly on all accounts not paid within 30 days of the date of invoice. If a suit is filed, attorney's fees, and other costs incurred in collecting any delinquent account, shall be paid by the client in any judgment in favor of Harriman.

Charges for professional, technical, and administrative personnel are computed by multiplying the hours of labor by the latest personnel rates.

Company and personal vehicles used in conjunction with project work will be charged at the IRS Standard Mileage Rate in effect at the time of the trip. Vehicle rental or special vehicle requirements will be charged directly to the client. Reimbursable project-related expenses are billed at cost +10%.

CLAIMS FOR CONSEQUENTIAL DAMAGES

The architect and the owner waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiving is applicable, without limitations, to all consequential damages due to either party's termination.

OWNERSHIP OF DOCUMENTS

With the exception of the reports supplied to the client as a deliverable, all other documents prepared by Harriman shall remain the property of Harriman as instruments of service. The client agrees that all reports and other work furnished to the client or his agents, that is not paid for, will be returned upon demand and will not be used by the client for any purpose whatever.

ELECTRONIC FILES

In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by Harriman, the client agrees that all such electronic files are instruments of service of Harriman. The client agrees not to reuse these electronic files, in whole or in part, for any purpose other than for the project. The client further agrees to waive all claims against Harriman resulting in any way from any unauthorized changes to or reuse of the electronic files for any other project by anyone other than Harriman. In no event will Harriman be liable for indirect or consequential damages as a result of the client's use or reuse of the electronic files.

THIRD PARTY EXCLUSION

This agreement does not create any right or benefits for parties other than Harriman and the client.

THIRD PARTY RELIANCE

This agreement does not allow any party other than the client to rely on reports or other work furnished to the client without the express permission of Harriman.

DISPUTES

In the event that the client makes a claim or brings action against Harriman for any act arising out of the performance of Harriman work, and fails to prove such a claim or action, then the client will pay all legal and other costs incurred by Harriman in defense of such claim or action.

INDEMNIFICATION

In connection with the services performed by Harriman and its officers, agents, and employees, the client agrees to indemnify and hold harmless Harriman, its officers, agents, and employees, against any and all claims, liability, injury, loss, or damage, and any expense arising therefrom, including loss or damage, and expense arising therefrom, including costs and attorney's fees, except for those claims, injuries, and damages arising out of negligent or willful misconduct of Harriman or its officers, agents and employees acting within the scope of their employment.

LIMITATION OF LIABILITY

The client agrees to limit Harriman liability to the client on the project arising from Harriman professional acts, errors, or omissions, such that the total aggregate liability of Harriman to all those named shall not exceed Harriman total fee for services rendered on the project.

INSURANCE

Harriman represents and warrants that it is protected by Workmen's Compensation insurance. Harriman shall not be responsible for any loss, damage, or liability arising from any acts by client, its agents, staff, and other consultants employed by it.

TERMINATION

This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. In the event of termination, Harriman shall be paid for services performed to the termination notice date, plus reasonable termination expenses.

MISCELLANEOUS

This agreement shall be governed and construed in accordance with the laws of the States of Maine and New Hampshire.

**Question 1:
School Projects**

Shall the Town Council Vote Authorizing Expenditures of up to **\$94,700,000** (Plus Bond Premium and Investment Earnings) for a New Middle School and for Other Building Repairs and Renovations and Safety Upgrades to Pond Cove Elementary School and Cape Elizabeth High School, and the 1934 Building on the Cape Elizabeth Middle School Campus, and Authorizing Issuance of the Town's General Obligation Bonds Therefor be Approved?

- * The Town Council recommends that Question 1 not be approved. (4-3 vote)
- * The School Board recommends that Question 1 be approved. (Unanimous vote)

- ☐ Yes
☐ No

**Question 2:
Solar Panel Project**

Shall the Town Council Vote Authorizing Expenditures of up to **\$1,650,000** in the form of Gifts and Grants to pay for Solar Panels to Enhance the New Cape Elizabeth Middle School be Approved?

- * The Town Council recommends that Question 2 be approved. (Unanimous vote)
- * The School Board recommends that Question 2 be approved. (Unanimous vote)

- ☐ Yes
☐ No

Treasurer's Statement

The undersigned Treasurer of the Town of Cape Elizabeth, Maine hereby provides the following statement pursuant to 30-A MRSA §5772(2-A).

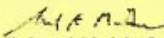
A. Town Debt (a/o 6/30/24):

1. Bonds Outstanding:	\$ 4,755,000
2. Bonds authorized but unissued:	\$ 0
3. Bonds to be issued if Question 1 is approved:	\$94,700,000

B. Costs: Assuming an average annual interest rate of 3.50%, and a 30-year term, the estimated cost of the new bonds will be:

Bond Principal:	\$ 94,700,000
Estimated Interest Cost:	\$ 59,922,800
Total Estimated Debt Service:	\$154,622,800

C. Validity: The foregoing represents an estimate of costs associated with the financing and such estimates will change due to market conditions. The validity of the voters' ratification of the bonds shall not be affected by any errors in the foregoing estimates and the ratification by the voters is conclusive and the validity of the bond issue is not affected by reason of any variance of actual costs from the estimates provided above.


Michael K. McGovern
Treasurer, Town of Cape Elizabeth

TURN BALLOT OVER TO CONTINUE VOTING

From: **Mary Ann Lynch** <maryannlynch5788@gmail.com>
Date: Wed, Mar 26, 2025, 5:54 PM
Subject: Re: BQC Registration Requirements - When a Person Must Register
To: Heidi Hoefler <Heidi.Hoefler@maine.gov>
Cc: Martha Currier <Martha.Currier@maine.gov>

Dear Heidi,
Thank you for getting back to me.

As you know, in November, 2024, we spent our 2024 referendum funds to zero, and de-registered immediately, thinking we were a year or more away from seeing another election, and hoping that a compromise would be in the works, making another BQC unnecessary.

However, the CE school board in February voted to recommend to the Town Council to again send the same project we voted on in November, with essentially the same price tag to the voters in June. Our Town Council has not yet acted on this recommendation.

Our group has been engaged in trying to persuade our town council to schedule any referendum in November, when there is generally a much larger turnout of voters and to persuade the Council to urge the School Board to consider alternatives. So we have engaged in limited advertising directed, not at influencing a ballot question, but at influencing the council with respect to the timing of the election. You can find our advertising on page three of this link: <https://capecourier.com/wp-content/uploads/2025/03/CC-March-26-2025-web.pdf> The cost of this advertising is far below the threshold for registration.

We recognize that once there is a ballot question and we raise or expend \$5,000 or more, that we must register. What we are currently doing in the way of advertising is not intended to influence a ballot question as there is no ballot question yet approved by our Town Council. We are not advocating a “yes” or “no” vote on a ballot question, or trying to “initiate” a ballot question. That said, if you disagree with this view, we will register when we have triggered the \$5,000, which we are considerably under, at this time. If you agree with our interpretation then we will not include the current advertising as a reportable expenditure, should the town council subsequently approve a ballot question.

As for “statements in newspaper articles and op eds,” our group, “Cape Voters” existed *before* we were required to register as a BQC in 2024. I do not believe anything in the law prevents us from continuing to meet and use that original name to engage in our First Amendment rights to freely express the views of our citizen group in press releases, letters to the editor, and our Facebook and web page. If the Cape Town Council does schedule a referendum for the same defeated project, it is our intent to register a BQC with the name

“Cape Voters II” to distinguish, for purposes of reporting expenditures and contributions under the law you administer, from the 2024 registered BQC.

As always, Heidi, we appreciate your advice and attention, and that of the rest of the staff. Rest assured, we are not trying to avoid our obligations under the law. To the contrary, my emails are an effort to better understand what advertising activities are subject to the law. Please call me if you wish to discuss this issue or require further information.

Thank you for your attention and assistance.
Mary Ann Lynch

On Mar 21, 2025, at 1:13 PM, Hoefler, Heidi <Heidi.Hoefler@maine.gov> wrote:

I want to make sure that I accurately understand your question(s) – Are you asking whether activities/efforts, expenditures made, or contributions received to attempt to change the course of a municipal issue that may get on a ballot count toward the \$5,000+ registration threshold? Whether communications related to those efforts are political communications that would require disclosure if over \$500? (Without seeing any of the communications or proposed communications, it is difficult to provide specific guidance.)

Given that I have received questions re: whether the terminated Cape Voters BQC is still operating given the website (which I notice has recently been scrubbed), statements attributed to Cape in newspaper articles and op eds, I want to make sure that any guidance re: compliance helps you get it right and is defensible.

Heidi

Heidi Hoefler

Political Committee & Lobbyist Registrar

Maine Ethics Commission

207.287.4709 (phone)

From: Mary Ann Lynch <maryannlynch5788@gmail.com>
Sent: Friday, March 21, 2025 10:54 AM
To: Hoefler, Heidi <Heidi.Hoefler@maine.gov>; Currier, Martha <Martha.Currier@maine.gov>
Subject: Re: BQC Registration Requirements - When a Person Must Register

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for responding.

Our activities are focused on the town council and the timing of an election and asking the council to consider other alternatives. We are encouraging people to attend a town council meeting and contact their councilors. We are not encouraging a yes or no vote on a specific ballot question. I see that focus as different from “initiating a campaign,” when we don’t know whether, or when there will be an election, or what the ballot question will be. Our main goal is to influence the timing so that the election is scheduled in November allowing time for time for other alternatives to be considered.

If you think I am splitting hairs, or that this is a gray area, please let me know. And of course, if the commission does not view this as a gray area, that is also something we need to know.

Mary Ann

On Mar 21, 2025, at 10:32 AM, Hoefler, Heidi <Heidi.Hoefler@maine.gov> wrote:

Hi Mary Ann,

There is no requirement to register as a BQC until a **person** receives **contributions** or makes **expenditures** aggregating in excess of \$5,000 for the purpose of **initiating** or **influencing a campaign**. (See 21-A MRS §1052 (2-A) and §1052-A (1)(A-1) – words in bold and underlined are defined terms.)

A couple of things you may want to keep in mind:

1. For BQCs, the statute contemplates certain efforts prior to a question being on the ballot counting toward the in excess of \$5,000 activity – initiating...a campaign.
2. The statutory definition of expenditure does not include “[a]ctivity designed to encourage individuals...to vote (See 21-A MRS §1052 (4)(B)(2)).
3. Required disclosure on political communications exceeding \$500 – 21 MRS §1055-A applies to all “persons”, including individuals, and to communications for or against an initiative.

I hope that answers your question(s). If not, or if you have further questions, let me know!

Heidi

Heidi Hoefler

Political Committee & Lobbyist Registrar

Maine Ethics Commission

207.287.4709 (phone)

-----Original Message-----

From: Mary Ann Lynch <maryannlynch5788@gmail.com>

Sent: Friday, March 21, 2025 6:10 AM

To: Hoefler, Heidi <Heidi.Hoefler@maine.gov>; Currier, Martha <Martha.Currier@maine.gov>

Subject: Re: Jurisdiction of Commission

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To be clear, the town council has a public hearing scheduled on the School Board's request. We are encouraging people to attend the public hearing and to encourage the town council to take more time and to encourage the school board to consider other alternatives. Our advertising does not say vote yes or no, as at present there is nothing on the ballot.

Thank you for your assistance.

Mary Ann

> On Mar 21, 2025, at 5:16 AM, Mary Ann Lynch <maryannlynch5788@gmail.com> wrote:

>

> Good morning.

>

> I am writing because I am advertising to encourage our town council to NOT put a referendum (ballot Question) on the June election. We are encouraging voters to show up to ask for more time to allow the school board to enter into a lengthy process to consider other alternatives than the previously rejected bond. There is currently no ballot question. As I read the statute, in the absence of a ballot question and election warrant language approved and scheduled for a referendum election by the Town Council, there is no requirement to register. I will be unavailable all morning but can call you around 2 this afternoon.

>

> I seem to recall coming across a commission ruling on this issue last year, but can't find anything now.

>

> Thank you for your attention.

> Mary Ann

From: lbenoit@maine.rr.com
To: [Wayne, Jonathan](#)
Cc: [Hoefler, Heidi](#); ["Mary Ann Lynch"](#)
Subject: RE: Complaint: Cape Elizabeth School Department
Date: Thursday, May 1, 2025 12:36:45 PM
Attachments: [CBRE ORep contract Fully executed 6.29.23.pdf](#)
[Harriman - Fully executed Contract Nov. 29, 2023-1.pdf](#)
[bond resolution.pdf](#)
[Exhibit 12.pdf](#)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Wayne,

Thank you for your message following-up our complaint concerning the Cape Elizabeth School Department.

We believe any expenditures of public funds by the school department or private funds (donations) expended under its control to influence the 11/5/2024 and 6/10/2025 referendums should be counted toward the \$5,000 ballot question committee threshold. This is a continuous campaign undertaken by the school department beginning in the spring of 2024 to build a new middle school. These expenditures include advertisements in the Cape Courier and possibly other advertising materials such as flyers and sandwich-board signs, plus the creative design and graphic services for production of these advertising products provided by Harriman under contract with the school department. We urge investigators to request copies of all advertisements and any other advertising materials produced for the school department concerning the 2024 and 2025 referendums.

As we noted in the complaint, Harriman was hired to provide production services for 8 advertisements and 8 flyers among many other services in connection with the 2025 initiative for a June referendum on a new middle school. Harriman provided similar services for the referendum in 2024. We urge investigators to obtain and examine original itemized billing invoices from Harriman and also Turner & Townsend Heery (formerly CBRE Heery) to account for the cost of these services toward the \$5,000 threshold. Attached are relevant contracts with Harriman and CBRE Heery. We do not have a copy of a second contract with Turner & Townsend Heery, which was apparently executed in November 2024, but it is a public document and investigators can obtain it from the school department.

The school department officially initiated the referendum ballot question for a new middle school for the Nov. 5, 2024, general election with enactment of a resolution (see attached) on July 1, 2024, although actual work on the project design commenced weeks before. Documents related to the referendum for the July 1, 2024, School Board Special Meeting may be obtained from the official Town of Cape Elizabeth meeting

calendar here: <https://www.capeelizabeth.com/calendar/459/>

Also, videotape of the July 1, 2024, meeting and all other meetings of the School Board and Town Council are available on CETV Cape Elizabeth Television: <https://reflect-cetv.cablecast.tv/CablecastPublicSite/show/1354?site=1>

Please let us know if this is responsive to your request and if we can provide additional information to assist in the investigation. Also, this reply is intended to complement and supplement our initial complaint.

Sincerely,

Robert L. Benoit

Mary Ann Lynch

From: Wayne, Jonathan <Jonathan.Wayne@maine.gov>

Sent: Wednesday, April 30, 2025 2:25 PM

To: lbenoit <lbenoit@maine.rr.com>; Mary Ann Lynch <maryannlynch5788@gmail.com>

Cc: Hoefler, Heidi <Heidi.Hoefler@maine.gov>

Subject: Complaint: Cape Elizabeth School Department

Mr. Benoit and Ms. Lynch,

I am writing to ask you to confirm the scope of campaign finance reporting issues that you would like investigated. It's clear that you would like the Commission to investigate whether the 2024 advertisements caused the superintendent or school district to qualify as a ballot question committee in 2024.

My question is about the four advertisements dated February – May 2025.

Are you also requesting that the Commission investigate whether the four 2025 ads would count toward the \$5,000 ballot question committee threshold because they were intended to influence the 6/10/2025 referendum?

OR

Did you include the 2025 ads for some other purpose, such as examples of continued use of public funds for election purposes?

Thanks for confirming either way.

Jonathan Wayne

Executive Director

Maine Ethics Commission

**Resolution Regarding School Board Recommendation on
Pond Cove Elementary School / Cape Elizabeth Middle School / Cape Elizabeth High School
Referendum**

WHEREAS, the Cape Elizabeth Town Council is expected to consider one or more votes authorizing expenditures, and issuance of the Town’s general obligation bonds therefor, for the following purposes (referred to as the “School Projects”):

- (i) Up to \$73,900,000 to construct and equip a new middle school,
- (ii) Up to \$13,800,000 to renovate Pond Cove Elementary School; and
- (iii) Up to \$2,200,000 to renovate the Cape Elizabeth High School

WHEREAS, the Cape Elizabeth Town Council is also expected to consider one or more votes authorizing additional expenditures of up to \$1,625,000 in the form of pledges, gifts, grants and other donations to pay for a solar array on the roof of the new middle school (referred to as the “Solar Project” and together with the School Projects, the “Projects”);

WHEREAS, the Cape Elizabeth Town Council is also expected to consider an order submitting said actions to a Town referendum vote; and

WHEREAS, as the Projects will affect the school budget, the referendum question or questions are required to include a recommendation of the School Board;

WHEREAS, the School Board believes that the Projects will have a substantial beneficial impact on the students in the Town;

NOW THEREFORE, be it hereby Resolved by the Town of Cape Elizabeth School Board as follows:

- (i) That the School Board recommends that the referendum question or questions regarding the Projects be approved, and
- (ii) That the warrant calling such referendum and the ballot used at such referendum include the School Board’s recommendation.

Michelle McClellan, CAS
Assistant Superintendent

Ryan Fairchild
Director of Special Services

Marcia Weeks, MBA
Business Manager



CAPE ELIZABETH SCHOOLS

320 Ocean House Road
Cape Elizabeth, Maine 04107
Phone: (207) 799-2217 Fax: (207) 799-2914

Christopher Record, PhD
Superintendent of Schools
crecord@capeelizabethschools.org

May 19, 2025

Via email only (Jonathan.Wayne@maine.gov)

Jonathan Wayne
Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

RE: Cape Elizabeth School Department Response to Complaints

Dear Mr. Wayne,

I write in response to your letter dated May 1, 2025, regarding complaints raised by Larry Benoit and Mary Ann Lynch. I understand that Mr. Benoit and Ms. Lynch assert that the Cape Elizabeth School Department (the "Department") expended funds in excess of \$5,000 in order to influence the November 5, 2024 and June 10, 2025, middle school construction referenda (respectively, "November Referendum" and "June Referendum") and, therefore, should have registered and filed financial reports as a ballot question committee. As outlined below, the Department engaged in outreach to the public for purposes of education and engagement, not influence, regarding the school construction Referenda. As such, the Department does not meet the definition of a ballot question committee under Maine law.

Relevant Background and Timeline

The Department has historically engaged in informational public outreach to inform the public and encourage public engagement on a number of topics. The Department considers this to be particularly important where an issue may have significant financial implications (i.e. the school budget or a building project). The Department feels it is its fundamental duty to provide citizens with information to increase understanding and to encourage engagement with respect to issues that are particularly consequential. We seek to engage the public to get their input and to provide the information the public needs to make informed decisions.

In March 2023, the Department agreed to form the School Building Advisory Committee ("SBAC"), a joint ad hoc advisory committee of the Cape Elizabeth School Board and the Town Council to assist in developing and funding a school building project. One of the primary goals

of the SBAC was “conducting public outreach and engagement.” The SBAC charge specifically stated:

Public Input and Outreach: The Committee shall seek public engagement and input in its deliberations through a multi-channel public outreach campaign, which may include websites, social media, e-mail, public signage, notices in the newspaper and direct mail. All public correspondence relevant to the SBAC received by the Committee, Town Council and School Board will be made available to the public via the town website.

On June 10, 2024, the Town Council voted to sunset the SBAC by June 30, 2024, but the Department continued to engage in informational public outreach as it has historically done. Ms. Lynch was a member of the prior iteration of the building committee and supported a plan to renovate existing buildings rather than undertake new construction of a middle school. She was not a member of the SBAC.

Mr. Benoit was a member of the SBAC. He too has supported a plan to renovate and expand existing space rather than construct a new middle school. Both Ms. Lynch and Mr. Benoit have, since before June 2024, been very active in publicly lobbying against the November 2024 and June 2025 Referenda.

The Town Council set the question and date for the November Referendum on August 12, 2024. Between August 13, 2024 and November 5, 2024, the Department spent the following funds on informational public outreach, including expenses related to providing information to the public at public meetings:

Name	Date Paid (Invoice #)	Amount	Type
Cape Courier	8/14/2024 (73285)	947.52	Public Outreach
Cape Courier	8/28/2024 (73297)	947.52	Public Outreach
Cape Courier	9/13/2024 (73322)	1,015.20	Public Outreach
Cape Courier	10/01/2024 (73338)	1,015.20	Public Outreach
Cape Courier	10/09/2024 (73378)	1,015.00	Public Outreach
Harriman Holdings (Architect)	08/22/2024 (2407110)	68.16	Community Meetings
Harriman Holdings (Architect)	08/29/2024 (240640)	1,250	Community Outreach
Harriman Holdings (Architect)	08/29/2024 (2405065)	5,000	Community Outreach
Harriman Holdings (Architect)	10/22/2024 (2407337)	810.95	Community Outreach/Public Meetings
Minuteman Press	9/13/2024 (17158)	819.00	Public Outreach
Minuteman Press	9/18/2024 (17202)	360.00	Public Outreach
Minuteman Press	9/26/2024 (17254)	304.70	Public Outreach
Minuteman Press	9/26/2024 (17265)	304.70	Public Outreach
Minuteman Press	10/01/2024 (17286)	699.00	Public Outreach

Name	Date Paid (Invoice #)	Amount	Type
Minuteman Press	10/15/2024 (17287)	98.81	Public Outreach
Minuteman Press	10/15/2024 (17393)	98.81	Public Outreach

The Town Council set the question and date for the June Referendum on April 7, 2025. Between April 8, 2025 and today, the Department spent the following funds on informational public outreach:

Name	Date (Invoice #)	Amount	Type
Cape Courier	04/22/2025 (73596)	1,015.20	Public Outreach
Cape Courier	5/06/2025 (73607)	1,015.20	Public Outreach
Cape Courier	5/13/2025 (73632)	1,015.20	Public Outreach

Prior to the November 2024 and June 2025 Referenda questions and dates being set, the Department spent funds related to informational public outreach, public notices, flyers, and sandwich boards regarding updated building proposals and public meetings, including public forums with architects, the current state of Cape Elizabeth school buildings, an overview of potential options to “fix our schools” and opportunities for the public to share their opinions.

This financial information has been provided publicly by the Department to members of the public who have requested it, including Ms. Lynch, and routinely as part of the monthly School Board meeting packets.¹ Files consisting of invoices showing these expenditures, together with copies of the related informational materials, are attached here by category: (1) invoices paid (and related informational materials) from August 13, 2024 through November 5, 2024 (Attachment 1); (2) invoices paid (and related informational materials) from April 8, 2025 through present (Attachment 2); and (2) other expenditures by the School Department related to public outreach and information paid outside the relevant period of either Referendum (Attachment 3).²

Responses to Questions Posed

1. Whether the newspaper advertisements had a purpose of influencing the referenda.

The informational outreach that the Department ran in the Cape Courier did not have the purpose of influencing the Referenda. Rather, those notices were meant to be informational to encourage public engagement and to allow the public to be well-informed. These informational publications all clearly included the Cape Elizabeth School Department logo, “CE,” making clear the source was the School Department. Additionally, these outreach materials were presented with informational headings including those listed below:

¹ The Department has also routinely reported its expenditures to the Town Council. The Department also recently received a clean audit of its financials from an outside accounting firm.

² Please note that Harriman invoices included in this third category, prior to each Referendum date and question being set, include expenditures unrelated to public outreach.

- “10 Ways the ‘Middle Ground’ Meets our Needs”
- “A Comprehensive Approach to Safety and Security”
- “How Does ‘The Middle Ground’ Concept Address the Barriers to Education”?
- “Why the ‘Middle Ground’ School Design Matters to Students, teachers, Families and Hopefully You Too”
- “Just the Facts – The ‘Middle Ground’ School Design”
- “The ‘Middle Ground’ 3 Reasons Why Now is the Time”

The vast majority of these materials do not even refer to a referendum and nowhere does the Department encourage anyone to vote yes on any question. There are only five references to a referendum in all of these materials, and each reference relates to the anticipated timeframe for a referendum. Attachment 1, page 21; Attachment 2, pages 2, 4; Attachment 3, pages 20, 24.

While the Department acknowledges that these materials were aimed at informing the public and encouraging them to engage in the process, they did not have the purpose of influencing the Referenda.

2. Whether the architectural firms provided communication services that promoted the referenda.

The Department engaged the architectural firm Harriman to perform certain services related to the development of a potential building project, including assisting with preparing information for presentation at public meetings and in public notices. These services did not promote the Referenda, but were part of the Department’s educational outreach, allowing the Department to keep the public informed. The Department engaged another firm, Turner and Townsend, as an owner’s representative. The extent of Turner and Townsend’s involvement in any community outreach involved attendance at some public meetings regarding the potential building project. Community engagement is referenced in Turner and Townsend’s proposal and contract with the Department but was not a separate line-item expenditure.

3. Did the flyers and sandwich boards mentioned in Mr. Benoit’s May 1, 2025 email have any purpose of promoting the referenda?

No, the flyers and sandwich boards related to public notices, public forums, building tours and other information related to a potential building project and did not have the purpose of influencing or promoting either Referendum, but rather, of engaging and informing the public.

Conclusion

The Department has historically provided the public with information related to significant issues facing the community. Its public outreach related to the school building project has been informational and aimed at encouraging public engagement and assisting the public in making an informed decision related to a potential new school construction project. The Department believes that this action, which is common among school departments with respect to such issues

Mr. Wayne
May 19, 2025
Page 5 of 5

of critical public importance, does not meet the statutory thresholds that would require it to register and file reports as a ballot question committee.

Of course, if the Commission determines otherwise, the Department will promptly comply with its determination. In that case, the Department would request a waiver of any applicable penalties on the grounds that any non-compliance was inadvertent.

Sincerely,


Christopher Record, Ph.D.
Superintendent

CR/af

F425

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	8/7/2024
INVOICE	73285

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE:	8/7/2024
-------------------	----------

Please return top portion with your payment

Invoice Date	Invoice #
8/7/2024	73285

ISSUE	DESCRIPTION	AMOUNT
8/7/2024	Color Advertising 4x14 MIDDLE GROUND DESIGN CONCEPTS	1,052.80
8/7/2024	10% Non Profit Discount	-105.28
<i>Married 9000-81000</i>		

To contact our advertising manager, email advertising@capecourier.com

TOTAL**\$947.52**

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$947.52
--------------------	-----------------

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

CE HOW DOES "THE MIDDLE GROUND" CONCEPT ADDRESS THE BARRIERS TO EDUCATION?



SAFETY & SECURITY CONCERNS

- New MS takes a holistic approach to safety & security, providing layers of security including secure entry with sight lines in all directions, the ability to separate public and private spaces, wayfinding practices, and more.
- ES addition provides a secure entry with adjacent administration with sight lines in all directions.
- Barriers outside to prevent vehicles from driving into the entrance and pedestrian areas.



INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION

- Vehicular and pedestrian concerns on the existing site have been addressed with separate bus and car drop offs, sidewalks, and elimination of cut throughs across pedestrian areas.



OUTDATED CLASSROOMS, LIMITING EDUCATIONAL METHODS

- New MS right-sizes classrooms and integrates flexibility to allow the school to evolve as education evolves.
- The MS integrates team areas which are integral to MS education.
- The elementary school renovations and additions will provide updated educational spaces and a STEM | STEAM space adjacent to the library.



PCES/CEMS SPRAWLING LAYOUT & LONG TRAVEL DISTANCES

- The new MS allows us to address the sprawling layout at one of the three schools, while planning for future investments in our elementary school to address these concerns.



INEFFECTIVE OVERSIGHT FROM MAIN OFFICES

- The new MS and the new ES Admin Addition provide secure entries with adjacent admin offices with clear sight lines for oversight of pedestrians and both car and bus drop off.



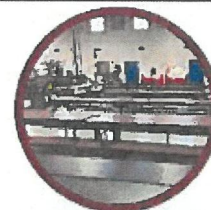
NURSE'S OFFICE LIMITATIONS

- The ES nurse office is relocated to have direct outdoor access, natural light, and right sized space.
- The new MS has a nurse office that is adequately size, with direct outdoor access, natural light and is integrated into the administrative offices at the main entry.



DEFICIENCY OF NATURAL LIGHT

- The new MS allows us to integrate the usage of natural light and views throughout the school, which studies show improves educational outcomes.
- New additions at the ES integrate natural light and views to the outside.



COMPLICATIONS FROM SHARED CAFETERIA

- With the construction of the new MS, the existing cafeteria will be used solely by the ES.



INADEQUATE STORAGE FACILITIES

- New MS provides shared building storage as well as adequate classroom storage.
- New ES Admin addition provides adequate admin and district special education storage.



NEED FOR TECHNOLOGY UPGRADES

- Working with the Technology Director for the District, the new MS and ES will be outfitted with the latest technology and infrastructure to support education



OUTDATED & INEFFICIENT MECHANICAL SYSTEMS

- The new MS will include new efficient mechanical systems.
- By integrating them into the building, we can extend their useful life, rather than having them on the roof, as they are in the existing school
- Critical mechanical system repairs/ replacements at the elementary and high school are also being addressed as part of this project.



INADEQUATE PERFORMING ARTS SPACES

- The new MS will have a stage and music/band classrooms that meet the specifications requested by the Music/Band staff, including a stage large enough to hold the 100+ person school band.
- The stage, when open to the Gymnasium will be able to have over 510 spectators in chairs, plus an additional 300 bleacher seats—nearly double the number of spectators we could accommodate in the Option B multipurpose space.



LEARN MORE: www.cape.k12.me.us

Email CESB@capeelizabethschools.org with additional questions!

Cape Courier

PO Box 2248
South Portland ME 04106

INVOICE

DATE 8/21/2024
INVOICE 73297

V-175
Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE 8/21/2024

Please return top portion with your payment

Invoice Date 8/21/2024
Invoice # 73297

ISSUE	DESCRIPTION	AMOUNT
8/21/2024	Color Advertising 4x14 MIDDLE GROUND DESIGN "MATTERS"	1 052 80
8/21/2024	10% Non Profit Discount	-105 28

To contact our advertising manager email advertising@capecourier.com

TOTAL \$947.52

Payments/Credits	\$100
Balance Due	\$107.52

Questions about your invoice can be emailed to billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link

CE WHY THE "MIDDLE GROUND" SCHOOL DESIGN MATTERS TO STUDENTS, TEACHERS, FAMILIES... & HOPEFULLY YOU TOO

In a recent survey, we asked Cape Elizabeth Middle School students, teachers, and parents/guardians about their *Satisfaction with the Quality and Comfort of the Middle School.*

Key Takeaways from Current Condition of CEMS:

- The top driver of student dissatisfaction
- Is significantly driving down teacher satisfaction



STUDENT RESPONSE

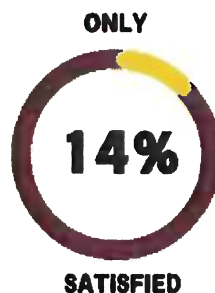
"The building is falling down and some spots are unsafe." ~ Student

"The overall care of the school--it's falling apart and needs to be fixed. Just for an example, when it rains, it leaks everywhere!" ~ Student

"I don't really like this school to be honest. It seems unfinished and extremely old. Some of the buildings were made in the 1930s." ~ Student

TEACHER RESPONSE

"The current design of CEMS hinders teachers' ability to offer programming and provide a safe environment to students on a daily basis. We are constantly jumping through logistical hurdles for events, collaborations, and daily teaching - it is truly draining. We work so hard to make the best of what we have, but we spend so much time, effort trying to fit our programming into a building that is simply not built for it. We've reached the breaking point where our facilities are negatively impacting students' education on a daily basis." ~ Teacher



PARENT/GUARDIAN RESPONSE

"The building itself is disgraceful and falling apart. It does a disservice to the children and everyone who works in it." ~Parent/Guardian

"Build a new school that would be much more responsive to teaching and learning in today's world and not limit educational methods, and that would meet federal guideline standards for both regular and special education." ~Parent/Guardian

"The school buildings are in bad shape and it impacts my child's learning. The cafeteria does not allow enough time to eat and is over crowded. And I'm nervous about the security." ~Parent/Guardian



LEARN MORE: www.cape.k12.me.us

Email CESB@capeelizabethschools.org with additional questions!

This ad is contributed by Cape Elizabeth Schools

PO Box 2248
South Portland ME 04116

DATE	9/4/2024
INVOICE	73322

PAYMENT DUE DATE:	9/4/2024
-------------------	----------

Invoice Date	Invoice #
9/4/2024	73322

ISSUE	DESCRIPTION	AMOUNT
9/4/2024	Color Advertising 4x15 JUST THE FACTS	1,128.00
9/4/2024	10% Non Profit Discount	-112.80

\$1,015.20

Payments/Credits	\$0.00
Balance Due	\$1,015.20

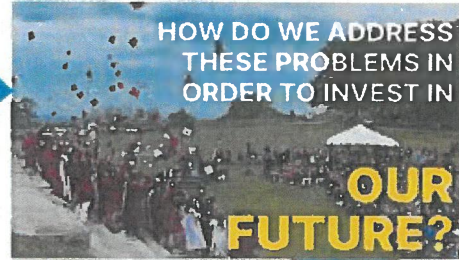
Marcel 1000-900-81000

ETH-40

JUST THE FACTS THE "MIDDLE GROUND" SCHOOL DESIGN

THE PROBLEMS FACING OUR SCHOOLS

- **SAFETY & SECURITY** SITE & BUILDING CONCERNS
- **POOR SIGHT LINES** FROM MAIN OFFICES, **IMPACTING SECURITY**
- **OUTDATED CLASSROOMS**, LIMITING EDUCATIONAL METHODS
- **INADEQUATE** MUSIC, ART, DRAMA **PROGRAM SPACES**
- EDUCATIONAL COMPLICATIONS FROM **SHARED CAFETERIA**
- PCES/CEMS **SPRAWLING LAYOUT** & LONG TRAVEL DISTANCES
- **INEFFICIENT** VEHICULAR & PEDESTRIAN **SITE CIRCULATION**
- **NURSE'S OFFICE** SPACE & NATURAL LIGHT LIMITATIONS
- DEFICIENCY OF **NATURAL LIGHT**
- **INSUFFICIENT STORAGE** FACILITIES
- NEED FOR **TECHNOLOGY UPGRADES**
- OUTDATED & INEFFICIENT **MECHANICAL SYSTEMS**



HOW DO WE ADDRESS
THESE PROBLEMS IN
ORDER TO INVEST IN

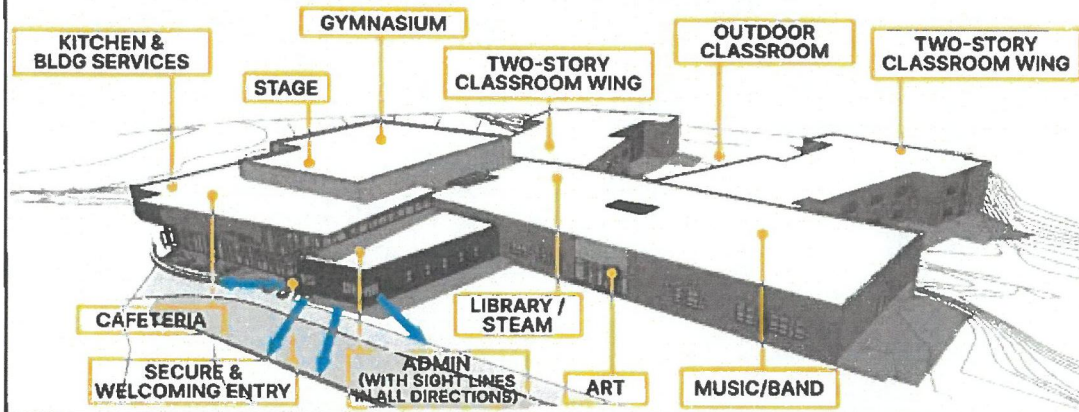
**OUR
FUTURE?**

THE "MIDDLE GROUND" SCHOOL DESIGN

An \$89.9M school solution & a \$4.8M municipal project will be on the November 5th referendum!

COMMUNITY-DEVELOPED DESIGN STATEMENT: "A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

NEW MIDDLE SCHOOL PRELIMINARY RENDERING ('MIDDLE GROUND CONCEPT')



BREAKDOWN OF ANNUAL TAX INCREASES INCLUDED IN FULL BOND

(Tax Impact provided by Town of Cape Elizabeth)

YEAR	\$89.9M "MIDDLE GROUND" PROJECT	\$4.8M MUNICIPAL USE (RENOVATION OF 1930s BUILDING)	\$94.7M FULL BOND AMOUNT
2025/2026	0.0%	0.0%	0.0%
2026/2027	1.9%	0.1%	2.0%
2027/2028	5.8%	0.3%	6.1%
2028/2029	3.9%	0.2%	4.1%
2029/2030 and after	0.0%	0.0%	0.0%

QUESTIONS FROM THE COMMUNITY:

Q: What are "Flex Classrooms" in the New Middle School Floor Plan?

A: Each grade level needs 6 classrooms for core middle school programming, in addition to classrooms for **Special Education, World Language, Math/Literacy Support, etc.**

"Flex Classrooms" are **not empty**. They serve our current Special Education needs in a space that is sized the same as a general classroom. This allows for flexibility in the number of core classrooms serving each grade level wing in the event of fluctuations in enrollment or changes in program needs.

For example, if the 6th Grade has an enrollment bubble one year and needs seven core classrooms, but the 5th Grade needs one less core classroom that year, the special education classroom can move into a 5th Grade core classroom, freeing up a classroom-sized space for that seventh 6th Grade classroom.

Look for the next Courier ad for more Q&A or email your questions to:

CESS@capeelizabethschools.org

www.cape.k12.me.us



ATTEND A SCHOOL TOUR!

9/30 6PM & 10/29 6PM

Meet in front of CEMS

PO Box 2248
South Portland ME 04116

DATE	9/18/2024
INVOICE	73338

PAYMENT DUE DATE: 9/18/2024

Invoice Date	Invoice #
9/18/2024	73338

To contact our advertising manager, email advertising@capecourier.com

\$1,015.20

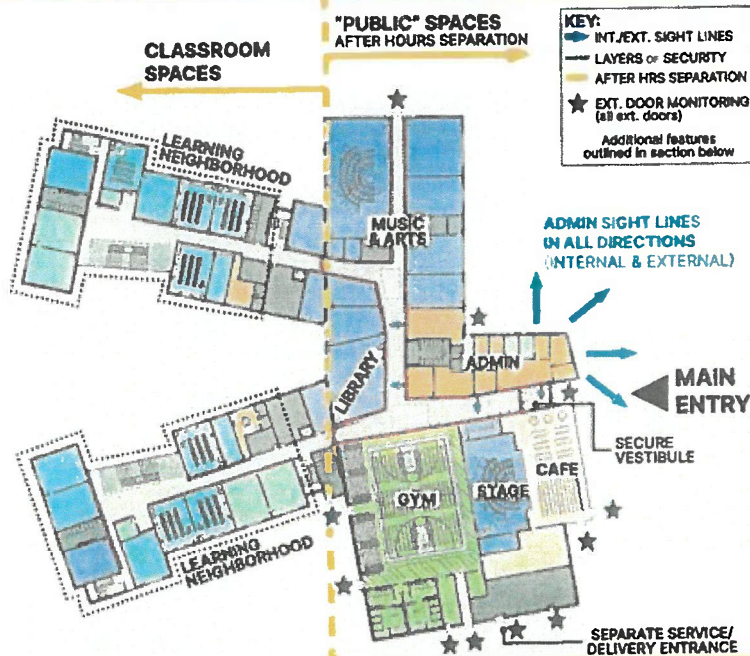
Payments/Credits	\$0.00
Balance Due	\$1,015.20

March 900-81000

ETH-42

A COMPREHENSIVE APPROACH TO SAFETY & SECURITY

How The "Middle Ground" School Design Allows Our Students & Teachers to Focus On The Joy Of Learning



HOW ARE SAFETY & SECURITY REFLECTED IN THE FLOOR PLAN?

Safety (Strategies that promote safety focus on how people feel within a space)

- **Welcoming Spaces** — Students who feel more attached to their school physically and emotionally have pride of ownership. This supports a strong school culture and sense of safety by fostering social and emotional connectedness.
- **Thoughtful Organization** includes separation between public-use and classroom spaces, easy-to-navigate organizational patterns, and clear wayfinding to understand where one is within the building. The sprawling nature of our current CEMS inhibits this understanding and can lead to confusion during an emergency.
- **Visibility and Transparency** into learning spaces give students a better understanding of how they're connected. Eliminating fear of the unknown promotes a sense of safety.
- **Connection to the Outdoors** — Cape Elizabeth has a beautiful campus, but many of our current learning spaces lack a visual connection or access to natural light. Studies show daylit spaces and connections to nature positively impact learning and emotional wellbeing. That connection helps students and teachers feel more relaxed and safer.

Security (Physical strategies to make a building more secure):

- **Clear Main Point of Entry with Secure Entry Vestibule and Admin Oversight** in all directions (interior and exterior). The existing admin is located far away from the main entrance, posing security concerns.
- **Transparency and Visibility** can compromise a sense of safety in emergency situations. Controls such as window coverings and carefully planned placement of transparency within a space can balance the need for an open environment that is welcoming yet secure.
- **Areas of Demarcation** inside rooms and hallways using floor tile color and other methods help students, teachers and staff know where they can stand to be out of sight of potential intruders.
- **Layers of Access** — organization of spaces and successive rings of hardened boundaries within a building can slow an intruder, providing more time for first responders to arrive.
- **Control Mechanisms** such as key card access can limit and track who is in each space.

HOW ARE SAFETY & SECURITY REFLECTED ON THE SITE?

- **Visibility** in all directions from both CEMS and PCES main entries/administration for total site oversight
- **Separation of Parent & Bus Drop-off Areas**
- **Pedestrian and Bicycle Access Improvements**
- **Emergency Vehicle Access** around entire new MS building
- **Separate Delivery Entrance** for vendors (no longer must travel down student corridor)
- **Moves school further away from Scott Dyer Rd.**



LEARN MORE
www.cape.k12.me.us/page/buildingproject

"A safe, secure school is not a fortress, but a carefully designed space where students feel safe, engaged, and open to learning."

—Lisa Savin, AIA

Executive Director

The "Middle Ground" building design takes a holistic approach to Safety & Security, as a carefully designed educational space that fosters feelings of safety, and utilizes security strategies that support students' mental health and their ability to achieve their potential.

Educators, mental health professionals, and others have long known that when students feel unsafe, it affects their emotional and physical health as well as their ability to learn.

How Do Safety & Security Differ From One Another?

Safety — Strategies that promote safety focus on how people feel within a space. Feeling safe is more than just physically feeling secure. It's about creating an environment where students feel connected to and supported by their peers, teachers, and community.

Security — Physical strategies to make a building more secure.

ATTEND AN UPCOMING SCHOOL TOUR!
9/30 6PM & 10/29 6PM
Meet in front of CEMS

PO Box 2248
South Portland ME 04116

DATE	10/2/2024
INVOICE	73378

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE: 10/2/2024

Please return top portion with your payment

Invoice Date	Invoice #
10/2/2024	73378

ISSUE	DESCRIPTION	AMOUNT
10/2/2024	Color Advertising 4x15	1,128.00
10/2/2024	10% Non Profit Discount	-112.80

To contact our advertising manager, email advertising@capecourier.com

TOTAL	\$1,015.20
-------	------------

Payments/Credits	\$0.00
Balance Due	\$1,015.20

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

H. Waller

Q111) - 3000

ETH-44

GE THE "MIDDLE GROUND" 3 REASONS WHY NOW IS THE TIME

1 MEETS OUR EDUCATIONAL NEEDS NOW AND LOOKING TO THE FUTURE

NEW MIDDLE SCHOOL

(Average Age of Building = 64 Yrs Old - the oldest of all our schools)



Comprehensive Approach to Safety & Security to allow kids to focus on learning, including:

- Addresses sprawling layout
- Implements layers of security
- Public/after-hours separation
- Wayfinding mechanisms
- Site circulation and oversight improvements
- Secure door access
- And more...



Flexible 21st Century Classrooms to support modern teaching & learning practices and flexibility to accommodate future evolution of teaching & learning practices



Classroom & Performance Spaces to Support Robust Performing Arts Programming (over 60% of students participate in Band program)



Appropriate Space to Serve Special Education Programming Special Education programming has changed dramatically since the school was originally built. A new school allows us to construct spaces that can meet the needs of all students.



Healthy Building Features that positively impact student learning, including:

- Modern mechanical systems
- Natural light
- Appropriate nurse office space
- Indoor air quality

HIGH SCHOOL REPAIRS/RENOVATION

(Average Age of Building = 54 Years Old)



Addresses Repairs that are most beneficial to address as part of a large construction project, including:

- Acoustical/sound transfer between classrooms
- Roof replacement
- ADA compliance in restrooms
- Mechanical replacement
- Associated abatement

ELEMENTARY SCHOOL REPAIRS/RENOVATION

(Average Age of Building = 54 Years Old)



Addresses Security, Repairs, & Renovation, including:

- Secure entry & admin addition, & other safety upgrades
- STEAM program addition
- Renovated Nurse & Conference
- New mechanical addition & other HVAC replacement
- Classrooms/corridor finish replacement

MEETING ALL OUR EDUCATIONAL NEEDS WITH 0% DISRUPTION TO STUDENTS



Construction of a New Middle School means **students will not experience learning disruption due to construction.**

- Students will not have to be moved to portables or bussed out of Cape** during construction.
- Saves an estimated \$3M** that would be required as part of a renovation/addition project for temporary learning space
- Students remain in existing MS** while new MS is constructed.
- ES and HS work is **achieved over summer and school breaks.**

2 FISCALLY RESPONSIBLE IT WILL NEVER BE MORE AFFORDABLE THAN IT IS TODAY



The master plan for our school's eventual replacement of all schools. The "Middle Ground" is **the first step in implementing this plan.**



Delaying this plan only becomes more expensive and leads to more piecemeal renovations and repairs that will inevitably have to be replaced.



New construction **avoids the risks associated with renovation** where unforeseen conditions can drain money from the budget.



Patchwork of mechanical systems, building codes, hallways, and load-bearing walls make **renovating CEMS prohibitively expensive. New Construction is a better use of funds.**



The new CEMS and additions to PCES will **bring mechanical systems indoors, extending the life of those systems**, making the best use of taxpayer dollars.



We can continue to address prioritized repairs **within the currently established CIP, Repairs, and Maintenance school budget**, with only a 2% inflation factor for these budget lines.

3 SETS THE COMMUNITY UP FOR THE FUTURE RESETS THE CLOCK ON ONE OF OUR THREE AGING SCHOOL BUILDINGS



The "Middle Ground" is an historic investment for a 50+ year building lifespan that meets ALL our educational needs and serves as a community asset for all citizens.

UPCOMING EVENTS THE "MIDDLE GROUND" SCHOOL DESIGN FORUM
OCTOBER 8, 6:30 PM AT TOWN HALL
FINAL SCHOOL TOUR
OCTOBER 29, 6 PM - MEET IN FRONT OF CEMS

www.cape.k12.ma.us/page/buildingproject



LEARN MORE

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

July 31, 2024
Project No: 23250
Invoice No: 2407110

Project 23250 Cape Elizabeth School System Program Plan

Professional Services from July 1, 2024 to July 31, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	100.00	80,000.00	80,000.00	0.00
Site Development	50,000.00	100.00	50,000.00	50,000.00	0.00
Concept Design	70,000.00	100.00	70,000.00	70,000.00	0.00
Community	25,000.00	100.00	25,000.00	25,000.00	0.00
Total Fee	265,000.00		265,000.00	265,000.00	0.00
Total Fee					0.00
Total this Phase					0.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	50.00	15,000.00	15,000.00	0.00
Hazardous Material Impact Survey	60,000.00	30.00	18,000.00	15,000.00	3,000.00
Total Fee	115,000.00		58,000.00	55,000.00	3,000.00
Total Fee					3,000.00
Total this Phase					\$3,000.00

Phase ZEXP Expenses
Reimbursable Expenses

Rmb Travel				
6/3/2024	Sawin, Lisa	Meeting - Mileage	8	17
6/11/2024	Sawin, Lisa	Meeting - Mileage	8	17

Project	23250	Cape Elizabeth School System Program Pla	Invoice	2407110
6/11/2024	Waugh, Emilie	Meeting - Mileage	7.03	
6/11/2024	Waugh, Emilie	Meeting - Mileage	7.03	
6/11/2024	Waugh, Emilie	Meeting - Mileage	7.03	
6/17/2024	Sawin, Lisa	Meeting - Mileage	8.17	
6/24/2024	Sawin, Lisa	Meeting - Mileage	8.17	
7/1/2024	Sawin, Lisa	Meeting - Mileage	8.19	
	Total Reimbursables	1.1 times	61.96	68.16
Billing Limits		Current	Prior	To-Date
Total Billings		68.16	483.89	552.05
Limit				1,000.00
Remaining				447.95
		Total this Phase		\$68.16
		Total this Invoice		\$3,068.16

Outstanding Invoices

Number	Date	Balance
2405065	6/12/2024	56,688.76
2406040	6/30/2024	18,796.40
Total		75,485.16

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

PAYMENT APPROVAL FINANCE DIRECTOR

AMOUNT \$ 3068.16

ACCOUNT 20504257-8900A

DATE 8/19/24

SIGNED [Signature]
v# 394

[Signature]

FY24

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

June 30, 2024
Project No: 23250
Invoice No: 2406040

Project 23250 Cape Elizabeth School System Program Plan
Professional Services from June 1, 2024 to June 30, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	100.00	80,000.00	72,000.00	8,000.00
Site Development	50,000.00	100.00	50,000.00	47,500.00	2,500.00
Concept Design	70,000.00	100.00	70,000.00	63,000.00	7,000.00
Community	25,000.00	100.00	25,000.00	23,750.00	1,250.00
Total Fee	265,000.00		265,000.00	246,250.00	18,750.00
Total Fee					18,750.00
Total this Phase					\$18,750.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	50.00	15,000.00	15,000.00	0.00
Hazardous Material Impact Survey	60,000.00	25.00	15,000.00	15,000.00	0.00
Total Fee	115,000.00		55,000.00	55,000.00	0.00
Total Fee					0.00
Total this Phase					0.00

Phase ZEXP Expenses
Reimbursable Expenses

Rmb Travel				
5/1/2024	Waugh, Emilie	Site Visit - Mileage	7.03	
5/2/2024	Waugh, Emilie	Site Visit - Mileage	7.03	

Project	23250	Cape Elizabeth School System Program Pla	Invoice	2406040
5/9/2024	Waugh, Emilie	Site Visit - Mileage	7.03	
5/14/2024	Waugh, Emilie	Site Visit - Mileage	7.03	
5/21/2024	Waugh, Emilie	Site Visit - Mileage	7.03	
5/28/2024	Waugh, Emilie	Site Visit - Mileage	7.03	
	Total Reimbursables	1.1 times	42.18	46.40
Billing Limits		Current	Prior	To-Date
Total Billings		46.40	437.49	483.89
Limit				1,000.00
Remaining				516.11
		Total this Phase		\$46.40
		Total this Invoice		\$18,796.40

Outstanding Invoices

Number	Date	Balance
2405065	6/12/2024	56,688.76
Total		56,688.76

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

**PAYMENT APPROVAL
FINANCE DIRECTOR**

AMOUNT \$ 18,796.40

ACCOUNT 2054257-8900A

DATE 8/26/24

SIGNED [Signature]

v# 394

F424

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

June 12, 2024
Project No: 23250
Invoice No 2405065

Project 23250 Cape Elizabeth School System Program Plan

Professional Services from May 1, 2024 to May 31, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	90.00	72,000.00	56,000.00	16,000.00
Site Development	50,000.00	95.00	47,500.00	41,000.00	6,500.00
Concept Design	70,000.00	90.00	63,000.00	49,000.00	14,000.00
Community	25,000.00	95.00	23,750.00	18,750.00	5,000.00
Total Fee	265,000.00		246,250.00	204,750.00	41,500.00
Total Fee					41,500.00
Total this Phase					\$41,500.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	50.00	15,000.00	15,000.00	0.00
Hazardous Material Impact Survey	60,000.00	25.00	15,000.00	0.00	15,000.00
Total Fee	115,000.00		55,000.00	40,000.00	15,000.00
Total Fee					15,000.00
Total this Phase					\$15,000.00

Phase ZEXP Expenses
Reimbursable Expenses

Rmb Travel				
1/3/2024	Waugh, Emilie	Meeting - Mileage		7.03
1/4/2024	Waugh, Emilie	Meeting - Mileage		7.03

Project	23250	Cape Elizabeth School System Program Pla	Invoice	2405065
1/4/2024	Waugh, Emilie	Meeting - Mileage	7.03	
1/11/2024	Waugh, Emilie	Meeting - Mileage	7.03	
1/18/2024	Waugh, Emilie	Meeting - Mileage	7.03	
2/1/2024	Waugh, Emilie	Meeting - Mileage	7.03	
2/8/2024	Waugh, Emilie	Meeting - Mileage	7.03	
2/8/2024	Waugh, Emilie	Meeting - Mileage	7.03	
2/15/2024	Waugh, Emilie	Meeting - Mileage	7.03	
2/15/2024	Waugh, Emilie	Meeting - To Express Copy	1.47	
2/15/2024	Waugh, Emilie	Meeting - Mileage	7.03	
2/29/2024	Waugh, Emilie	Meeting - Mileage	7.03	
3/7/2024	Waugh, Emilie	Meeting - Mileage	7.03	
3/7/2024	Waugh, Emilie	Meeting - Mileage	7.03	
3/8/2024	Waugh, Emilie	Meeting - Mileage	7.50	
3/11/2024	Waugh, Emilie	Meeting - Mileage	7.50	
3/13/2024	Waugh, Emilie	Meeting - Mileage	7.50	
3/14/2024	Waugh, Emilie	Meeting - Mileage	7.03	
3/21/2024	Waugh, Emilie	Meeting - Mileage	7.03	
3/28/2024	Waugh, Emilie	Meeting - Mileage	7.03	
3/28/2024	Waugh, Emilie	Meeting - Mileage	7.03	
4/4/2024	Waugh, Emilie	Meeting - Mileage	7.03	
4/10/2024	Waugh, Emilie	Meeting - Mileage	7.03	
4/22/2024	Waugh, Emilie	Meeting - Mileage	7.03	
4/25/2024	Waugh, Emilie	Meeting - Mileage	7.03	
	Total Reimbursables	1.1 times	171.60	188.76

Billing Limits	Current	Prior	To-Date
Total Billings	188.76	248.73	437.49
Limit			1,000.00
Remaining			562.51

Total this Phase \$188.76

Total this Invoice \$56,688.76

Outstanding Invoices

Number	Date	Balance
2403046	3/31/2024	46,750.00
2403167	4/30/2024	15,000.00
Total		61,750.00

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

PAYMENT APPROVAL
FINANCE DIRECTOR

AMOUNT \$ 56,688.76
ACCOUNT 20504257-8900A
DATE 8/26/24
SIGNED Krista Bradley

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone

INVOICE

This invoice has been approved by
Turner & Townsend Heery and is
recommended for payment.
Date reviewed: 10/18/2024
Reviewed by: Brian Hromadka
Amount approved: \$810.95

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth ME 04107

September 30, 2024
Project No 23250
Invoice No 2407337

Project 23250 Cape Elizabeth School System Program Plan
Professional Services from September 1, 2024 to September 30, 2024

Phase	00	Base Fees - Pre-Design				
Fee						
Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing	
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00	
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00	
Building Design	80,000.00	100.00	80,000.00	80,000.00	0.00	
Site Development	50,000.00	100.00	50,000.00	50,000.00	0.00	
Concept Design	70,000.00	100.00	70,000.00	70,000.00	0.00	
Community	25,000.00	100.00	25,000.00	25,000.00	0.00	
Total Fee	265,000.00		265,000.00	265,000.00	0.00	
Total Fee						0.00
Total this Phase						0.00

Phase	00A	Additional Fees - Pre-Design				
Fee						
Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing	
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00	
Geotechnical Engineering	30,000.00	50.00	15,000.00	15,000.00	0.00	
Hazardous Material Impact Survey	60,000.00	30.00	18,000.00	18,000.00	0.00	
Total Fee			58,000.00	58,000.00	0.00	
Total Fee						0.00
Total this Phase						0.00

Phase	ZEXP	Expenses			
Reimbursable Expenses					
Rmb Trave					
7/1/2024	Waugh, Emilie	Meeting - Mileage			14.06
7/29/2024	Waugh, Emilie	Meeting - Mileage			7.04

Project	23250	Cape Elizabeth School System Program Pla	Invoice	2407337
9/6/2024	Waugh, Emilie	Deliver Flyers To Owner - Mileage	7.04	
	Total Reimbursables	1.1 times	28.14	30.95
Unit Billing		up to \$500 per contract - Total to date	\$583	
Color Dwgs				
9/19/2024	Boards For Printing	120.0 sf Dwgs @ 4 00	480.00	
Foamcore				
9/19/2024	Boards For Printing		300.00	
	Total Units		780.00	780.00
		Total this Phase		\$810.95
		Total this Invoice		\$810.95
		up to \$500 per contract - Total to date	\$780	

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

\$381k max. per contract
Total to date: \$324,363

**PAYMENT APPROVAL
FINANCE DIRECTOR**

AMOUNT \$ 810.95
ACCOUNT 20504251-8900A

DATE 10/21/24

SIGNED Kristen Bradley

V# 394





Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17158
Invoice Date 9/9/2024

Bill to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

Ship to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25 CENTS
A HOME?**

✓ 60 Color 24 x 36 corrugated plastic signs—Single sided—10 of each—6 different designs \$819.00
—afuller@capeelizabethschools.org (Job 39544)

Invoice Subtotal: \$819.00
Invoice Total: \$819.00
Balance Due: \$819.00

Fuller
Rec'd
9/10/24

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business

2.0000% interest per month on past-due invoices

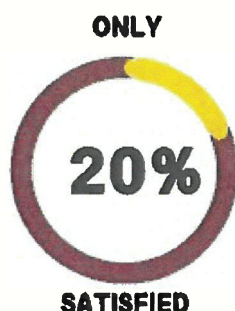
ETH-54

CE WHY THE "MIDDLE GROUND" SCHOOL DESIGN MATTERS TO STUDENTS, TEACHERS, FAMILIES... & HOPEFULLY YOU TOO

In a recent survey, we asked Cape Elizabeth Middle School students, teachers, and parents/guardians about their *Satisfaction with the Quality and Comfort of the Middle School.*

Key Takeaways from Current Condition of CEMS:

- The top driver of student dissatisfaction
- Is significantly driving down teacher satisfaction



STUDENT RESPONSE

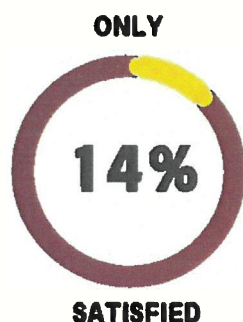
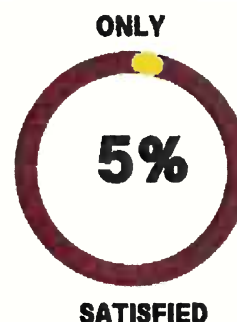
"The building is falling down and some spots are unease." ~ Student

"The overall care of the school--it's falling apart and needs to be fixed. Just for an example, when it rains, it leaks everywhere!" ~ Student

"I don't really like this school to be honest. It seems unfinished and extremely old. Some of the buildings were made in the 1930s." ~ Student

TEACHER RESPONSE

"The current design of CEMS hinders teachers' ability to offer programming and provide a safe environment to students on a daily basis. We are constantly jumping through logistical hurdles for events, collaborations, and daily teaching - it is truly draining. We work so hard to make the best of what we have, but we spend so much time, effort trying to fit our programming into a building that is simply not built for it. We've reached the breaking point where our facilities are negatively impacting students' education on a daily basis." ~ Teacher



PARENT/GUARDIAN RESPONSE

"The building itself is disgraceful and falling apart. It does a disservice to the children and everyone who works in it." ~Parent/Guardian

"Build a new school that would be much more responsive to teaching and learning in today's world and not limit educational methods, and that would meet federal guideline standards for both regular and special education." ~Parent/Guardian

"The school buildings are in bad shape and it impacts my child's learning. The cafeteria does not allow enough time to eat and is over crowded. And I'm nervous about the security." ~Parent/Guardian



LEARN MORE: www.cape.k12.me.us

Email CESB@capeelizabetschools.org with additional questions!

PLEASE ATTEND THE PUBLIC HEARING ON 7/29 "THE MIDDLE GROUND" SCHOOL DESIGN CONCEPT

RECENT MEETINGS



JULY 1 SCHOOL BOARD MEETING

The Board voted unanimously to support the \$89.9M 'Middle Ground Concept' and recommended that Town Council send it to a November Referendum.



JULY 8

TOWN COUNCIL MEETING
Council voted unanimously to send the \$89.9M 'Middle Ground Concept' to Public Hearing, with an amendment to discuss future use of the 1934 building.

A \$42M option, proposed by the Town Council Chair, was supported by a 4-3 vote to go to Public Hearing as well. This proposal had not been voted on by the School Board and would address only facility repairs and security renovations.

UPCOMING PUBLIC MEETINGS & MILESTONES



JULY 29 PUBLIC HEARING

Attend the Public Hearing on the \$89.9M 'Middle Ground Concept' and discussion of future use of the 1934 building, and the \$42M repairs option proposed by the Council Chair



AUGUST 12 TOWN COUNCIL MEETING

Council votes on bond language for the November 5 Referendum.



NOVEMBER 5 REFERENDUM

The public votes on the proposed concept

WHAT QUESTIONS ARE WE HEARING IN THE COMMUNITY?

WHAT IS IN THE BOND?

The bond includes up to \$89.9M to address educational and facility needs at all three schools as follows.

- To construct and equip a new middle school,
- To renovate, repair, and expand Pond Cove Elementary School; and
- To repair Cape Elizabeth High School

As well as additional expenditures of up to \$1,625,000 in the form of pledges, gifts, grants and other donations to pay for a solar array on the roof of the new middle school.

WHAT HAPPENS TO REPAIR ITEMS NOT INCLUDED IN THE 'MIDDLE GROUND CONCEPT'? WE HAVE A PLAN!

CESD CIP/MAINTENANCE/REPAIR PROJECTIONS OVER AN 8-YEAR PERIOD

\$9,251,694 in Repairs Items Over 8 Years

In this year's budget we have \$1.3M allocated for CIP, Repairs and Maintenance. This same amount will be budgeted every year going forward with a 2% inflationary factor. The plan utilizes \$1.1M to address the \$9.2M in repairs over 8 years. This leaves a remaining \$200,000 in the yearly budget for Repair & Maintenance Contingency Items. **This is why it's budget neutral.**

CIP	MAINTENANCE & REPAIRS
\$700,000 in Current 2024-25 Budget	\$600,000 in Current 2024-25 Budget

WHAT WILL HAPPEN TO THE 1934 BUILDING?

- Conceptual design for an alternative use of the 1934 building does not fall within the scope of work for the school design team.
- The use of the building is still being determined
- The bond addresses removing the MS additions that are connected to the 1934 building and making the 1934 building weather-tight
- The plan allows for future parking at the 1934 building for a variety of potential uses.
- Cost will vary based on determined use, however, the Owners Project Manager (OPM) has provided a Rough Order of Magnitude Estimate of \$4.8M for reuse of the 1934 building for continuous, but separate, use as a municipal building. Cost includes new standalone utility services, new HVAC, electrical systems, reconfiguration, and fresh paint. This cost is not included in the \$89.9M.

KEY TAKE AWAY: THIS WILL WORK WITHIN OUR BUDGET!

CESD can complete all CIP/Maintenance/Repair items in 8 years, utilizing our school budget, with only a 2% inflation factor for these budget lines.

YEAR	CIP AND REPAIR & MAINTENANCE	DECREASE EACH YEAR FROM TOTAL
		\$9,251,694
2025	\$1,100,000	\$8,151,694
2026	\$1,122,000	\$7,029,694
2027	\$1,144,440	\$5,885,254
2028	\$1,167,329	\$4,717,925
2029	\$1,190,675	\$3,527,250
2030	\$1,214,489	\$2,312,761
2031	\$1,238,779	\$1,073,982
2032	\$1,263,554	\$(189,572)

ESTIMATED TOTAL PROJECT COST: \$89.9M +/-

(does not include estimated savings of \$600K+ in efficiency/management incentives)

TAX IMPACT OF NEW DEBT 'THE MIDDLE GROUND CONCEPT'

FISCAL YEAR	% INCREASE PER YEAR
2027	2%
2028	3.6%
2029	6.4%
Tax Increases Due to the Bond 2029/2030 and After	No Additional Tax Increases Due to the Bond

Calculations completed by Joseph Cuetara, Moors & Cabot, Inc.

Assumptions for tax rate projections:

- Percentages rounded to the nearest tenth value
- 3.75% interest rate (current market rate)
- .5% projected annual increase in town assessed valuation
- Total project cost of \$89,900,000

COMMUNITY-DEVELOPED DESIGN STATEMENT:

"A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

NEW MIDDLE SCHOOL

PRELIMINARY RENDERING ('MIDDLE GROUND CONCEPT')



0% STUDENT DISRUPTION DUE TO CONSTRUCTION



LEARN MORE: www.cape.k12.me.us

Refer to the July 1, 2024 School Board Presentation by Harriman for other questions and responses we have heard and addressed.

Email CESB@capeelizabethschools.org with additional questions!

HOW DOES “THE MIDDLE GROUND” CONCEPT ADDRESS THE BARRIERS TO EDUCATION?



SAFETY & SECURITY CONCERNS

- New MS takes a holistic approach to safety & security, providing layers of security including secure entry with sight lines in all directions, the ability to separate public and private spaces, wayfinding practices, and more.
- ES addition provides a secure entry with adjacent administration with sight lines in all directions.
- Barriers outside to prevent vehicles from driving into the entrance and pedestrian areas.



INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION

- Vehicular and pedestrian concerns on the existing site have been addressed with separate bus and car drop offs, sidewalks, and elimination of cut throughs across pedestrian areas



OUTDATED CLASSROOMS, LIMITING EDUCATIONAL METHODS

- New MS right-sizes classrooms and integrates flexibility to allow the school to evolve as education evolves.
- The MS integrates team areas which are integral to MS education.
- The elementary school renovations and additions will provide updated educational spaces and a STEM | STEAM space adjacent to the library.



PCES/CEMS SPRAWLING LAYOUT & LONG TRAVEL DISTANCES

- The new MS allows us to address the sprawling layout at one of the three schools, while planning for future investments in our elementary school to address these concerns.



INEFFECTIVE OVERSIGHT FROM MAIN OFFICES

- The new MS and the new ES Admin Addition provide secure entries with adjacent admin offices with clear sight lines for oversight of pedestrians and both car and bus drop off.



NURSE'S OFFICE LIMITATIONS

- The ES nurse office is relocated to have direct outdoor access, natural light, and right sized space.
- The new MS has a nurse office that is adequately size, with direct outdoor access, natural light and is integrated into the administrative offices at the main entry.



DEFICIENCY OF NATURAL LIGHT

- The new MS allows us to integrate the usage of natural light and views throughout the school, which studies show improves educational outcomes.
- New additions at the ES integrate natural light and views to the outside.



COMPLICATIONS FROM SHARED CAFETERIA

- With the construction of the new MS, the existing cafeteria will be used solely by the ES.



INADEQUATE STORAGE FACILITIES

- New MS provides shared building storage as well as adequate classroom storage.
- New ES Admin addition provides adequate admin and district special education storage.



NEED FOR TECHNOLOGY UPGRADES

- Working with the Technology Director for the District, the new MS and ES will be outfitted with the latest technology and infrastructure to support education.



OUTDATED & INEFFICIENT MECHANICAL SYSTEMS

- The new MS will include new efficient mechanical systems.
- By integrating them into the building, we can extend their useful life, rather than having them on the roof, as they are in the existing school.
- Critical mechanical system repairs/ replacements at the elementary and high school are also being addressed as part of this project.



INADEQUATE PERFORMING ARTS SPACES

- The new MS will have a stage and music/band classrooms that meet the specifications requested by the Music/Band staff, including a stage large enough to hold the 100+ person school band.
- The stage, when open to the Gymnasium will be able to have over 510 spectators in chairs, plus an additional 300 bleacher seats—nearly double the number of spectators we could accommodate in the Option B multipurpose space.



LEARN MORE: www.cape.k12.me.us

Email CESB@capeelizabethschools.org with additional questions!

"THE MIDDLE GROUND" DESIGN CONCEPT

A compromise that meets educational needs and financial parameters

COMMUNITY-DEVELOPED DESIGN STATEMENT: "A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

ESTIMATED TOTAL PROJECT COST: \$89.95M +/-

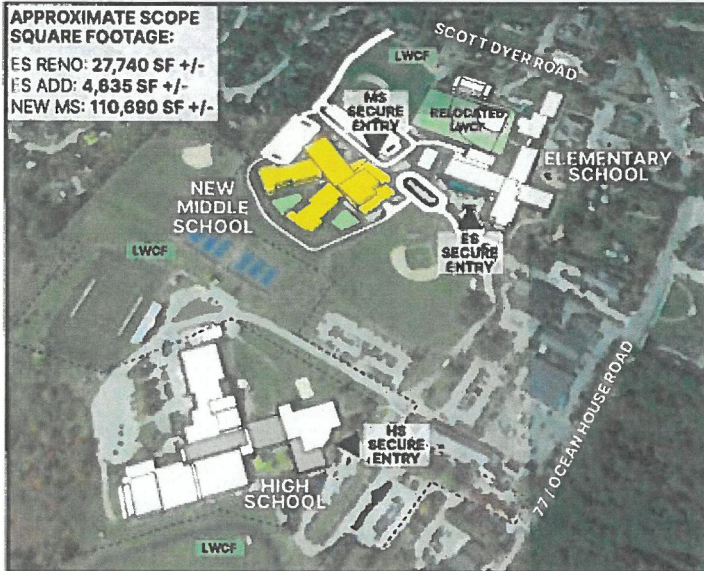
(does not include estimated savings of \$800K+ in Efficiency Maine incentives)

APPROXIMATE SCOPE SQUARE FOOTAGE:

ES RENO: 27,740 SF +/-

ES ADD: 4,835 SF +/-

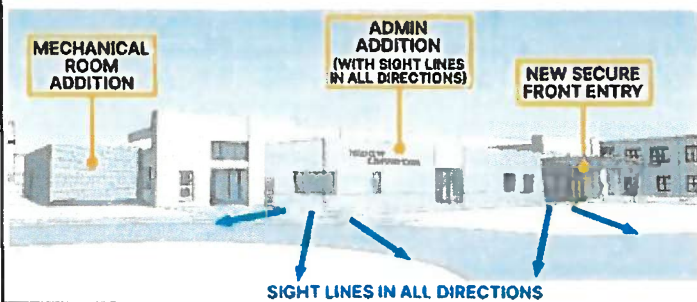
NEW MS: 110,880 SF +/-



LEGEND:  EXISTING BUILDING  RENOVATION  MS NEW BUILD  ES ADDITION  LWCF: LAND WATER CONSERVATION FUND

PRELIMINARY RENDERING

ELEMENTARY SCHOOL SECURE ENTRY & ADMIN ADDITION



0% STUDENT DISRUPTION:



Students will not experience learning disruption due to construction. Students will remain in the existing MS while the new MS is constructed; after MS students move over to the new school, the existing MS will be demolished; ES & HS work is achieved over summer & school breaks; no student relocation cost is required.

ELEMENTARY & MIDDLE SCHOOL SCOPE:

EDUCATIONAL NEEDS ADDRESSED:

- Refer to the June 24, 2024 Community Forum materials for detail about how the design addresses the *Identified Barriers to Education*

SITE NEEDS ADDRESSED:

- Addresses vehicular and pedestrian circulation
- Maintains current number of athletic fields and quantity of green space

ELEMENTARY SCHOOL NEEDS ADDRESSED:

- Addresses ES repairs that are most efficiently done as part of a large project (see 6/24/24 Forum materials for detail), including mechanical, new flooring in classrooms & hallways, new ceilings in classrooms, and paint to assist with wayfinding & identity
- New secure entry vestibule with administrative offices and adequately sized nurse space with daylight
- Lobby renovations double as collaboration spaces

STEM addition next to the Library

MIDDLE SCHOOL NEEDS ADDRESSED:

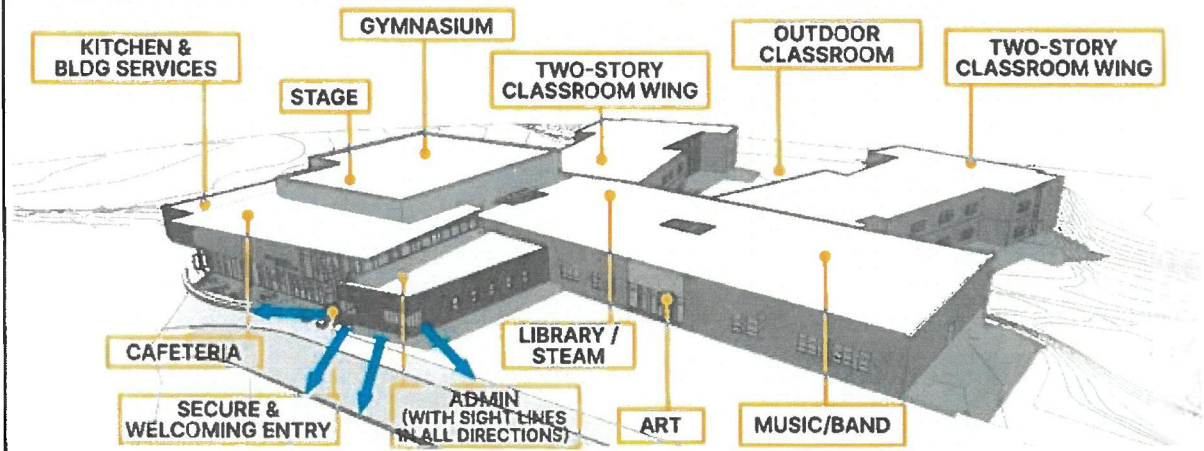
- New MS: Demolition and abatement of existing MS and construction of a new MS on current soccer field (field relocated on site). New MS "resets the clock" on 1 of 3 schools; provides a comprehensive approach to safety and security; is an energy efficient building that complies with existing energy codes; includes a secure entry vestibule, a HS-sized gym with 300 bleacher seats, cafeteria, performing arts spaces that meet required sizes, stage for 100+ band members, library/STEAM space, and (2) two-story classroom wings with right-sized/flexible educational spaces.
- Full building cooling included - VRF system provides electric heating and cooling; a backup heating system is provided in the event of power outages
- Roof is solar ready
- Includes MS team neighborhoods with team collaboration and presentation areas
- Plan includes areas for potential future classroom & performing arts additions
- Stage can open to both sides allowing varying sizes of audiences and multiple uses of spaces, with sound mitigation between spaces

HIGH SCHOOL SCOPE:

- Address HS repairs that are most beneficial to address with large construction project (refer to 6/24/24 Community Forum materials for detail)

PRELIMINARY RENDERING

NEW MIDDLE SCHOOL



WHY IS A SCHOOL PROJECT NEEDED? BARRIERS TO EDUCATION IN OUR EXISTING SCHOOLS



SAFETY & SECURITY CONCERNS

Our schools do not currently meet modern safety and security standards, underscoring an urgent need for improvements that integrate layers of security throughout the buildings.



INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION

The current site layout presents safety and traffic challenges, with insufficient sight lines from the main office to monitor visitors effectively.



OUTDATED CLASSROOMS, LIMITING EDUCATIONAL METHODS

The size, age, and design of many classrooms do not support contemporary teaching & learning styles, such as collaborative, project-based & hands-on learning.



PCES/CEMS SPRAWLING LAYOUT & LONG TRAVEL DISTANCES

Piecemeal expansions over 70 years have led to sprawl that complicates navigation, diminishes collaboration, and results in loss of instructional time due to long travel distances.



INEFFECTIVE OVERSIGHT FROM MAIN OFFICES

The current PCES & CEMS main offices lack direct connection to secure entry vestibules, presenting significant challenges in visitor management and compromising school safety.



NURSE'S OFFICE LIMITATIONS

The Nurse's Office functionality is hindered by a lack of privacy, inadequate exam rooms & storage, absence of natural light, difficult ambulance access, and distance from some grades.



DEFICIENCY OF NATURAL LIGHT

Several hallways and classrooms are devoid of natural light, which is crucial for creating effective learning environments and positively influencing the school's climate and culture.



COMPLICATIONS FROM SHARED CAFETERIA

The 'cafetorium' shared by PCES & CEMS complicates scheduling (meal times run from 10:30AM-1:30PM). Kitchen deliveries must use CEMS' student/staff corridors, posing safety concerns.



INADEQUATE STORAGE FACILITIES

Storage has had to overtake mechanical rooms and other spaces within building, which is a safety concern. Adequate storage near the staff who utilize it is essential for efficient workflow.



NEED FOR TECHNOLOGY UPGRADES

Current technology and network infrastructure falls short in supporting modern education, hindering the development of skills in inquiry, analysis, collaboration, creativity, and communication.



OUTDATED & INEFFICIENT MECHANICAL SYSTEMS

Outdated & excessively loud HVAC systems compromise the learning & well-being of students/staff, due to age & inefficiency. Upgrading to modern, efficient systems can reduce long-term costs.



INADEQUATE PERFORMING ARTS SPACES

Over 60% of MS students participate in our band program. Current facilities are significantly undersized & lack proper acoustic control, leading to scheduling conflicts and limited practice time.



SCHOOL BUILDING TOURS



Monday, September 30, 2024
at 6PM

Tuesday, October 29, 2024
at 6PM



Meet at CE Middle School Entrance

www.cape.k12.me.us
cesb@capeelizabethschools.org



Minuteman Press
875 Broadway
South Portland, ME 04108
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17202
Invoice Date 9/13/2024

Bill to: Cape Elizabeth Schools
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

Ship to: Cape Elizabeth Schools
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

LOOKING FOR SPECIALTY ITEMS? WE DO THAT!
VISIT: <http://promoplace.com/sopo-mmp>

20 Color 24 x 36 corrugated plastic signs afuller@capeelizabethschools.org (Job 39655) \$360.00

Invoice Subtotal: \$360.00
Invoice Total: \$360.00
Balance Due: \$360.00

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

~~2.0000% interest per month on past-due invoices~~

ETH-61

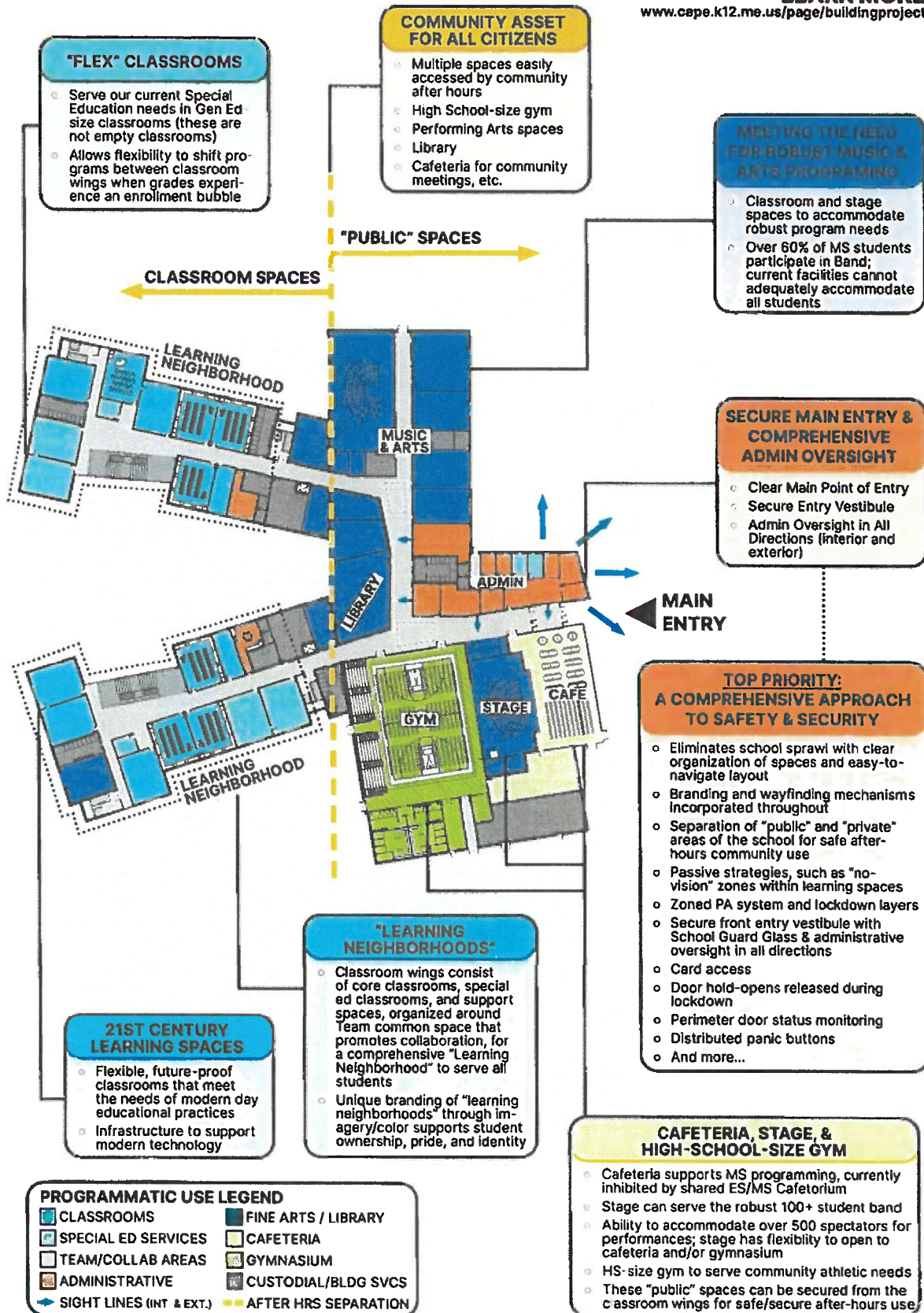
EXPLORE THE FLOOR PLAN

THE "MIDDLE GROUND" MIDDLE SCHOOL DESIGN



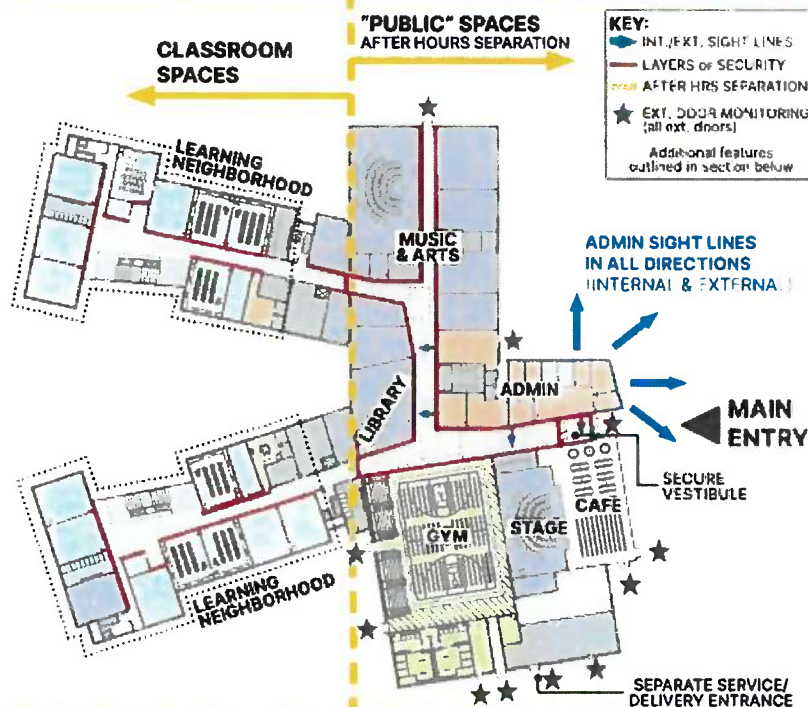
LEARN MORE

www.cepe.k12.me.us/page/buildingproject



A COMPREHENSIVE APPROACH TO SAFETY & SECURITY

How The "Middle Ground" School Design Allows Our Students & Teachers to Focus On The Joy Of Learning



HOW ARE SAFETY & SECURITY REFLECTED IN THE FLOOR PLAN?

Safety (Strategies that promote safety focus on how people feel within a space):

- **Welcoming Spaces** — Students who feel more attached to their school physically and emotionally have pride of ownership. This supports a strong school culture and sense of safety by fostering social and emotional connectedness.
- **Thoughtful Organization** includes separation between public-use and classroom spaces, easy-to-navigate organizational patterns, and clear wayfinding to understand where one is within the building. The sprawling nature of our current CEMS inhibits this understanding and can lead to confusion during an emergency.
- **Visibility and Transparency** into learning spaces give students a better understanding of how they're connected. Eliminating fear of the unknown promotes a sense of safety.
- **Connection to the Outdoors** — Cape Elizabeth has a beautiful campus, but many of our current learning spaces lack a visual connection or access to natural light. Studies show daylit spaces and connections to nature positively impact learning and emotional wellbeing. That connection helps students and teachers feel more relaxed and safer.

Security (Physical strategies to make a building more secure):

- **Clear Main Point of Entry with Secure Entry Vestibule and Admin Oversight** in all directions (interior and exterior). The existing admin is located far away from the main entrance, posing security concerns.
- **Transparency and Visibility** can compromise a sense of safety in emergency situations. Controls such as window coverings and carefully planned placement of transparency within a space can balance the need for an open environment that is welcoming yet secure.
- **Areas of Demarcation** inside rooms and hallways using floor tile color and other methods help students, teachers and staff know where they can stand to be out of sight of potential intruders.
- **Layers of Access** — organization of spaces and successive rings of hardened boundaries within a building can slow an intruder, providing more time for first responders to arrive.
- **Control Mechanisms** such as key card access can limit and track who is in each space.

HOW ARE SAFETY & SECURITY REFLECTED ON THE SITE?

- **Visibility in all directions** from both CEMS and PCES main entries/administration for total site oversight
- **Separation of Parent & Bus Drop-off Areas**
- **Pedestrian and Bicycle Access Improvements**
- **Emergency Vehicle Access** around entire new MS building
- **Separate Delivery Entrance** for vendors (no longer must travel down student corridor)
- **Moves school further away from Scott Dyer Rd.**



LEARN MORE 
www.cape.k12.me.us/page/buildingproject

"A safe, secure school is **not a fortress**, but a carefully designed space where **students feel safe, engaged, and open to learning.**"

-Lisa Sawin, AIA

Essential Magazine: Designing Secure Schools: Engaging Student Perceptions of Safety" (<https://essentials.edweek.org/2023/10/designing-secure-schools-engaging-student-perceptions-of-safety/>)

The "Middle Ground" building design takes a holistic approach to Safety & Security, as a carefully designed educational space that fosters feelings of safety, and utilizes security strategies that support students' mental health and their ability to achieve their potential.

Educators, mental health professionals, and others have long known that when students feel unsafe, it affects their emotional and physical health as well as their ability to learn.

How Do Safety & Security Differ From One Another?

Safety — Strategies that promote safety focus on how people feel within a space. Feeling safe is more than just physically securing a campus; it's about creating an environment where learners feel connected to and supported by their peers, teachers, and community.

Security — Physical strategies to make a building more secure.

ATTEND AN UPCOMING
SCHOOL TOUR!
9/30 6PM & 10/29 6PM
Meet in front of CEMS



SEP 23 2024

Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17254
Invoice Date 9/23/2024

Bill to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

Ship to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

INQUIRE ABOUT AUTOMATIC REORDERS!

10 Color 24 x 36 corrugated plastic signs---afuller@capeelizabethschools.org Final
Public Forum PUBLIC FORUM OCTOBER 8TH (Job 39828)

\$304.70

Invoice Subtotal: \$304.70
Invoice Total: \$304.70
Balance Due: \$304.70

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices.

ETH-64

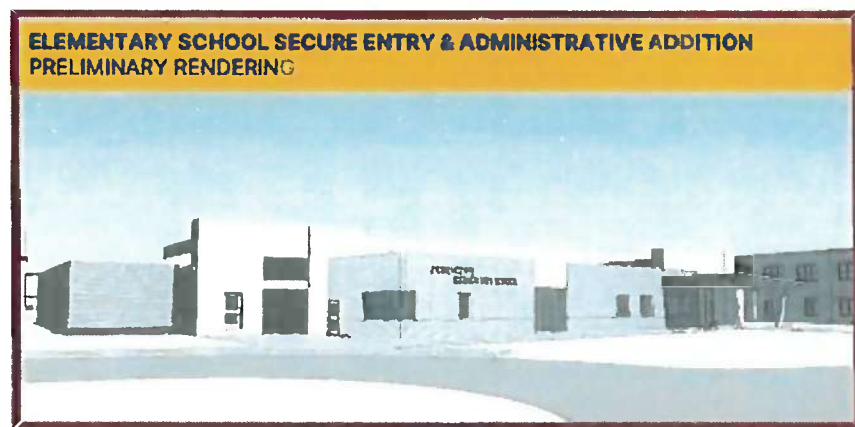


Cape Elizabeth Community **Public Forum**

**Tuesday, October 8
6:30PM**

Cape Elizabeth Town Hall

"MIDDLE GROUND" SCHOOL DESIGN
with Harriman Architects



immediately followed by a School Board Regular Business mtg

www.cape.k12.me.us
cesb@capeelizabethschools.org



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17265
Invoice Date 9/24/2024

Bill to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

Ship to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

INQUIRE ABOUT AUTOMATIC REORDERS!

10 Color 24 x 36 corrugated plastic signs---afuller@capeelizabethschools.org Final \$304.70
Public Forum NOW IS THE TIME (Job 39872)

Invoice Subtotal: \$304.70
Invoice Total: \$304.70
Balance Due: \$304.70

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices.

CE THE "MIDDLE GROUND" 3 REASONS WHY NOW IS THE TIME

1 MEETS OUR EDUCATIONAL NEEDS NOW AND LOOKING TO THE FUTURE

NEW MIDDLE SCHOOL

(Average Age of Building = 64 Yrs Old - the oldest of all our schools)



Comprehensive Approach to Safety & Security to allow kids to focus on learning, including:

- Addresses sprawling layout
- Implements layers of security
- Public/after-hours separation
- Wayfinding mechanisms
- Site circulation and oversight improvements
- Secure door access
- And more...



Flexible 21st Century Classrooms to support modern teaching & learning practices and flexibility to accommodate future evolution of teaching & learning practices



Classroom & Performance Spaces to Support Robust Performing Arts Programming (over 60% of students participate in Band program)



Appropriate Space to Serve Special Education Programming
Special Education programming has changed dramatically since the school was originally built. A new school allows us to construct spaces that can meet the needs of all students.



Healthy Building Features that positively impact student learning, including:

- Modern mechanical systems
- Natural light
- Appropriate nurse office space
- Indoor air quality

HIGH SCHOOL REPAIRS/RENOVATION

(Average Age of Building = 54 Years Old)



Addresses Repairs that are most beneficial to address as part of a large construction project, including:

- Acoustical/sound transfer between classrooms
- ADA compliance in restrooms
- Roof replacement
- Mechanical replacement
- Associated abatement

ELEMENTARY SCHOOL REPAIRS/RENOVATION

(Average Age of Building = 54 Years Old)



Addresses Security, Repairs, & Renovation, including:



- Secure entry & admin addition, & other safety upgrades
- New mechanical addition & other HVAC replacement
- STEAM program addition
- Renovated Nurse & Conference
- Classrooms/corridor finish replacement

MEETING ALL OUR EDUCATIONAL NEEDS WITH 0% DISRUPTION TO STUDENTS



Construction of a New Middle School means **students will not experience learning disruption due to construction.**

- **Students will not have to be moved to portables or bussed out of Cape** during construction.
- **Saves an estimated \$3M** that would be required as part of a renovation/addition project for temporary learning space.
- **Students remain in existing MS** while new MS is constructed.
- ES and HS work is **achieved over summer and school breaks.**

2 FISCALLY RESPONSIBLE IT WILL NEVER BE MORE AFFORDABLE THAN IT IS TODAY



The master plan for our schools is eventual replacement of all schools. The "Middle Ground" is **the first step in implementing this plan.**



Delaying this plan only becomes more expensive and leads to more piecemeal renovations and repairs that will inevitably have to be replaced.



New construction **avoids the risks associated with renovation** where unforeseen conditions can drain money from the budget.



Patchwork of mechanical systems, building codes, hallways, and load-bearing walls make renovating CEMS prohibitively expensive. **New Construction is a better use of funds.**



The new CEMS and additions to PCES will **bring mechanical systems indoors, extending the life of those systems**, making the best use of taxpayer dollars.



We can continue to address prioritized repairs **within the currently established CIP, Repairs, and Maintenance school budget**, with only a 2% inflation factor for these budget lines.

3 SETS THE COMMUNITY UP FOR THE FUTURE RESETS THE CLOCK ON ONE OF OUR THREE AGING SCHOOL BUILDINGS



The "Middle Ground" is an historic investment for a 50+ year building lifespan that meets **ALL** our educational needs and serves as a community asset for all citizens.

UPCOMING EVENTS

THE "MIDDLE GROUND" SCHOOL DESIGN FORUM
OCTOBER 8, 6:30 PM AT TOWN HALL

FINAL SCHOOL TOUR

OCTOBER 29, 6 PM - MEET IN FRONT OF CEMS

www.cape.k12.me.us/page/buildingproject



**LEARN
MORE**



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17287
Invoice Date 9/26/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339
Email: gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
Andrea Fuller
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339

LOOKING FOR SPECIALTY ITEMS? WE DO THAT!
VISIT: <http://promoplace.com/sopo-mmp>

5 24 x 36 Coroplast Signs---single sided---4-0 Color--- --- \$98.81
afuller@capeelizabethschools.org "CEMS Band Room Severely lacking space" (Job
39914)

Invoice Subtotal: \$98.81

Invoice Total: \$98.81

Balance Due: \$98.81

Tax Exempt ID: E81334 | E81348

9000-54000

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

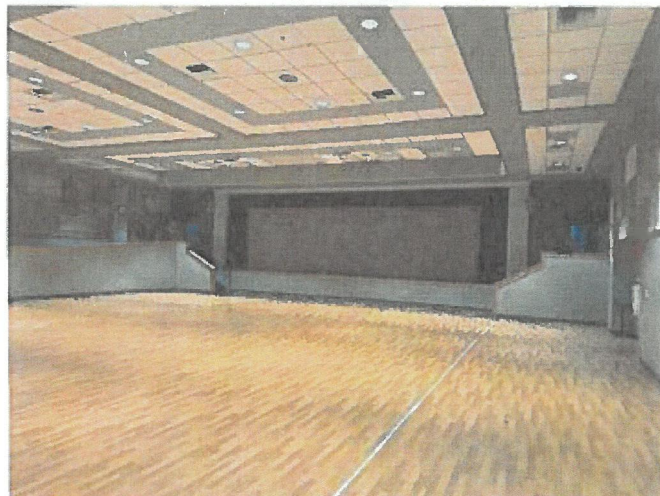
2.0000% interest per month on past-due invoices.

ETH-68

CEMS Band Room **Severely Lacking Space**



SoPo Middle School
Band Spaces for
Practice, Storage, &
Performance





Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17286
Invoice Date 9/26/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339
Email: gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
Andrea Fuller
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339

INQUIRE ABOUT AUTOMATIC REORDERS!

40 24 x 36 Coroplast Signs---single sided---4-0 Color--- 5 Each of 8 different designs--- \$699.00
afuller@capeelizabethschools.org (Job 39893)

Invoice Subtotal: \$699.00

Invoice Total: \$699.00

Balance Due: \$699.00

Tax Exempt ID: E81334 | E81348

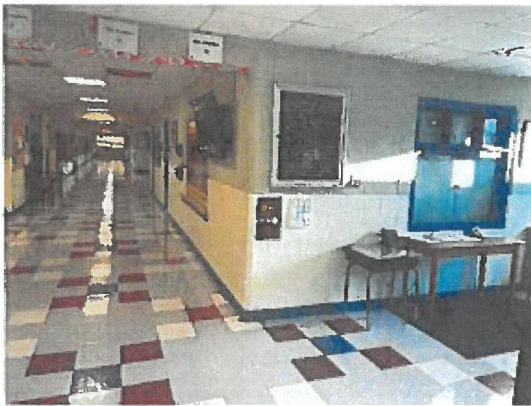
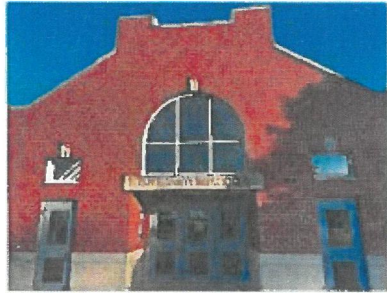
9000-54000

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past due invoices.

ETH-70

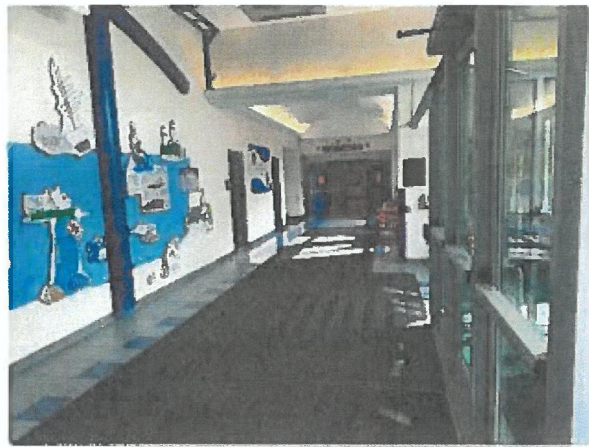
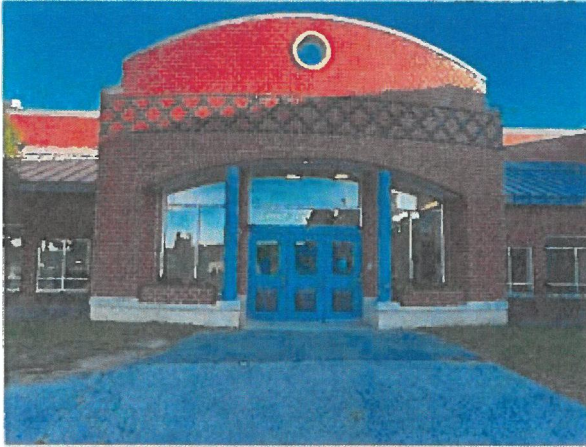
CE **CEMS Main Office**
50 Yards From the
Front Entrance



Modern Main Office
Safe & Secure Design
at SoPo Middle School



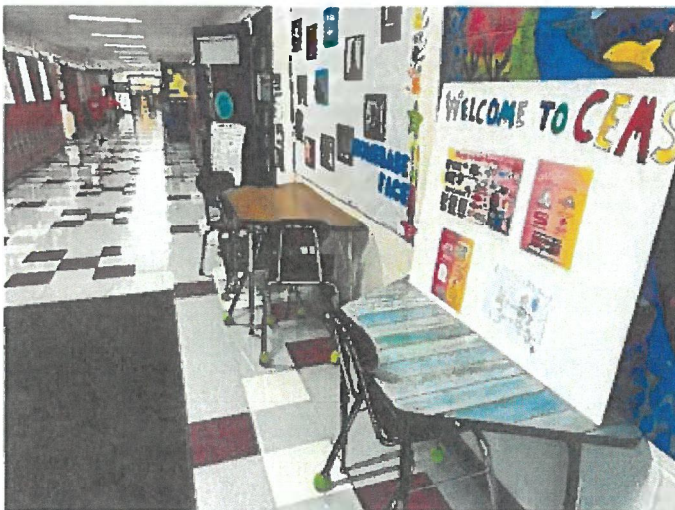
**Pond Cove
Main Office
NOT at the Front Entrance**



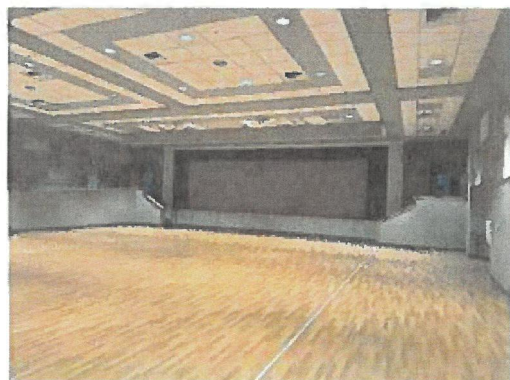
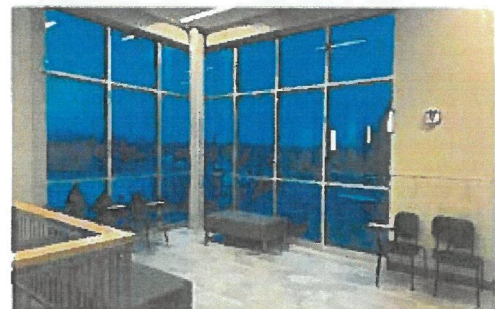
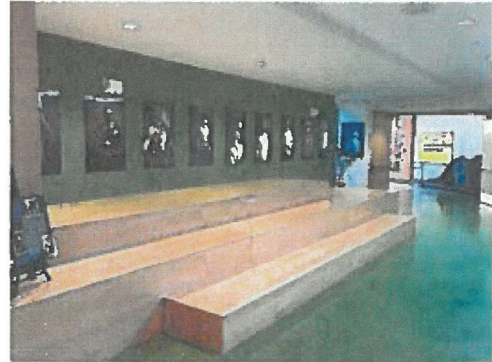
**Modern
Main Office
Safe & Secure
Entrance Design in
South Portland,
Scarborough, &
Portland Schools**



**Collaboration
Space
Severely
Lacking
For Students
& Teachers at
CEMS**



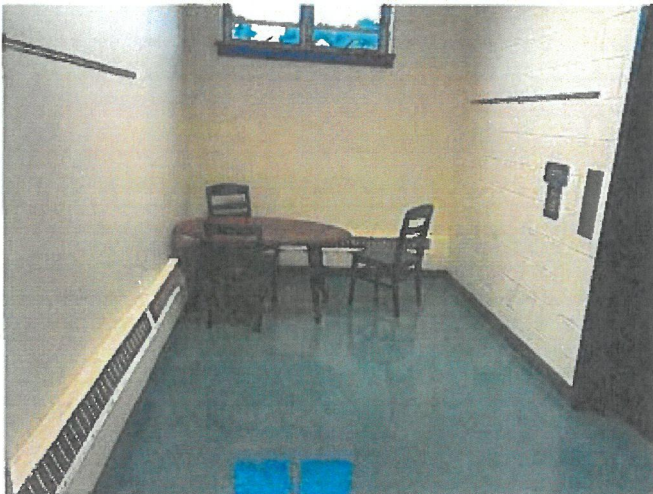
**21st Century
Collaboration
Spaces
in South Portland,
Scarborough, &
Portland Schools**



**Collaboration Space
is**

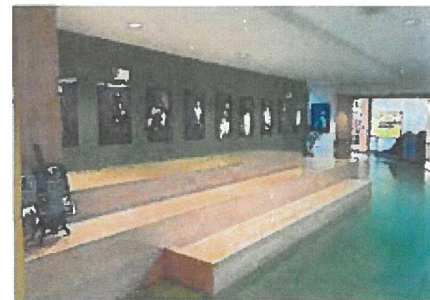
**Severely Lacking
For Students &
Teachers at
Pond Cove**

**A New Middle School
Means the Cafetorium
Would be Able to
Provide
Collaboration Space
for Just PC**



**21st Century
Collaboration
Space**

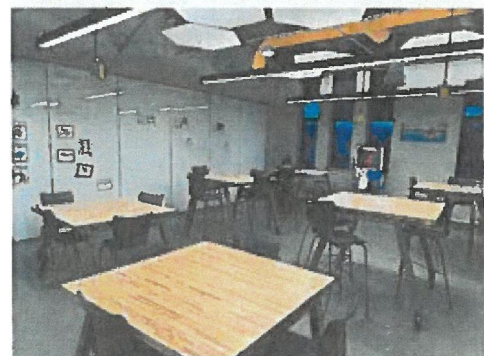
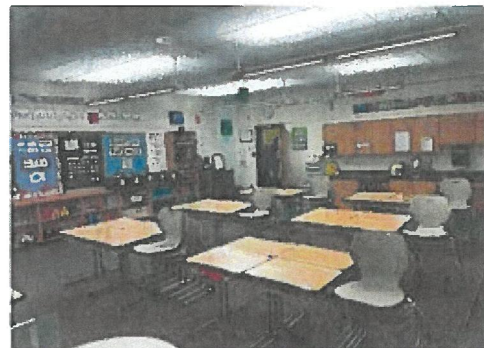
**in South Portland,
Scarborough, &
Portland Schools**



**Classroom
Size
Severely
Lacking
For Students
& Teachers at
CEMS**



**21st Century
Classrooms
in South Portland,
Scarborough, &
Portland Schools**





**Cafetorium Shared by
PCES/CEMS Severely Impacts Daily
Schedule & is Extremely Ineffectual
as an Auditorium**

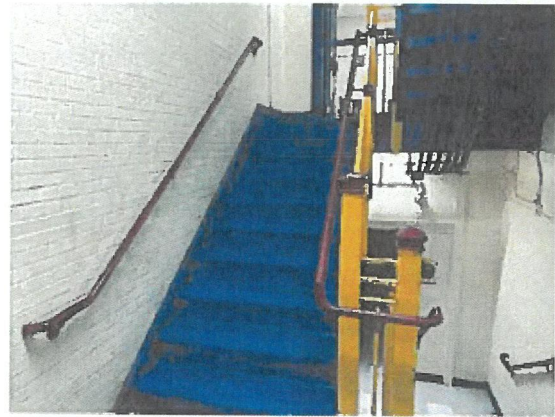


**Modern Cafetorium
in Scarborough
(stage goes through
to the gym)**

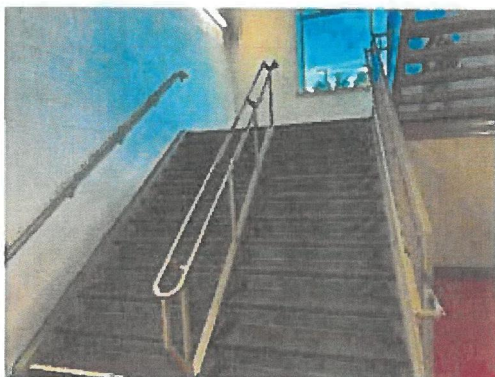
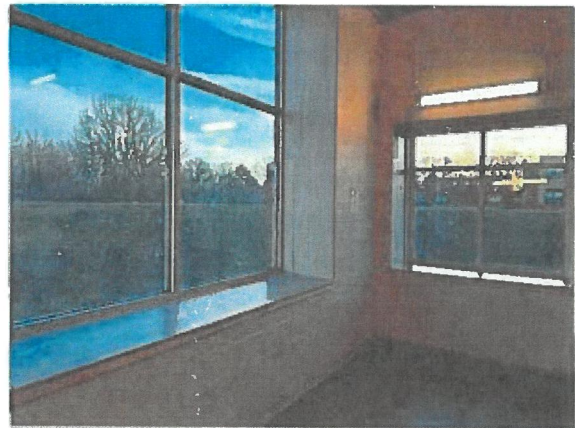




Natural Light
is **Very Limited**
at CEMS

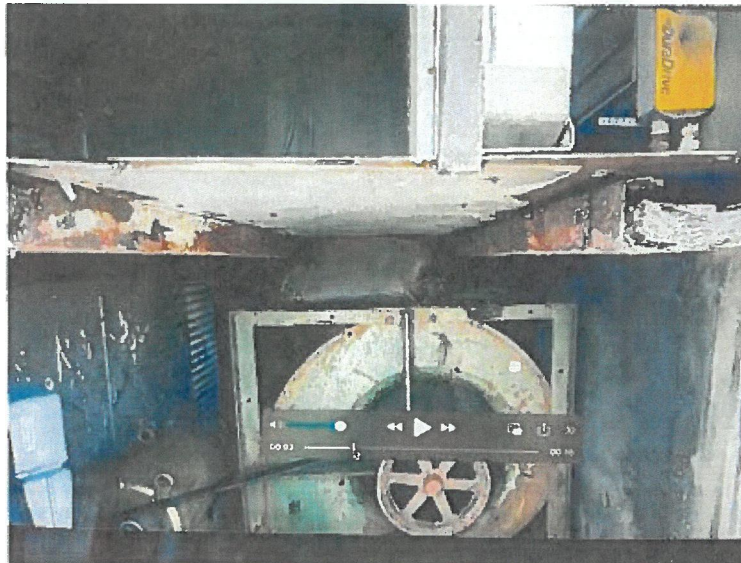


Natural Light
Abundant
in SoPo
Middle School

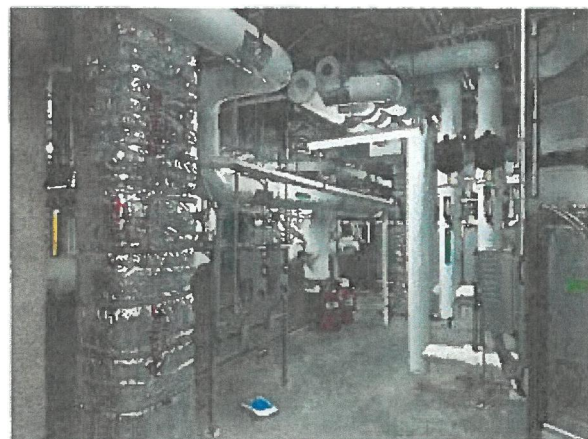




The **Ineffectiveness & Age** of the Current
HVAC System has Direct & **Negative Impacts**
on Students & Staff



Modern HVAC in
SoPo & Scarborough
is All Inside the
Building Away From
the Weather & Easier to
Access





Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 17393
Invoice Date 10/10/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339
Email: gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
Andrea Fuller
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339

LOOKING FOR SPECIALTY ITEMS? WE DO THAT!
VISIT: <http://promoplace.com/sopo-mmp>

5 24 x 36 Coroplast Signs—single sided—4-0 Color— — \$98.81
afuller@capeelizabethschools.org 10 reasons middle ground (Job 40203)

Invoice Subtotal: \$98.81

Invoice Total: \$98.81

Balance Due: \$98.81

Tax Exempt ID: E81334 | E81348

Salesperson: Eric Bennett

Terms: 50% Deposit, COD

Please pay from this invoice. No statements will be sent
Thank you for your order! We appreciate your business

2.0000% interest per month on past-due invoices.

10 WAYS

THE "MIDDLE GROUND"
MEETS OUR NEEDS

BENEFITS KIDS
BENEFITS CAPE



TAKES A COMPREHENSIVE
APPROACH TO
SAFETY & SECURITY

1

RESETS THE CLOCK ON
1 OF 3 SCHOOLS WITH
**ZERO DISRUPTION TO
LEARNING**

3

IMPERATIVE TO
**ADDRESS MECHANICAL
INFRASTRUCTURE
BEFORE IT FAILS**

5

SUPPORTS OUR ROBUST
**MUSIC, ARTS, AND
ATHLETIC PROGRAMMING**

7

INCREASES SAFE
**COMMUNITY ACCESS
TO TOWN FACILITIES**

9

MEETS 21ST CENTURY
**LEARNING STANDARDS
AND LOOKS FORWARD**

2

IT WILL NEVER BE MORE
**AFFORDABLE TO BUILD
THAN IT IS TODAY**

4

INCLUDES PRIORITIZED
**POND COVE & HIGH
SCHOOL REPAIRS, RENO-
VATIONS, & ADDITIONS**

6

PROVIDES NEEDED SPACE
**FOR SPECIAL EDUCATION
PROGRAMMING**

8

A NEW MS REDUCES THE
**RISKS ENCOUNTERED
WITH RENOVATION**

10

ATTEND THE
FINAL SCHOOL TOUR
OCTOBER 29, 6 PM | MEET IN FRONT OF CEMS

LEARN
MORE



www.cape.k12.me.us/page/buildingproject



Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	4/9/2025
INVOICE	73596

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE: 4/9/2025

Please return top portion with your payment

Invoice Date	Invoice #
4/9/2025	73596

ISSUE	DESCRIPTION	AMOUNT
4/9/2025	Color Advertising 4x15	1,128.00
4/9/2025	10% Non Profit Discount	-112.80
<i>9005 - 30000</i> <i>Mau</i>		

To contact our advertising manager, email advertising@capecourier.com

TOTAL

\$1,015.20

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,015.20
--------------------	-------------------

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

ETH-81

GE BUILDING PROJECT FAQs

WHY DO WE NEED A NEW MIDDLE SCHOOL?

- The current middle school and the systems therein have far exceeded their useful life. The school is struggling to stay operational. If we do not take action - and soon - there is a danger that we will not be able to safely provide instruction to students. On any given day, if something breaks down, the town's dedicated facilities team is stretched thin addressing emergency repairs.
- Beyond the very real operational concerns, the school cannot meet the needs of the students and modern educational practices. A new building allows for students to meet the needs of a 21st century education.

WHY ARE WE BUILDING A NEW MIDDLE SCHOOL INSTEAD OF RENOVATING?

- A renovation is almost as costly as building a new school, involves much more risk and is a short-term fix. Experts agree: if we renovate, we would still need a new middle school in as few as 10 years, whereas a new build carries nearly the same price tag and would last the town upwards of 60 years.
- Occupied renovations require phasing which lengthens the construction schedule and impacts education.
- The sprawling layout of the existing middle school, lack of separation between private and public spaces, and security concerns due to the physical constraints of the building do not meet the town's needs. The new building is more efficient, provides better learning spaces and has a smaller footprint.
- A new build is a better long-term solution for the financial health of the town.

HOW ARE REPAIRS TO POND COVE AND THE HIGH SCHOOL BEING ADDRESSED?

- The \$86.5M project includes a new secure entry and admin addition, mechanical addition, right-sized nurse space, and renovated STEM space at Pond Cove.
- In response to voters' cost concerns, this project thoughtfully reallocates some repairs to the annual Maintenance and Repair budget, bringing the overall price down to a smaller bondable amount. Our facilities staff will work with consultants to develop a plan to responsibly address these repairs over time using our established annual budget.
- Replacing the Middle School immediately focuses our annual Facility Funds (CIP, Maintenance, and Repair) budget toward repairs at the High School and Pond Cove. Once the referendum is approved, the town's facilities team will have the bandwidth to tackle the critical needs at the other schools immediately, without the pressure of ongoing emergency repairs at the Middle School.
- Items shifted to this budget were lower-priority items that can be addressed over time and through in-house or local resources at a lower cost than if included with the overall project. This allows us to reduce the impact to tax payers without sacrificing student need.

HOW ARE SAFETY & SECURITY BEING ADDRESSED?

- The new Middle School allows us to take a comprehensive approach to safety and security, beginning with a clear main point of entry, a secure entry vestibule, and administrative oversight in all directions (interior and exterior).
- The new Middle School eliminates school sprawl currently inhibiting our Middle School, with clear organization and wayfinding throughout.
- Separation of "public" and "private" spaces keeps the school safe during after hours use (the current gym is centrally located in the school, so visitors freely navigate through the school).
- Pond Cove will receive a new secure entry and admin addition, addressing the need for better oversight at the elementary school level. Other critical safety upgrades to Pond Cove are also included in this plan.

WHAT ARE THE BENEFITS OF A JUNE REFERENDUM?

- Every day we wait, the project costs more. The School Board recommends sending this to a June referendum - delaying until November could cost taxpayers \$1M.
- Multiple other large school projects are targeting a November referendum. With limited qualified contractors for large school projects, this could saturate the market and drive up cost.
- A June referendum allows for a Spring 2026 bid instead of a Winter 2026/27 bid, which could lead to winter conditions (temporary heat, frozen ground, etc.), which will increase cost and lengthen construction schedule.

FOR MORE INFORMATION, SCAN THE QR CODE OR VISIT:

www.cape.k12.me.us/page/buildingproject



Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	4/23/2025
INVOICE	73607

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

9005 - 30000

PAYMENT DUE DATE:	4/23/2025
-------------------	-----------

Please return top portion with your payment

Invoice Date	Invoice #
4/23/2025	73607

ISSUE	DESCRIPTION	AMOUNT
4/23/2025	Color Advertising 4x15	1,128.00
4/23/2025	10% Non Profit Discount	-112.80
To contact our advertising manager, email advertising@capecourier.com		TOTAL
		\$1,015.20

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,015.20
--------------------	-------------------

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

IT'S TIME FOR AN INVESTMENT IN CAPE ELIZABETH SCHOOLS

Critically Needed School Construction Project on the June 10th Ballot

Experts Agree: Cape Elizabeth Middle School is facing critical issues that threaten student safety, learning, and wellbeing.

- **Hard to Exit in an Emergency:** Narrow stairwells and long hallways in the 1934 building create dangerous bottlenecks.
- **Difficult for First Responders to Navigate:** In an emergency, time matters—and this layout works against us.
- **Visitors Get Lost:** Sprawling layout leads to confusion and slows response times.
- **Poor Visibility:** Hidden corners and disconnected hallways make it hard to properly supervise students or guests.
- **Difficult to Lock Down:** In a crisis, every second counts—and this building wasn't designed with today's security needs.
- **Undersized Classrooms:** Many don't meet the needs of today's student population.
- **Aging Infrastructure:** Mechanical systems are well past their useful life, and at risk of failure.

"Those of us who drive cars with 200,000 miles on them know we are on borrowed time. The Cape Elizabeth Middle School far exceeds a car with 200,000 miles on it."

— Cape Elizabeth Owner's Representative
Turner & Townsend Hoery



Sprawling MS layout is a safety concern. Math Office is 50 yards from the front entrance.

Renovating the current Middle School would come at a high cost, with nearly every classroom built on load-bearing walls that make updates complex and expensive. It's not just a construction challenge—it's a growing risk to student safety and a financial liability for taxpayers. Fixing the old building would cost more than building new, and waiting could lead to sudden failures, emergency spending, and major disruptions to learning. Building a new school is the smarter, safer investment for Cape's future.

The School Board cut \$30 million dollars in cost and scope since the 2022 bond. The estimated tax impact - spread out over 8 years - never rises above \$231-a-year for a home valued at \$750,000, a monthly cost of \$20.

Approximate effect of \$30 million School Board cost savings (costs annually of public money saved)

Property Value	Current millage rate	Current Property Tax	2022	2023	Annual Property Tax Increase (for school)	2024	2025	2026	2027	2028
\$400,000	11.00	\$44,000	92	100	\$800	\$800	\$840	\$870	\$900	\$930
\$750,000	11.00	\$82,500	80	114	\$3,300	\$3,300	\$3,370	\$3,440	\$3,510	\$3,580
\$1,000,000	11.00	\$110,000	80	114	\$4,400	\$4,400	\$4,520	\$4,640	\$4,760	\$4,880
\$1,250,000	11.00	\$137,500	80	114	\$5,500	\$5,500	\$5,620	\$5,740	\$5,860	\$5,980
\$1,500,000	11.00	\$165,000	80	114	\$6,600	\$6,600	\$6,720	\$6,840	\$6,960	\$7,080
Annual tax increase for school			0.8%	1.4%	1.0%	1.0%	1.7%	1.5%	1.6%	1.6%

Table 1 courtesy of the Town of Cape Elizabeth

Estimated tax dollars per home based on property value. Income tax would increase slightly between 2022 and 2023 and then remain flat until the bond payoff in 2028. An interest rate of 4% was applied based on guidance from Joe Outland, of Moore & Giblin, on March 20, 2022.

The School Board's Planned Three-School Approach is:

- The best plan for the education of our town's children.
- The best plan for student and staff safety and security.
- The best plan to address critical needs at all three schools.
- The best plan for long-term facility planning of our schools.

A New Middle School & Effective Long-Term Planning Are Both Possible on June 10th!



LEARN MORE

www.cape.k12.me.us/page/buildingproject

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	5/7/2025
INVOICE	73632


Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

9005 - 30000

PAYMENT DUE DATE:	5/7/2025
-------------------	----------

Please return top portion with your payment

Invoice Date	Invoice #
5/7/2025	73632

ISSUE	DESCRIPTION	AMOUNT
5/7/2025	Color Advertising 4x15	1,128.00
5/7/2025	10% Non Profit Discount	-112.80
		

To contact our advertising manager, email advertising@capecourier.com

TOTAL	\$1,015.20
--------------	-------------------

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,015.20
--------------------	-------------------

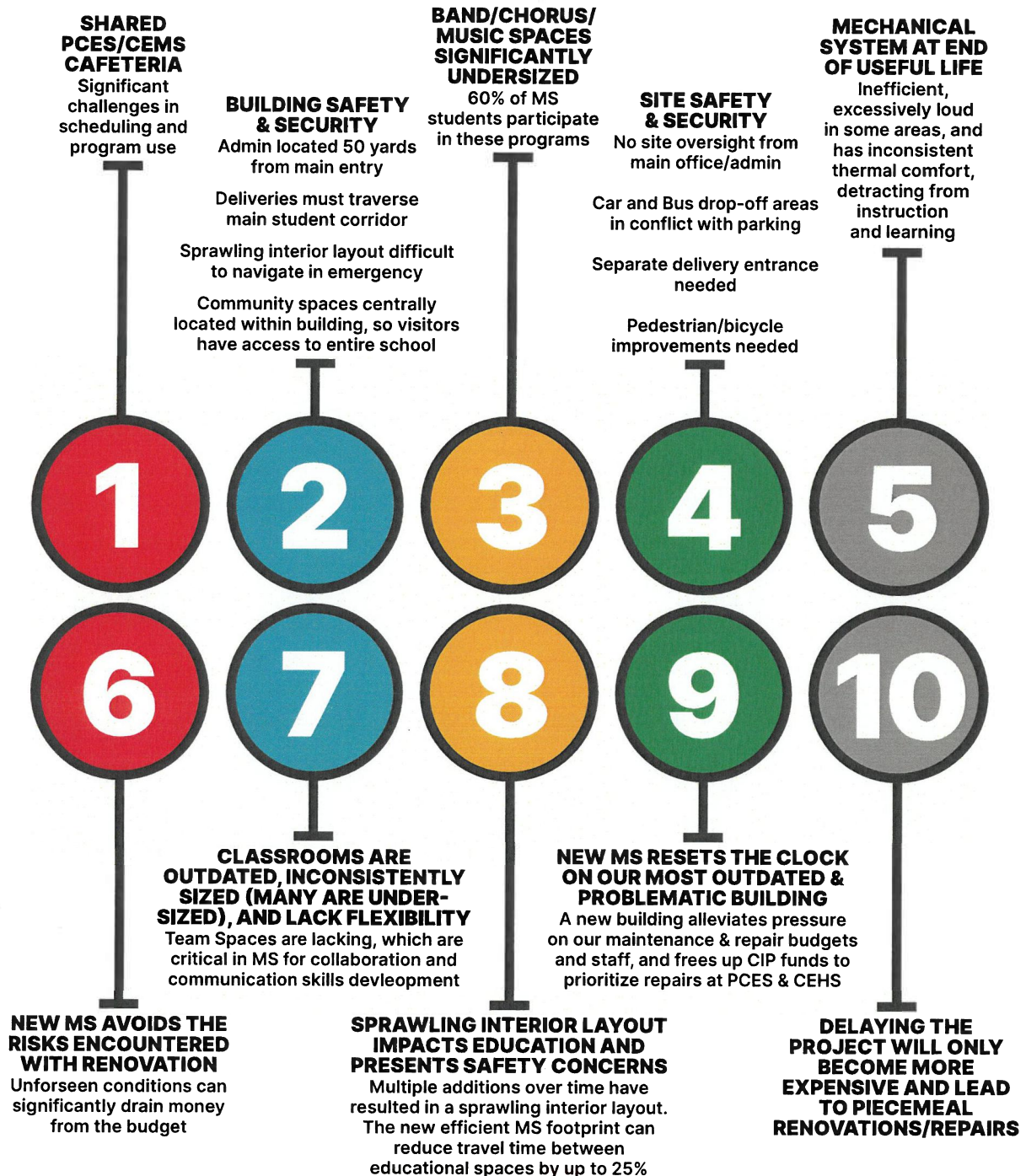
Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

ETH-85

TOP 10 REASONS

A NEW MIDDLE SCHOOL IS CRITICALLY NEEDED

What is "Critical"? Scope items of high importance to support Cape students' educational needs as outlined in the Educational Specifications (such as Safety & Security and Programmatic needs)



JOIN US FOR A SCHOOL TOUR!
MAY 12TH & JUNE 2ND
6PM

LEARN MORE

www.cape.k12.me.us/page/buildingproject





Public Notice

Dear Cape Elizabeth Resident:

We invite you to join the Cape Elizabeth School Building Advisory Committee (SBAC) at a public forum on February 1, 2024, at 6 p.m. at Town Hall. At the forum, seven design options for Pond Cove Elementary and the middle school will be presented (options noted on the front). There will also be an opportunity for you to share your feedback on the seven options, which will help narrow the options.

In addition, two other public forums are scheduled to review design options (both to be held at the Town Hall):

- Thursday, February 29, 6 p.m. - Presentation and feedback on three remaining design options
- Thursday, April 4, 6 p.m. - Presentation and feedback on the final design option to be recommended to the school board and town council
- remaining design options

If you are unable to attend the forum, you can watch the livestream on Zoom or via CETV. Mark these dates on your calendar and plan to attend these important forums.

For more information, visit
cebuildingproject.com.





Cape Elizabeth Public Forum

Possible Options: Prioritized by Need

	Option A "Repair"	Option B "Reno/Add"	Option C "Reno/Add"	Option D "Reno/Add"	Option E "New School"	Option F "New School"	Option G "New Schools"
Repairs	●	●	●	●	●	●	●
Efficiency Upgrades		●	●	●	●	●	●
Security Improvements		●	●	●	●	●	●
Healthy Building/Systems		●	●	●	●	●	●
Cafeteria Improvements		●	●	●	●	●	●
Right Size Functional Needs		●	●	●	●	●	●
Gathering & Collaboration Hubs			●	●	●	●	●
Agile/Flexible Classrooms			●	●	●	●	●
Layout Modification				●	●	●	●
Outdoor Learning & Play				●	●	●	●
New ES						●	●
New MS					●		●
Master Plan - Plan for Future School Replacement and/or Modifications	●	●	●	●	●	●	●

FEB. 1, 2024



TOWN HALL
FEBRUARY 1, 2024
6:00 P.M.

We encourage you to join Harriman Architects and the Cape Elizabeth School Building Advisory Committee on February 1 to review preliminary school building design options. Your feedback on these options is an important part to the facilities review process.



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 15081
Invoice Date 9/11/2023

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone 207 799 7339
Email gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone 207 799 7339
Email gschmader@capeelizabethschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25 CENTS
A HOME?**

16 Posters - 8 Mil Photo Print - Finish Size 24x36 - Sandwich Board Poster (Job 34701) \$404.00

30 Flyers - 24# Navigator - 4/0 - Public Forum Flyer (Job 34702) \$15.00

Invoice Subtotal \$419.00
Invoice Total \$419.00
Balance Due: \$419.00

Tax Exempt ID: E81334 | E81348

0002-2050-4257-00000000-8901A

Salesperson Eric Bennett
Terms 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices.

ETH-89



CE School Building Advisory Committee

Public Forum

**School Building Survey Results
Presentation and Q&A**

**Please Join Us!
Wednesday, September 20
6:30 p.m.
Cape Elizabeth Town Hall**





CE School Building Advisory Committee

Public Forum

**Meet the Architect Presentation
Q&A with the Harriman Team**

**Please Join Us!
Thursday, November 16
6:00 p.m.
Cape Elizabeth Town Hall**





Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 15463
Invoice Date 11/13/2023

Bill to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth ME 04107

Phone: 207-799-2217
Mobile Phone 207-749-1610
Email mweeks@capeelizabethschools.org

Ship to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone 207-749-1610
Email mweeks@capeelizabethschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25 CENTS
A HOME?**

✓ 10 Color 24 x 36 corrugated plastic signs (Job 35566)	\$289.70
Invoice Subtotal	\$289.70
Invoice Total	\$289.70
Balance Due:	\$289.70

Rec'd NOV 13 2023
Atkins

April M. Weeks
** Fund Dept. 0002 2050 make sure not 0001*
0002-2050-4257-8900 A

Salesperson Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices



**CE School Building
Advisory Committee**

Public Forum

Current State of the School Buildings

**Please Join Us!
Thursday, November 30
6:30 p.m.
Cape Elizabeth Town Hall**





Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 15773
Invoice Date 1/9/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P O Box 6267
Cape Elizabeth, ME 04107

Phone 207 799.7339
Email gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
345 Ocean House Road
P O Box 6267
Cape Elizabeth, ME 04107

Phone: 207 799 7339
Email gschmader@capeelizabethschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25 CENTS
A HOME?**

10 24 x 36 4-0 Coroplast signs for February 1 Meeting Marcia Weeks (Job 36151) **\$253.14**

Invoice Subtotal **\$253.14**

Invoice Total **\$253.14**

Balance Due: \$253.14

Tax Exempt ID: E81334 | E81348

Paul Mark W

0002-2050-4257-8900A

*1
Fund 0002*

Salesperson Eric Bennett
Terms 50% Deposit COD
Please pay from this invoice. No statements will be sent
Thank you for your order! We appreciate your business

2.0000% interest per month on past-due invoices.



CE School Building Advisory Committee

Public Forum

**Learn about the
7 Options to Fix
Our Schools and Share
Your Opinion**

**Please Join Us!
Thursday, February 1st
6:00 p.m.
Cape Elizabeth Town Hall**

Possible Options: Prioritized by Need							
	Option A "Repair"	Option B "Reno/Add"	Option C "Reno/Add"	Option D "Reno/Add"	Option E "New School"	Option F "New School"	Option G "New Schools"
Repairs	●	●	●	●	●	●	●
Efficiency Upgrades		●	●	●	●	●	●
Security Improvements		●	●	●	●	●	●
Healthy Building/Systems		●	●	●	●	●	●
Cafeteria Improvements		●	●	●	●	●	●
Right Size Functional Needs		●	●	●	●	●	●
Outreaching & Collaboration Hubs			●	●	●	●	●
Agile/Flexible Classrooms			●	●	●	●	●
Layout Modification				●	●	●	●
Outdoor Learning & Play				●	●	●	●
New ES						●	●
New MS					●		●
Master Plan - Plan for Future School Replacement and/or Modifications	●	●	●	●	●	●	●



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 16163
Invoice Date 3/15/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P O Box 6267
Cape Elizabeth ME 04107

Phone 207 799 7339
Email gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
345 Ocean House Road
P O Box 6267
Cape Elizabeth, ME 04107

Phone 207 799 7339
Email gschmader@capeelizabethschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25
CENTS A HOME?**

10 Posters - 8 Mil Photo Print - Finish Size 18x24 - Sandwich Board Poster (Job 37100) \$180.00

100 Flyers - 24# Navigator - 4/0 - (Job 37101) \$49.00

Invoice Subtotal \$229.00

Invoice Total \$229.00

Balance Due: \$229.00

Tax Exempt ID: E81334 | E81348

Salesperson Eric Bennett
Terms 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

Mara West

0002-2050-4257-810014

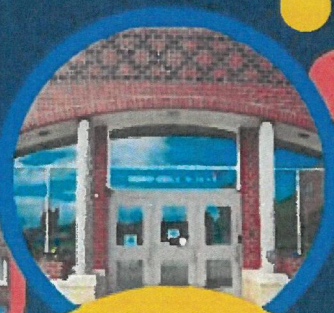


Fund 002

2.0000% interest per month on past-due invoices

SAT APRIL 6TH
MIDDLE SCHOOL
& POND COVE

SCHOOL BUILDING TOURS
9 am



**SBAC
PUBLIC
FORUM
APRIL 4TH
TOWN
HALL
6 PM**



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 16214
Invoice Date 3/26/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P O Box 6267
Cape Elizabeth ME 04107

Phone 207 799 7339
Email gschmader@capeelizabethschools.org

Ship to: Cape Elizabeth School Department
345 Ocean House Road
P O Box 6267
Cape Elizabeth ME 04107

Phone 207 799 7339
Email gschmader@capeelizabethschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25 CENTS
A HOME?**

10 Coroplast Signs - Finish Size 36x24 - Middle School & Pond Cove Tour Signs for Pick
up on Tuesday 3.26.24 (Includes Rush Production) (Job 37181) **\$372.00**

Invoice Subtotal \$372.00
Invoice Total \$372.00
Balance Due: \$372.00

Tax Exempt ID: E81334 | E81348

Handwritten:
~~Invoice # 16214~~
202-2050-4257-8900A
In Jan Weil
Final 2

Salesperson Eric Bennett
Terms 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices.



**Cape Elizabeth
School Building Advisory Committee**

NEW DATE
Wednesday, April 10
PUBLIC FORUM
3 Design Options
6:00 p.m.
Cape Elizabeth Town Hall

Saturday, April 6
SCHOOL TOURS
Pond Cove & CEMS
9:00 a.m.
Meet at Pond Cove Entrance



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 16223
Invoice Date 3/27/2024

Bill to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339
Email: gschmader@capeelizabetschools.org

Ship to: Cape Elizabeth School Department
345 Ocean House Road
P.O. Box 6267
Cape Elizabeth, ME 04107

Phone: 207.799.7339
Email: gschmader@capeelizabetschools.org

**DID YOU KNOW YOU CAN DO DIRECT MAIL FOR AS LITTLE AS 3.25 CENTS
A HOME?**

8 Coroplast Signs - Finish Size 36x24 - CE School Building Advisory Committee for Pick
up on Wednesday 3.27.24 (Includes Rush Production) (Job 37235) **\$382.00**

Invoice Subtotal: \$382.00
Invoice Total: \$382.00
Balance Due: \$382.00

Tax Exempt ID: E81334 | E81348

Salesperson: Eric Bennett
Terms: 50% Deposit, COD
Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices.



7 ABOUT THE SCHOOL OPTIONS

www.CapeElizabethSBAC.com



**SUBMIT YOUR FEEDBACK ON THE 7
INITIAL OPTIONS BY FEBRUARY 14TH!**

Email your comments to:
CESBAC@CapeElizabethSchools.org

Or submit comments on the website
(via the link above or QR code at left)



Cape Elizabeth Public Forum

Possible Options: Prioritized by Need

	Option A "Repair"	Option B "Renovate"	Option C "Renovate"	Option D "Renovate"	Option E "New School"	Option F "New School"	Option G "New School"
Repairs	●	●	●	●	●	●	●
Efficiency Upgrades		●	●	●	●	●	●
Security Improvements		●	●	●	●	●	●
Healthy Building/Systems		●	●	●	●	●	●
Culinary Improvements		●	●	●	●	●	●
Right Size Functional Needs		●	●	●	●	●	●
Self-servicing & Collaboration Hubs			●	●	●	●	●
Agile/Flexible Classrooms			●	●	●	●	●
Layout Modification				●	●	●	●
Outdoor Learning & Play				●	●	●	●
More ES						●	●
More MS					●		●
Master Plan - Plan for Future School Replacement and/or Modifications	●	●	●	●	●	●	●

FEB. 1, 2024



TOWN HALL
FEBRUARY 1, 2024
6:00 P.M.

We encourage you to join Harriman Architects and the Cape Elizabeth School Building Advisory Committee on February 1 to review preliminary school building design options. Your feedback on these options is an important part to the facilities review process.



Minuteman Press
875 Broadway
South Portland, ME 04106
www.sopo-mmp.com
(P) 207-799-5767
(F) 207-799-3360

INVOICE

Invoice Number 16698
Invoice Date 6/17/2024

Bill to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

Ship to: Cape Elizabeth Schools
Marcia Weeks
320 Ocean House Road
Cape Elizabeth, ME 04107

Phone: 207-799-2217
Mobile Phone: 207-749-1610
Email: mweeks@capeelizabethschools.org

LOOKING FOR SPECIALTY ITEMS? WE DO THAT!
VISIT: <http://promoplace.com/sopo-mmp>

10 Color 24 x 36 corrugated plastic signs (Job 38475)

\$304.70

Invoice Subtotal: \$304.70

Invoice Total: \$304.70

Balance Due: \$304.70

0002-2050-4257-89001A

Rec'd 6/17/24
A.F.

Salesperson: Eric Bennett

Terms: 50% Deposit, COD

Please pay from this invoice. No statements will be sent.
Thank you for your order! We appreciate your business.

2.0000% interest per month on past-due invoices.

ETH-103



Cape Elizabeth School Department
School Building Project

Cape Elizabeth Community **Public Forum**

**Monday, June 24
6:00PM**

Cape Elizabeth Town Hall

"MIDDLE GROUND" SCHOOL DESIGN
with Harriman Architects

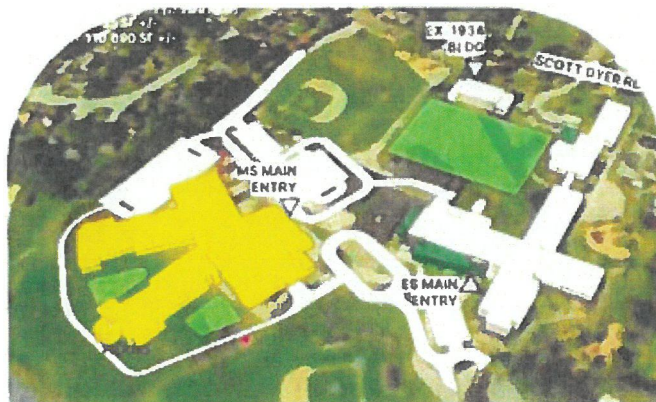


Image: Harriman. (6/11/24) CE School Board presentation

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE 5/22/2024
INVOICE 73177

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE 5/22/2024

Please return top portion with your payment

Invoice Date 5/22/2024
Invoice # 73177

ISSUE	DESCRIPTION	AMOUNT
5/8/2024	Color Advertising 4x7 25 IMPORTANT DATES FOR SCHOOL PROJECT	545.20

*Cape Elizabeth School Department
05/22/2024 46278404*

To contact our advertising manager, email advertising@capecourier.com TOTAL \$545.20

Payments/Credits	\$0.00
Balance Due	\$545.20

Questions about your invoice can be emailed to billing@capecourier.com
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

Local CEHS students take a turn as historians

By Kevin St. Jarre

Cape Elizabeth High School teachers Michael Young and Ted Jordan enlisted their students in a project to capture local history, and that work is being published as an anthology of historical interviews.

"Hometown Heroes" is a collection of 15 histories as told by local veterans to CEHS U.S. History students.

According to Young, "The idea for this book came from a publication done at a previous school where I taught in Illinois, at Greenville High School, in which students interviewed World War II veterans for a local history project. This book was so popular with the veterans and the community that a second volume was published to add even more stories of military service by local veterans."

The students reached out to local veterans and met in person or over Zoom, Young explained. They conducted the interviews, transcribed the audio/video recordings word-for-word and wrote them into narratives for publication.

"We also had a student, Luc Francis, that designed and created a website for the recordings to be heard in their original form with the accompanying narrative. My role was to match up students with the local veterans, follow-up on their work to make sure it was completed, edit each of the narratives, communicate and confirm approval with each of the veterans and work with our publisher Encircle Publications to create a finished product," according to Young.

He said that veteran CEHS Teacher Ted Jordan was also instrumental in getting the preliminary list of interested veterans, as

well as having his U.S. History students conduct many of the interviews as well.

"The students learned how to conduct an oral interview, transcribe and create an historical narrative. In other words, they learned how to do history," Young said.

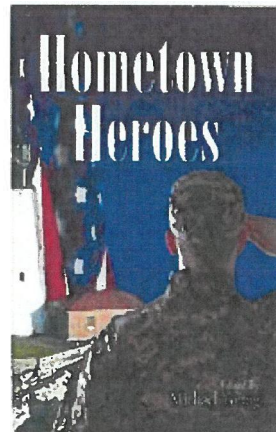
Students also learned how to make connections with community members of previous generations, he said, opening them to a perspective that may be new to them, while also giving them an appreciation for what service and sacrifice means for veterans and their families. "Finally, they learned about the wars of our past from the people who actually served, giving them a first-hand account to supplement what we've studied in class," Young said.

Those involved with the project hope that this book will be a valuable record of the service and sacrifice made by generations of our community members. Young said, "For their families and the community to hear their stories, in their own words, and for their legacies to be passed on for posterity. It would be great for the citizens of Cape Elizabeth to know the stories of the neighbors they are honoring at our local Memorial Day and Veterans Day celebrations, and to understand why we honor them and all the others in our community that have served in uniform."

For those interested getting a copy of the book, it is currently in the final stage of publication. Young said, so it is not available yet, but it will be available for purchase at local businesses, the Cape Elizabeth Historical Society at Fort Williams, local bookstores, on Amazon, and at events like Family Fun Day. All proceeds of the sales will go to local veterans' organizations.

Young said, "This project would not have been possible without the generous support of the Cape Elizabeth Education Foundation (CEEF), who provided the grant money for this idea to become a reality."

While the book is not available yet, the website with each recording and narrative can be accessed at: <https://cehs-veteran-interviews.netlify.app/>.



Contributed photo

U.S. History students at CEHS have collected the personal histories of local veterans into an anthology, soon to be available online and in the community.

Lions Club upcoming events

May 18 BBQ Chicken Dinner

Your Cape Elizabeth Lions Club will be hosting the last BBQ Chicken Dinner before autumn on Saturday May 18 from 5 to 7:30 p.m. It will be first come first served for this

chicken, baked potato, coleslaw and desert beverage for eat in and BYOB.

Cost is \$18.00 per person. Cash, check or credit card accepted will be accepted at the event. The club house is located at 1 Wheeler Road. No reservations required, 70 dinners available to first come, first served. Questions can be directed to the CE Lions Club at lionsclubce@gmail.com.

May 21 Pickle Ball Talk by Glenn Jordan, Champion Pickle Baller

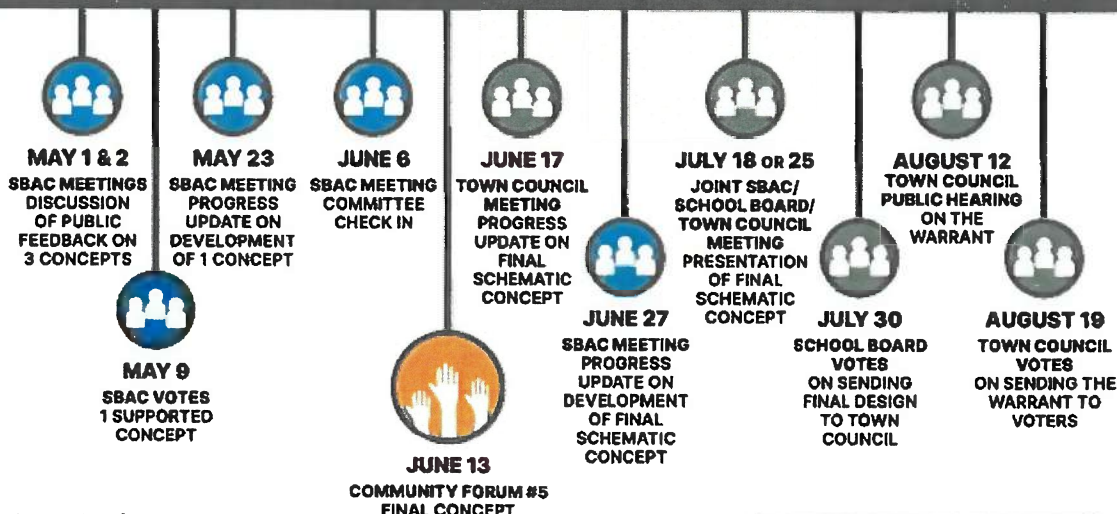
Cape Elizabeth resident Glenn Jordan, Sportswriter for the Portland Press Herald, has a passion for pickle ball. Jordan will chat with us about his experiences as an International Federation of Pickleball (IFP) certified instructor and a level 2 USA PB referee. Jordan has been a competitive player since 2013 and is a 2022 national doubles champion. This talk follows our regular Lions member meeting and dinner, which will conclude at 7:00 p.m.

A max of 65 attendees is allowed per fire code in our club house at 1 Wheeler Road. No reservations, first come, first seated. Doors will close at max capacity with doors opening at 7:00 p.m. for the 7:15 - 8:00 p.m. Pickle Ball chat with Jordan. Questions can be directed to CE Lions Club email at lionsclubce@gmail.com



IMPORTANT DATES FOR THE SCHOOL BUILDING PROJECT

JOIN THE SCHOOL BUILDING ADVISORY COMMITTEE (SBAC) & TOWN REPRESENTATIVES AS WE WORK TOWARD DEVELOPING A SUPPORTED SCHOOL SOLUTION TO GO BEFORE VOTERS IN NOVEMBER!



LEARN MORE!

Visit the project website to learn more about how the School Building Advisory Committee (SBAC) has worked from 7 initial options toward the ultimate goal of developing 1 supported solution to go before voters November 7, 2024!

www.CapeElizabethSBAC.com

NOVEMBER 7
ANTICIPATED
REFERENDUM



Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE 7/3/2024
INVOICE 73257

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE 7/3/2024

Please return top portion with your payment

Invoice Date 7/3/2024
Invoice # 73257

ISSUE	DESCRIPTION	AMOUNT
7/3/2024	Color Advertising 4x14 MIDDLE GROUND DESIGN CONCEPTS	1,052.80
7/3/2024	10% Non Profit Discount	-105.28

To contact our advertising manager, email advertising@capecourier.com **TOTAL \$947.52**

Payments/Credits	\$0.00
Balance Due	\$947.52

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card go to www.capecourier.com and use the "Make a Payment" link.

9005-3400

"THE MIDDLE GROUND" DESIGN CONCEPT

A compromise that meets educational needs and financial parameters

COMMUNITY-DEVELOPED DESIGN STATEMENT: "A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

ESTIMATED TOTAL PROJECT COST: \$89.95M +/-

(does not include estimated savings of \$800K+ in Efficiency Maine Incentives)

APPROXIMATE SCOPE

SQUARE FOOTAGE:

ES RENO: 27,740 SF +/-

ES ADD: 4,635 SF +/-

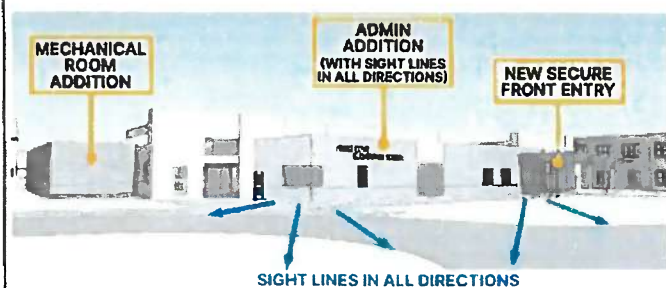
NEW MS: 110,690 SF +/-



LEGEND:  EXISTING BUILDING  RENOVATION  MS NEW BUILD  ES ADDITION  LWCF: LAND WATER CONSERVATION FUND

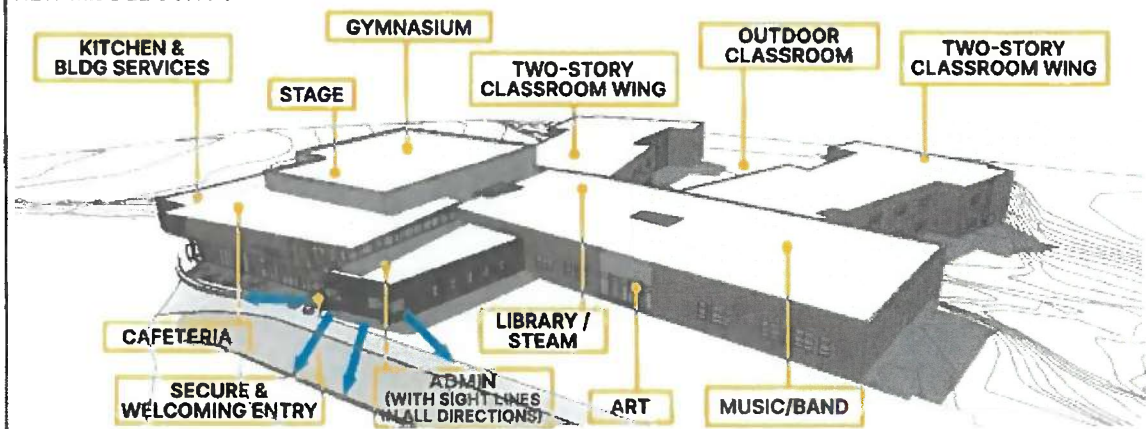
PRELIMINARY RENDERING

ELEMENTARY SCHOOL SECURE ENTRY & ADMIN ADDITION



PRELIMINARY RENDERING

NEW MIDDLE SCHOOL



0% STUDENT DISRUPTION:



Students will not experience learning disruption due to construction. Students will remain in the existing MS while the new MS is constructed; after MS students move over to the new school, the existing MS will be demolished; ES & HS work is achieved over summer & school breaks; no student relocation cost is required.

ELEMENTARY & MIDDLE SCHOOL SCOPE:

EDUCATIONAL NEEDS ADDRESSED

Refer to the June 24, 2024 Community Forum materials for detail about how the design addresses the Identified Barriers to Education

SITE NEEDS ADDRESSED

- Addresses vehicular and pedestrian circulation
- Maintains current number of athletic fields and quantity of green space

ELEMENTARY SCHOOL NEEDS ADDRESSED

- Addresses ES repairs that are most efficiently done as part of a large project (see 6/24/24 Forum materials for detail), including mechanical, new flooring in classrooms & hallways, new ceilings in classrooms, and paint to assist with wayfinding & identity
- New secure entry vestibule with administrative offices and adequately sized nurse space with daylight
- Lobby renovations double as collaboration spaces
- STEM addition next to the Library

MIDDLE SCHOOL NEEDS ADDRESSED:

- New MS: Demolition and abatement of existing MS and construction of a new MS on current soccer field (field relocated on site). New MS "resets the clock" on 1 of 3 schools; provides a comprehensive approach to safety and security; is an energy efficient building that complies with existing energy codes; includes a secure entry vestibule, a HS-sized gym with 300 bleacher seats, cafeteria, performing arts spaces that meet required sizes, stage for 100+ band members, library/STEAM space, and (2) two-story classroom wings with right-sized/flexible educational spaces.
- Full building cooling included - VRF system provides electric heating and cooling; a backup heating system is provided in the event of power outages
- Roof is solar ready
- Includes MS team neighborhoods with team collaboration and presentation areas
- Plan includes areas for potential future classroom & performing arts additions
- Stage can open to both sides allowing varying sizes of audiences and multiple uses of spaces, with sound mitigation between spaces

HIGH SCHOOL SCOPE:

- Address HS repairs that are most beneficial to address with large construction project (refer to 6/24/24 Community Forum materials for detail)

1425

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	7/17/2024
INVOICE	73265

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE:	7/17/2024
-------------------	-----------

Please return top portion with your payment

Invoice Date	Invoice #
7/17/2024	73265

ISSUE	DESCRIPTION	AMOUNT
7/17/2024	Color Advertising 4x14 PUBLIC HEARING 7/29	1,052.80
7/17/2024	10% Non Profit Discount	-105.28
7/17/2024	2" x 5.00" Ad; 10.00 column inches DECONSTRUCTION OF SPECIAL EDUCATION RECORDS	134.50
7/17/2024	10% Non Profit Discount	-13.45
<i>Mar 11 9000 - 55000</i>		

To contact our advertising manager, email advertising@capecourier.com

TOTAL

\$1,068.57

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,068.57
--------------------	-------------------

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

PLEASE ATTEND THE PUBLIC HEARING ON 7/29 "THE MIDDLE GROUND" SCHOOL DESIGN CONCEPT

RECENT MEETINGS



JULY 1 SCHOOL BOARD MEETING

The Board voted unanimously to support the \$89.9M 'Middle Ground Concept' and recommended that Town Council send it to a November Referendum.



JULY 8 TOWN COUNCIL MEETING

Council voted unanimously to send the \$89.9M 'Middle Ground Concept' to Public Hearing, with an amendment to discuss future use of the 1934 building.

A \$42M option, proposed by the Town Council Chair, was supported by a 4-3 vote to go to Public Hearing as well. This proposal had not been voted on by the School Board and would address only facility repairs and security renovations.

UPCOMING PUBLIC MEETINGS & MILESTONES



JULY 29 PUBLIC HEARING

Attend the Public Hearing on the \$89.9M 'Middle Ground Concept' and discussion of future use of the 1934 building and the \$42M repairs opt on proposed by the Council Chair.



AUGUST 12 TOWN COUNCIL MEETING

Council votes on bond language for the November 5 Referendum.



NOVEMBER 5 REFERENDUM

The public votes on the proposed concept.

WHAT QUESTIONS ARE WE HEARING IN THE COMMUNITY?

WHAT IS IN THE BOND?

The bond includes up to \$89.9M to address educational and facility needs at all three schools as follows:

- To construct and equip a new middle school,
- To renovate, repair, and expand Pond Cove Elementary School; and
- To repair Cape Elizabeth High School

As well as additional expenditures of up to \$1,625,000 in the form of pledges, gifts, grants and other donations to pay for a solar array on the roof of the new middle school.

WHAT HAPPENS TO REPAIR ITEMS NOT INCLUDED IN THE 'MIDDLE GROUND CONCEPT'? WE HAVE A PLAN!

CESD CIP/MAINTENANCE/REPAIR PROJECTIONS OVER AN 8-YEAR PERIOD

\$9,251,694 in Repairs Items Over 8 Years

In this year's budget we have \$1.3M allocated for CIP, Repairs and Maintenance. This same amount will be budgeted every year going forward with a 2% inflationary factor. The plan utilizes \$1.1M to address the \$9.2M in repairs over 8 years. This leaves a remaining \$200,000 in the yearly budget for Repair & Maintenance Contingency items. **This is why it's budget neutral.**

CIP	MAINTENANCE & REPAIRS
\$700,000 in Current 2024-25 Budget	\$600,000 in Current 2024-25 Budget

WHAT WILL HAPPEN TO THE 1934 BUILDING?

Conceptual design for an alternative use of the 1934 building does not fall within the scope of work for the school design team.

- The use of the building is still being determined.
- The bond addresses removing the MS additions that are connected to the 1934 building and making the 1934 building weather-tight.
- The plan allows for future parking at the 1934 building for a variety of potential uses.

Cost will vary based on determined use, however, the Owners Project Manager (OPM) has provided a Rough Order of Magnitude Estimate of \$4.8M for reuse of the 1934 building for continuous, but separate, use as a municipal building. Cost includes new standalone utility services, new HVAC, electrical systems, reconfiguration, and fresh paint. This cost is not included in the \$89.9M.

KEY TAKE AWAY: THIS WILL WORK WITHIN OUR BUDGET!

CESD can complete all CIP/Maintenance/Repair Items in 8 years, utilizing our school budget, with only a 2% inflation factor for these budget lines.

YEAR	CIP AND REPAIR & MAINTENANCE	DECREASE EACH YEAR FROM TOTAL
		\$9,251,694
2025	\$1,100,000	\$8,151,694
2026	\$1,122,000	\$7,029,694
2027	\$1,144,440	\$5,885,254
2028	\$1,167,329	\$4,717,925
2029	\$1,190,675	\$3,527,250
2030	\$1,214,489	\$2,312,761
2031	\$1,238,779	\$1,073,982
2032	\$1,263,554	\$(189,572)

ESTIMATED TOTAL PROJECT COST:

\$89.9M +/-

(does not include estimated savings of \$800K+ in Efficiency Maine incentives)

TAX IMPACT OF NEW DEBT THE MIDDLE GROUND CONCEPT

FISCAL YEAR	% INCREASE PER YEAR
2027	2%
2028	3.6%
2029	6.4%
Tax Increases Due to the Bond 2029/2030 and After	No Additional Tax Increases Due to the Bond

Calculations completed by Joseph Cuatrecasas, Moore & Cabot, Inc.

Assumptions for tax rate projections:

- Percentages rounded to the nearest tenth value
- 3.75% interest rate (current market rate)
- .5% projected annual increase in town assessed valuation
- Total project cost of \$89,900,000

COMMUNITY-DEVELOPED DESIGN STATEMENT:

"A secure and nurturing community hub that fosters a joy of learning and collaboration by supporting students' discovery of their full potential."

NEW MIDDLE SCHOOL PRELIMINARY RENDERING ('MIDDLE GROUND CONCEPT')



0% STUDENT DISRUPTION DUE TO CONSTRUCTION



LEARN MORE: www.cape.k12.me.us

Refer to the July 1, 2024 School Board Presentation by Harriman for other questions and responses we have heard and addressed

Email CESB@capeelizabethschools.org with additional questions!

Meeting

Continued from page 4

sor Thompson to speak. Thompson said if there are counselors who believe that the four votes are basically set in advance, he understands why some community members are upset, and why the counselors have been receiving angry emails. Counselor Thompson assured the council and the public that he has not made up his mind, and that he said he would remain open-minded.

Often centered among "the four" of Rezniger, Anderson, Gillis and he, Thompson's assurance that he hasn't made up his mind would mean that, at the very least, that there is no block of four votes in the bag for sending the \$42 million dollar option to referendum, with or without the \$89 million dollar proposal arrived at by months of work by the architectural firm, the SBAC, and the Cape Elizabeth School Board.

He said that he's been working on this project since 2017, that he has "been in the basements of these schools," and he agreed that "we need to get something done." He implied that townspeople have been unnecessarily angered, and that many of the emails he's gotten are "pretty much the same email, with different names" implying perhaps that an email was distributed for angry "parents" to send to town counselors.

Thompson said he hasn't had a chance

to talk to Counselor Anderson, but said if people think "this is coordinated...it's no wonder people are angry." Thompson said he "guarantees" that he will continue to discuss the issue with the chair of the school board, and that he will continue to keep an open mind. He said he wants to study the issue a little bit more, and that there are opportunities for this to be "tweaked a little bit." He wondered aloud if they can discuss continuing issues "without getting angry with each other? It just seems that we could dial it down a little bit..."

Things did become less heated, with Counselors Gabrielson and Anderson each expressing their concerns. Counselor Anderson was firm on her concern that she needed to be assured that the numbers were accurate, and she pointed out that with the numbers that had been shared, neither had included the \$4.8 million dollars required to simply make the 1934 building safe. Anderson also expressed concern on what the actual capital improvement set aside monies, by the Cape Elizabeth School Department, are.

In the end, the town council voted to send the \$42 million option to the public hearing by a vote of 4 to 3. Next, the council voted 4 to 3 to amend the \$89.9 million proposal to include the cost of dealing with the 1934 building, and then the town council voted unanimously to send the amended proposal to the public hearing, set for July 29

CE School Board votes in support of 'Middle Ground' building project

(Press release) - At a special business meeting on July 1, the Cape Elizabeth School Board voted unanimously to approve the Middle Ground design, which includes a new middle school and necessary upgrades to the elementary and high schools at a cost of \$89.9 million.

A week prior to the vote, the school board held a public forum at which the Middle Ground design was given overwhelming support by citizens of the town.

This compromise is the culmination of over a year and a half of work to gather data and input on the best way to address the ailing school buildings and the barriers to education that they present.

With a price tag more than \$26 million lower than the previously proposed construction project in 2022, Harriman architect Lisa Sawin produced the Middle Ground design to address the highest priority needs of the schools at a cost the community has signaled it would support.

The school board noted that the facilities department will continue to address issues at the high school and elementary school that are more efficiently accomplished as single projects. "We understand we can't do everything we need to do in one construction project," said School Board Chair Elizabeth Scifres.

Identified jointly by Harriman, Turner & Townsend Heery, and CESD Facilities Director Dave Bagdasarian, those projects outside the bond are carefully planned to stay within the budgeted CIP and maintenance lines over the next eight years.

CESD will also apply for funding from the School Revolving Renovation Fund (SRRF), an MDOE program that offers zero interest loans that are partially forgiven (part grant) for qualifying improvements to school buildings. Cape Elizabeth has had great success in the recent past in securing these resources, but is not relying on that program to fund those projects.

Scifres went on to say, "The board wanted consensus and compromise, but would not compromise on education. This approach achieves exactly that. This is a major step forward for our schools and our town."

After a public hearing and if approved by the town council, the referendum vote will be on November 4.

For more detailed information about the Middle Ground design and next steps, please visit the CESD website. <https://www.cape.k12.me.us>

High/low tide chart

Date	AM	High Tide	PM	ft	Low Tide	AM	ft	PM	ft
17 Wed	8:31	7.7	8:38	9.3	2:19	1.3	2:16	1.9	
18 Thu	9:24	7.8	9:28	9.6	3:12	1.0	3:08	1.7	
19 Fri	10:14	8.1	10:17	10.0	4:01	0.6	3:58	1.4	
20 Sat	11:03	8.4	11:05	10.4	4:49	0.1	4:47	1.1	
21 Sun	11:50	8.8	11:54	10.8	5:36	-0.3	5:36	0.7	
22 Mon			12:37	9.2	6:22	-0.7	6:26	0.3	
23 Tue	12:43	11.0	1:24	9.6	7:08	-0.9	7:17	0.0	
24 Wed	1:32	11.0	2:11	10.0	7:54	-1.1	8:09	-0.1	
25 Thu	2:23	10.9	3:00	10.2	8:42	-1.0	9:03	-0.2	
26 Fri	3:16	10.5	3:52	10.3	9:32	-0.7	10:01	-0.1	
27 Sat	4:14	10.0	4:46	10.4	10:24	-0.3	11:01	0.0	
28 Sun	5:15	9.5	5:42	10.3	11:19	0.2			
29 Mon	6:18	9.0	6:41	10.2	12:04	0.1	12:17	0.6	
30 Tue	7:25	8.6	7:44	10.1	1:11	0.2	1:20	1.0	
31 Wed	8:32	8.5	8:46	10.0	2:18	0.2	2:24	1.2	
1 Thu	9:33	8.5	9:44	10.1	3:20	0.1	3:24	1.2	
2 Fri	10:28	8.6	10:36	10.1	4:16	0.0	4:19	1.1	
3 Sat	11:19	8.7	11:25	10.2	5:07	-0.1	5:08	1.0	
4 Sun			12:04	8.8	5:53	-0.1	5:54	1.0	
5 Mon	12:09	10.1	12:46	8.9	6:34	0.0	6:37	0.9	
6 Tue	12:50	10.0	1:24	9.0	7:12	0.1	7:17	1.0	

CELT summer programs

Tidepooling the Rocky Shore

Explore the rocky intertidal zone of Maine and see what kinds of plant and animal critters thrive in this special habitat.

Join Cape Elizabeth Land Trust Education Program Coordinator Ali Gustavson on this summer program to search for crabs, snails and other marine life.

Each family will receive a visual identification guide to some of Cape Elizabeth's most common organisms. It is recommended that participants wear closed-toed shoes that can get soaking wet. The program will take place on Kettle Cove Beach.

Note: This program is oriented to-

wards families, but all ages are welcome. All participants must register at least at least 48 hours in advance of the program to receive notification of changes or cancellation.

Friday, July 19, 3:00 - 5:00 p.m.

Kettle Cove Beach

\$10/ family

Max 10 families/ Min 2 families



Cape Elizabeth School Department

Cape Schools Open Minds and Open Doors

DESTRUCTION of SPECIAL EDUCATION RECORDS


Notice to all persons who ever attended school at Cape Elizabeth School Department and who were born between January 1, 1996 and December 31, 1997, or to their custodial parents:

The Cape Elizabeth School Department may have educational records in its possession for those students and will destroy such records after October 31, 2024.

If you would like to have these records rather than having them destroyed, please contact the Special Education Office, 320 Ocean House Road, 207-799-2217 or via email at: mnichols@capeelizabethschools.org.

The School Department shall maintain permanently a record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed.

Cape Elizabeth School Department, 320 Ocean House Road, Cape Elizabeth, Maine 04107



Kathleen O. Pierce
Vice President
Real Estate Advisor
207.232.4030
kpierce@advisorsliving.com

AdvisorsLiving
Real Estate

TVK Construction

ALL JOBS - Big or Small

Terry V. Keezer, Owner
Fully Insured

207.252.7375
www.TVKconstruction.com

COASTAL
Plumbing & Heating

New Construction
Remodeling • Service
Oil • Propane • Natural Gas

(207) 939-6822
www.coastalplumbingme.com

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE 10/23/2024
INVOICE 73402

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE 10/23/2024

Please return top portion with your payment

Invoice Date 10/23/2024
Invoice # 73402

ISSUE	DESCRIPTION	AMOUNT
10/23/2024	Color Advertising 4x15	1 128.00
10/23/2024	10% Non Profit Discount	-112.80

Manila 702 54000

To contact our advertising manager email advertising@capecourier.com

TOTAL \$1,015.20

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,015.20
--------------------	-------------------

Questions about your invoice can be emailed to billing@capecourier.com
To pay by credit card go to www.capecourier.com and use the "Make a Payment" link

10 WAYS

THE "MIDDLE GROUND" MEETS OUR NEEDS

BENEFITS KIDS
BENEFITS CAPE



**TAKES A COMPREHENSIVE
APPROACH TO
SAFETY & SECURITY**

1

**RESETS THE CLOCK ON
1 OF 3 SCHOOLS WITH
ZERO DISRUPTION TO
LEARNING**

3

**IMPERATIVE TO
ADDRESS MECHANICAL
INFRASTRUCTURE
BEFORE IT FAILS**

5

**SUPPORTS OUR ROBUST
MUSIC, ARTS, AND
ATHLETIC PROGRAMMING**

7

**INCREASES SAFE
COMMUNITY ACCESS
TO TOWN FACILITIES**

9

**MEETS 21ST CENTURY
LEARNING STANDARDS
AND LOOKS FORWARD**

2

**IT WILL NEVER BE MORE
AFFORDABLE TO BUILD
THAN IT IS TODAY**

4

**INCLUDES PRIORITIZED
POND COVE & HIGH
SCHOOL REPAIRS, RENO-
VATIONS, & ADDITIONS**

6

**PROVIDES NEEDED SPACE
FOR SPECIAL EDUCATION
PROGRAMMING**

8

**A NEW MS REDUCES THE
RISKS ENCOUNTERED
WITH RENOVATION**

10

ATTEND THE
FINAL SCHOOL TOUR
OCTOBER 29, 4 PM | MEET IN FRONT OF GEMS

LEARN MORE 
www.cape.k12.me.us/page/buildingproject



Cape Courier

PO Box 2248
South Portland ME 04106

INVOICE

DATE 11/27/2024
INVOICE 73440

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE 11/27/2024

Please return top portion with your payment

Invoice Date 11/27/2024
Invoice # 73440

ISSUE	DESCRIPTION	AMOUNT
11/27/2024	Color Advertising 4x15	1,128.00
11/27/2024	10% Non Profit Discount	-112.80

To contact our advertising manager email advertising@capecourier.com

TOTAL \$1,015.20

Payments/Credits	\$0.00
Balance Due	\$1,015.20

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card go to www.capecourier.com and use the "Make a Payment" link.

Handwritten: 900-5400

OUR EDUCATIONAL & FACILITY NEEDS REMAIN SO WE ARE SHARPENING OUR PENCILS!

 <p>SAFETY & SECURITY CONCERNS Our schools do not currently meet modern safety and security standards, underscoring an urgent need for improvements that integrate layers of security throughout the buildings.</p>	 <p>INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION The current site layout presents safety and traffic challenges, with insufficient sight lines from the main office to monitor visitors effectively.</p>	 <p>OUTDATED CLASSROOMS & INADEQUATE SPECIAL EDUCATION SPACES The size, age, & design of many classrooms do not support collaborative, project-based, & hands on learning, and are inadequate for Special Education.</p>	 <p>SPRAWLING LAYOUT & LONG TRAVEL DISTANCES Piecemeal expansions over 70 years have led to sprawl that complicates navigation, diminishes collaboration, and results in loss of instructional time due to long travel distances.</p>
 <p>INEFFECTIVE OVERSIGHT FROM MAIN OFFICES The current PCES & CEMS main offices lack direct connection to secure entry vestibules, presenting significant challenges in visitor management and compromising school safety.</p>	 <p>NURSE'S OFFICE LIMITATIONS The Nurse's Office functionality is hindered by a lack of privacy, inadequate exam rooms & storage, absence of natural light, difficult ambulance access, and distance from some grades.</p>	 <p>DEFICIENCY OF NATURAL LIGHT Several hallways and classrooms are devoid of natural light, which is crucial for creating effective learning environments and positively influencing the school's climate and culture.</p>	 <p>COMPLICATIONS FROM SHARED CAFETERIA The 'cafeterium' shared by PCES & CEMS complicates scheduling (meal times run from 10:30AM-1:30PM). Kitchen deliveries must use CEMS' student/staff corridor, posing safety concerns.</p>
 <p>INADEQUATE STORAGE FACILITIES Storage has had to overtake mechanical rooms and other spaces within building, which is a safety concern. Adequate storage near the staff who utilize it is essential for efficient workflow.</p>	 <p>NEED FOR TECHNOLOGY UPGRADES Current technology and network infrastructure falls short in supporting modern education, hindering the development of skills in inquiry, analysis, collaboration, creativity, and communication.</p>	 <p>OUTDATED & INEFFICIENT MECHANICAL SYSTEMS Outdated & excessively loud HVAC systems compromise the learning & well-being of students/staff, due to age & inefficiency. Upgrading to modern, efficient systems can reduce long-term costs.</p>	 <p>INADEQUATE PERFORMING ARTS SPACES Over 60% of MS students participate in our band program. Current facilities are significantly undersized & lack proper acoustic control, leading to scheduling conflicts and limited practice time.</p>

STAY TUNED FOR A **REFINED 'MIDDLE GROUND' CONCEPT** THAT ENABLES US TO **MEET OUR NEEDS** & FIND A **COMPROMISE SOLUTION**.



**LEARN
MORE**

www.cape.k12.me.us/page/buildingproject

**JOIN US TO LEARN MORE AT UPCOMING
SCHOOL BOARD MEETINGS!**

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	2/5/2025
INVOICE	73523

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE:	2/5/2025
-------------------	----------

Please return top portion with your payment

Invoice Date	Invoice #
2/5/2025	73523

ISSUE	DESCRIPTION	AMOUNT
2/5/2025	Color Advertising 4x15	1,128.00
2/5/2025	10% Non Profit Discount	-112.80
School buildg page 2		

To contact our advertising manager, email advertising@capecourier.com

TOTAL	\$1,015.20
--------------	-------------------

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,015.20
--------------------	-------------------

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link

ETH-116

CAPE ELIZABETH'S THREE SCHOOL PHASED PLAN

WHY A NEW MIDDLE SCHOOL?

TAKES A COMPREHENSIVE
APPROACH TO SAFETY & SECURITY



FLEXIBLE 21ST CENTURY
LEARNING SPACES



RESETS THE CLOCK ON
1 OF 3 SCHOOLS



ZERO DISRUPTION TO LEARNING
(STUDENTS WILL NOT BE MOVED TO
PORTABLES OR BUSSED OUT OF CAPE)



INCREASES SAFE COMMUNITY
ACCESS TO TOWN FACILITIES



BRINGS MECHANICAL SYSTEMS
INDOORS, EXTENDING THE LIFE



ADDRESSES
SPRAWLING LAYOUT



ALLOWS US TO CONSTRUCT
APPROPRIATE SPACES TO SERVE
SPECIAL EDUCATION PROGRAMMING



SAVES \$3M THAT WOULD BE
REQUIRED FOR TEMPORARY LEARNING
SPACE IF RENOVATED INSTEAD



REDUCES THE RISKS
ENCOUNTERED WITH RENOVATION



WHY AN ELEMENTARY ADDITION?

SECURE & INTEGRATED
ADMIN & UPDATED NURSE SPACE



PLAN FOR PHASED
REPLACEMENT
OF WINGS OVER TIME



REPLACEMENT OF AGING
MECHANICAL SYSTEMS



REPAIRS CAN BE ADDRESSED WITHIN
OUR CURRENT ANNUAL CIP &
MAINTENANCE BUDGET



WHAT IS THE DRAFT PHASED PLAN?

A new Middle School will last
approximately 60 years.

We will replace wings of
Pond Cove Elementary School
and address more significant
renovations at the High School
over the coming decades.

Ongoing repairs and minor
renovations at Pond Cove and
the High School will be achieved
with only an inflationary
increase to the existing CIP/
Maintenance/Repair budget.



LEARN MORE

www.cape.k12.me.us/page/buildingproject

BUILDING PROJECT PUBLIC FORUM
FEBRUARY 11, 6PM AT TOWN HALL

*Hear an update from Harriman and share your
thoughts with the School Board.*

Cape Courier

PO Box 2248
South Portland ME 04116

INVOICE

DATE	3/26/2025
INVOICE	73566

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107

PAYMENT DUE DATE: 3/26/2025

Please return top portion with your payment

Invoice Date	Invoice #
3/26/2025	73566

ISSUE	DESCRIPTION	AMOUNT
3/26/2025	Color Advertising 4x15	1,128.00
3/26/2025	10% Non Profit Discount	-112.80

9005-30000

Manu

To contact our advertising manager, email advertising@capecourier.com

TOTAL \$1,015.20

Payments/Credits	\$0.00
------------------	--------

Balance Due	\$1,015.20
--------------------	-------------------

Questions about your invoice can be emailed to: billing@capecourier.com.
To pay by credit card, go to www.capecourier.com and use the "Make a Payment" link.

ETH-118



A 3-SCHOOL PHASED PLAN

DEVELOPED BY LICENSED ARCHITECTS & ENGINEERS
WITH DECADES OF SCHOOL EXPERIENCE

On February 24, 2025 The School Board unanimously endorsed The 3-School Phased Plan, created by licensed Architects and Engineers, that addresses the following educational and facilities deficiencies:

ADDRESSED



SAFETY & SECURITY CONCERNS

ADDRESSED



INADEQUATE VEHICULAR & PEDESTRIAN SITE CIRCULATION

ADDRESSED



OUTDATED CLASSROOMS, LIMITING EDUCATIONAL METHODS

ADDRESSED



CEMS SPRAWLING LAYOUT & LONG TRAVEL DISTANCES

ADDRESSED



INEFFECTIVE OVERSIGHT FROM MAIN OFFICES

ADDRESSED



NURSE'S OFFICE LIMITATIONS

ADDRESSED



DEFICIENCY OF NATURAL LIGHT

ADDRESSED



COMPLICATIONS FROM SHARED CAFETERIA

ADDRESSED



INADEQUATE STORAGE FACILITIES

ADDRESSED



NEED FOR TECHNOLOGY UPGRADES

ADDRESSED



OUTDATED & INEFFICIENT MECHANICAL SYSTEMS

ADDRESSED



INADEQUATE PERFORMING ARTS SPACES

"Since the beginning of 2021, we have agreed with all of the design professionals who have worked on this project: **the replacement of the Middle School should be the first thing that you do.** The Middle School has passed its useful life."

- Chuck Adam, Cape Elizabeth's Owner's Representative (Vice President at Turner, Townsend and Heery)

CAPE ELIZABETH MIDDLE SCHOOL: Replaces the middle school with a new building.

POND COVE ELEMENTARY SCHOOL: Constructs a secure entry & admin addition; addresses mechanical upgrades & builds a mechanical addition; right-sizes the nurse clinic; renovates to provide a STEM program space.

CAPE ELIZABETH HIGH SCHOOL & POND COVE ELEMENTARY SCHOOL: Addresses repairs by utilizing our existing annual CIP, maintenance, & repair budget over approximately 12 years. These items can begin to be addressed right away upon passage of the referendum.

TOTAL PROJECT COST: APPROXIMATELY \$86.5M

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

February 28, 2025
Project No 24373
Invoice No: 2502020

Project 24373 Cape Elizabeth Modified School Project
email: crecord@capeelizabethschools.org

~~Professional Services from February 1, 2025 to February 28, 2025~~

Phase 00 Base Fees
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Revised Schematic Design & Cost Estimate	30,000.00	60.00	18,000.00	4,500.00	13,500.00
Communication Support	16,000.00	20.00	3,200.00	3,200.00	0.00
Meetings	12,000.00	60.00	7,200.00	4,800.00	2,400.00
Total Fee	58,000.00		28,400.00	12,500.00	15,900.00

Total Fee

15,900.00

Total this Phase

\$15,900.00

Total this invoice

\$15,900.00

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

Maria Weath

1000-9005-09-34000

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

January 31, 2025
Project No: 24373
Invoice No: 2412122


Project 24373 Cape Elizabeth Modified School Project
email: crecord@capeelizabethschools.org

Professional Services from January 1, 2025 to January 31, 2025

Phase 00 Base Fees
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Revised Schematic Design & Cost Estimate	30,000.00	15.00	4,500.00	1,500.00	3,000.00
Communication Support	16,000.00	20.00	3,200.00	1,600.00	1,600.00
Meetings	12,000.00	40.00	4,800.00	2,400.00	2,400.00
Total Fee	58,000.00		12,500.00	5,500.00	7,000.00
Total Fee					7,000.00
Total this Phase					\$7,000.00
Total this Invoice					\$7,000.00

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due

 2/10/25

9005-34000 to Tarrance

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

December 31, 2024
Project No: 24373
Invoice No: 2412029

Project 24373 Cape Elizabeth Modified School Project
email: crecord@capeelizabethschools.org

Professional Services from December 1, 2024 to December 31, 2024

Phase	00	Base Fees				
Fee						
Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing	
Revised Schematic Design & Cost Estimate	30,000.00	5.00	1,500.00	0.00	1,500.00	
Communication Support	16,000.00	10.00	1,600.00	0.00	1,600.00	
Meetings	12,000.00	20.00	2,400.00	0.00	2,400.00	
Total Fee	58,000.00		5,500.00	0.00	5,500.00	
			Total Fee			5,500.00
				Total this Phase		\$5,500.00
				Total this Invoice		\$5,500.00

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

Marwaleh

9005 34000

HY CT

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

June 30, 2024
Project No: 24198
Invoice No: 2406044

Project 24198 Cape Elizabeth School Department, State Applications
Professional Services from June 1, 2024 to June 30, 2024
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Professional Services	15,000.00	100.00	15,000.00	0.00	15,000.00
Total Fee	15,000.00		15,000.00	0.00	15,000.00
Total Fee					15,000.00
Total this Invoice					\$15,000.00

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

Marrille

0002-2050-4257-890014

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

This invoice has been reviewed
by Turner & Townsend Heery and
is recommended for payment.

Date Reviewed: 5/20/24
Reviewed by: Michael Ensminger

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

April 30, 2024
Project No: 23250
Invoice No: 2403167

Project 23250 Cape Elizabeth School System Program Plan

Professional Services from April 1, 2024 to April 30, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	70.00	56,000.00	48,000.00	8,000.00
Site Development	50,000.00	82.00	41,000.00	41,000.00	0.00
Concept Design	70,000.00	70.00	49,000.00	42,000.00	7,000.00
Community	25,000.00	75.00	18,750.00	18,750.00	0.00
Total Fee	265,000.00		204,750.00	189,750.00	15,000.00
Total Fee					15,000.00
Total this Phase					\$15,000.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	50.00	15,000.00	15,000.00	0.00
Hazardous Material Impact Survey	60,000.00	0.00	0.00	0.00	0.00
Total Fee	115,000.00		40,000.00	40,000.00	0.00
Total Fee					0.00
Total this Phase					0.00
Total this Invoice					\$15,000.00

Outstanding Invoices

Number	Date	Balance
2402092	2/29/2024	42,665.46

Project	23250	Cape Elizabeth School System Program Pla	Invoice	2403167
	2403046	3/31/2024	46,750.00	
	Total		89,415.46	

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

**PAYMENT APPROVAL
FINANCE DIRECTOR**

AMOUNT \$ 15,000.00

ACCOUNT 205042578900A

DATE 6/18/24

SIGNED *Vivian Bradley*
r# 394

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

This invoice has been reviewed
by Turner & Townsend Heery and
is recommended for payment.

Date Reviewed: 5/20/24
Reviewed by: Michael Enslinger

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

March 31, 2024
Project No: 23250
Invoice No: 2403046

Project 23250 Cape Elizabeth School System Program Plan
Professional Services from March 1, 2024 to March 31, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	60.00	48,000.00	36,000.00	12,000.00
Site Development	50,000.00	82.00	41,000.00	25,000.00	16,000.00
Concept Design	70,000.00	60.00	42,000.00	42,000.00	0.00
Community	25,000.00	75.00	18,750.00	15,000.00	3,750.00
Total Fee	265,000.00		189,750.00	158,000.00	31,750.00
Total Fee					31,750.00
Total this Phase					\$31,750.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	50.00	15,000.00	0.00	15,000.00
Hazardous Material Impact Survey	60,000.00	0.00	0.00	0.00	0.00
Total Fee	115,000.00		40,000.00	25,000.00	15,000.00
Total Fee					15,000.00
Total this Phase					\$15,000.00
Total this Invoice					\$46,750.00

Outstanding Invoices

Number	Date	Balance
2402092	2/29/2024	42,665.46
Total		42,665.46

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

**PAYMENT APPROVAL
FINANCE DIRECTOR**

AMOUNT \$ 46,750.00

ACCOUNT 2050425T-8900A

DATE 6/18/24

SIGNED Krista Bradley

✓ # 394

Amount: \$412,665.46

Acct: 20504257-8900A

Date: 5/20/24

Signed: *Krista Bravelley*

V# : 394

Harriman

48 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone

INVOICE

This invoice has been reviewed by
Turner & Townsend Heery and is
recommended for payment.

Date Reviewed: 03/21/2024

Reviewed by: Michael Ensminger

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

February 29, 2024

Project No: 23250

Invoice No: 2402092

Project 23250 Cape Elizabeth School System Program Plan

Professional Services from February 1, 2024 to February 29, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	45.00	36,000.00	28,000.00	8,000.00
Site Development	50,000.00	50.00	25,000.00	0.00	25,000.00
Concept Design	70,000.00	60.00	42,000.00	35,000.00	7,000.00
Community	25,000.00	60.00	15,000.00	12,500.00	2,500.00
Total Fee	265,000.00		158,000.00	115,500.00	42,500.00
Total Fee					42,500.00
Total this Phase					\$42,500.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	0.00	0.00	0.00	0.00
Hazardous Material Impact Survey	60,000.00	0.00	0.00	0.00	0.00
Total Fee	115,000.00		25,000.00	25,000.00	0.00
Total Fee					0.00
Total this Phase					0.00

Phase ZEXP Expenses

Reimbursable Expenses

Rmb Reproduction				
2/16/2024	XPress Copy	36 X 48 Drawing		96.47
Rmb Travel				
2/1/2024	Fraser, Stephen	Site Visit - Mileage		50.25

Project	23250	Cape Elizabeth School System Program Pla			Invoice	2402092
2/1/2024	Fraser, Stephen	Site Visit - Tolls			3.70	
	Total Reimbursables		1.1 times	150.42		165.46
Billing Limits		Current	Prior	To-Date		
Total Billings		165.46	83.27	248.73		
Limit				1,000.00		
Remaining				751.27		
			Total this Phase			\$165.46
			Total this Invoice			\$42,665.46
Outstanding Invoices						
	Number	Date	Balance			
	2401019	1/31/2024	48,272.67			
	Total		48,272.67			

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

Fun: 002

**PAYMENT APPROVAL
TOWN MANAGER**

AMOUNT \$ 48,272.67

ACCOUNT 0002-2050-4251-

DATE 3-20-2024 89WA

SIGNED Michael E. Stryker

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

Harriman

48 Harriman Drive
Auburn, ME 04210
207 784.5100 telephone
INVOICE

**This invoice has been reviewed by
Turner & Townsend Heery and is
recommended for payment.**

**Date Reviewed: 03/19/2024
Reviewed by: Michael Enslinger**

January 31 2024
Project No 23250
Invoice No 2401019

Project 23250 Cape Elizabeth School System Program Plan
Professional Services from January 1, 2024 to January 31, 2024

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	15,000.00	0.00
Educational Visioning	25,000.00	100.00	25,000.00	25,000.00	0.00
Building Design	80,000.00	35.00	28,000.00	0.00	28,000.00
Site Development	50,000.00	0.00	0.00	0.00	0.00
Concept Design	70,000.00	50.00	35,000.00	21,000.00	14,000.00
Community	25,000.00	50.00	12,500.00	6,250.00	6,250.00
Total Fee	265,000.00		115,500.00	67,250.00	48,250.00
Total Fee					48,250.00
Total this Phase					\$48,250.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	25,000.00	0.00
Geotechnical Engineering	30,000.00	0.00	0.00	0.00	0.00
Hazardous Material Impact Survey	60,000.00	0.00	0.00	0.00	0.00
Total Fee	115,000.00		25,000.00	25,000.00	0.00
Total Fee					0.00
Total this Phase					0.00

Phase ZEXP Expenses
Reimbursable Expenses

Rmb Travel					
12/7/2023	Waugh, Emilie	Meeting - Mileage			6.87
12/7/2023	Waugh, Emilie	Meeting - Mileage			6.87
12/14/2023	Waugh, Emilie	Meeting - Mileage			6.87
Total Reimbursables			1.1 times	20.61	22.67

Project	23250	Cape Elizabeth School System Program Pla		Invoice	2401019
Billing Limits		Current	Prior	To-Date	
Total Billings		22.67	60.60	83.27	
Limit				1,000.00	
Remaining				916.73	
			Total this Phase		\$22.67
			Total this Invoice		\$48,272.67

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due.

Harriman

46 Harriman Drive
Auburn, ME 04210
207.784.5100 telephone
INVOICE

This invoice has been reviewed by
Turner & Townsend Heery and is
recommended for payment.

Date Reviewed: 01/31/2024
Reviewed by: Michael Ensminger

Christopher Record
Cape Elizabeth School Department
345 Ocean House Road
Cape Elizabeth, ME 04107

December 31, 2023
Project No: 23250
Invoice No: 2312019

Project 23250 Cape Elizabeth School System Program Plan
Professional Services from December 1, 2023 to December 31, 2023

Phase 00 Base Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Space Allocation	15,000.00	100.00	15,000.00	0.00	15,000.00
Educational Visioning	25,000.00	100.00	25,000.00	0.00	25,000.00
Building Design	80,000.00	0.00	0.00	0.00	0.00
Site Development	50,000.00	0.00	0.00	0.00	0.00
Concept Design	70,000.00	30.00	21,000.00	0.00	21,000.00
Community	25,000.00	25.00	6,250.00	0.00	6,250.00
Total Fee	265,000.00		67,250.00	0.00	67,250.00
			Total Fee		67,250.00
			Total this Phase		\$67,250.00

Phase 00A Additional Fees - Pre-Design
Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Confirmation of Existing Information	25,000.00	100.00	25,000.00	0.00	25,000.00
Geotechnical Engineering	30,000.00	0.00	0.00	0.00	0.00
Hazardous Material Impact Survey	60,000.00	0.00	0.00	0.00	0.00
Total Fee	115,000.00		25,000.00	0.00	25,000.00
			Total Fee		25,000.00
			Total this Phase		\$25,000.00

Phase ZEXP Expenses
Reimbursable Expenses

Rmb Travel			
10/19/2023	Waugh, Emilie	Meeting - Mileage	6.87
10/24/2023	Waugh, Emilie	Meeting - Mileage	7.00

Project	23250	Cape Elizabeth School System Program Pla	Invoice	2312019
11/2/2023	Waugh, Emilie	Meeting - Mileage (twice in one day)	13.74	
11/9/2023	Waugh, Emilie	Meeting - Mileage	6.87	
11/16/2023	Waugh, Emilie	Meeting - Mileage (twice in one day)	13.74	
11/30/2023	Waugh, Emilie	Meeting - Mileage	6.87	
	Total Reimbursables	1.1 times	55.09	60.60
Billing Limits		Current	Prior	To-Date
Total Billings		60.60	0.00	60.60
Limit				1,000.00
Remaining				939.40
			Total this Phase	\$60.60
			Total this Invoice	\$92,310.60

TERMS: Net 30 Days 1.5% Interest (18% Annually) will be charged on accounts over 30 days past due

**PAYMENT APPROVAL
TOWN MANAGER**

AMOUNT \$ 92,310.60
ACCOUNT 0002-2050-4257-8900A
DATE 1-31-2024
SIGNED Walter E. Sugi

*make sure
final 0002*

2023 - 2024 School Building Project Timeline

January 2023

- The [ad-hoc School Building Advisory Committee \(SBAC\)](#) is established.

May 2023

- [SBAC recommends](#) CBRE Heery (now Turner & Townsend Heery) as the Owner's Representative for the project.
- Unanimous [Town Council](#) and [School Board](#) votes approve the hiring of Turner & Townsend Heery as Owner's Representative.

October 2023

- [SBAC recommends Harriman Architects](#) as the Architect & Engineering Firm.
- Unanimous votes by the [School Board](#) and [Town Council](#) approve the recommendation.

November 2023

- [November 16 Public Forum](#): Introduction to Harriman Architects
- [November 30 Public Forum](#): The State of Our Schools

February 2024

- [February 1 Public Forum](#): Harriman presents [7 Design Options](#)
- February 8: [SBAC meets with New England School Development Council](#) (NESDEC) regarding [enrollment projections](#). (also see: [NESDEC follow-up memo](#))
- February 13: [School Board discussion](#) of 7 options to provide feedback to SBAC. Board expresses a preference to "reset the clock" on one building to avoid being in the position of having to replace all three school buildings at the same time in the future.
- February 15: [SBAC Meeting](#) narrows to three preferred options. [Public feedback](#) submitted via SBAC website indicated a preference for at least one new building.
- February 23: [SBAC meeting with Maine Department of Education](#) regarding school construction financing, space allocation guidelines, and state funding application process.

April 2024

- [April 10 Public Forum](#): Harriman presents [3 Preferred Options](#) (also see: [3 Options Investment Lifespan](#))

May 2024

- May 2: [SBAC meeting](#) facilitated by Craig Freshley, Good Group Decisions. With the guidance of Mr. Freshley, the SBAC ranked criteria for selection of a final option and heard the [results](#) of the April 2024 community survey.
- May 2-9: The SBAC receives nearly [200 emails](#) in support of Concept E, which included a new Middle School. The committee received 2 emails in support of Concept B. The results of the committee's May 2 design ranking exercise also ranked Concept E as the top option.

- May 9: [SBAC votes on a building plan recommendation](#); the vote results in a 5-4 split between Concept B and Concept E.
- May 13: [Town Council](#) receives an update on the SBAC vote.
- May 14: The [School Board](#) receives an update on the SBAC vote and a [presentation](#) from Harriman Architects on Concept B.
- May 21: Members of the SBAC present [Option B](#) and [Option E](#) at a [School Board Workshop](#). Following a question and answer period with Harriman Architects, the School Board asks Harriman to develop a compromise solution that includes a new Middle School in a price range the SBAC indicated community would support.

June 2024

- June 10: The [Town Council](#) votes to sunset the SBAC effective June 30, 2024. (also see: [School Building Process Adopted by Town Council](#))
- June 11: [Harriman presents](#) the [Middle Ground](#) option to the School Board.
- June 17: Harriman presents [Middle Ground](#) option at a joint [School Board and Town Council workshop](#) and responds to questions from School Board Members and Town Councilors.
- [June 24 Public Forum](#): Harriman presents [School Building Design Solution](#). Owner's Rep Turner & Townsend Heery provides [School CIP Information](#).
- June 24: [Final School Building Advisory Committee meeting](#). Members of the SBAC share their thoughts and questions regarding the Middle Ground Project.
- June 30: The SBAC is sunsetted.

July 2024

- July 1: The [School Board](#) votes unanimously to [recommend](#) up to \$89.5M for school construction and renovations.
- July 8: The [Town Council](#) votes unanimously to send the "Middle Ground" project to a public hearing.
- July 29 [Town Council Public Hearing](#): Over 40 community members spoke in favor of the Middle Ground project, and one community member submitted a [petition in favor of the project](#) signed by 465 residents.

August 2024

- August 2024: The [Town Council](#) votes unanimously to place the \$89.9M "Middle Ground" school project plus an additional \$4.8M for municipal use on the November ballot. (also see: [School Bond Project Order](#))

For questions or more information, please email:
cesb@capeelizabethschools.org

[Building Project Home](#)



Schools

Cape Elizabeth School Department

Pond Cove Elementary School

Cape Elizabeth Middle School

Stay Connected



Find Us

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107
p: 207-799-2217
f: 207-799-2914

Central Office Personnel List

Cape Elizabeth High School

Athletics

Videos

CETV

Copyright © 2025 Cape Elizabeth School Department. All rights reserved.
Powered By Apptegy

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: November 9, 2009

Re: TABOR NOW's Request to Investigate the City of South Portland

On October 14, 2009, the Commission received the attached e-mail request from David Crocker of the TABOR NOW campaign requesting that the Commission investigate whether the City of South Portland has complied with Maine's campaign finance laws. TABOR NOW asks the Commission to consider whether South Portland was required to register with the Commission as a ballot question committee and to file campaign finance reports because of costs associated with a one-page flier that the City of South Portland included in an October 2009 mailing of property tax bills. Mr. Crocker asserts that it is likely that the expenditures for the flier exceeded \$5,000 and were incurred for the purpose of opposing the TABOR II and excise tax initiatives that were on the state-wide ballot on November 3, 2009.

On October 20, 2009, I informed the South Portland City Manager, James H. Gailey, of the request by TABOR NOW and requested some preliminary information. The Corporation Counsel for the City of South Portland is Sally J. Daggett, an attorney at the law firm of Jensen, Baird, Gardner & Henry. On October 29, 2009, she submitted a letter on behalf of the City. Daniel I. Billings and David Crocker submitted letters dated

November 5 and 6, 2009, respectively, urging the Commission to undertake an investigation. Although Mr. Billings is an attorney, he has clarified to me by e-mail that his letter was submitted on behalf of himself, not TABOR NOW.

Factual Background

In October, the City of South Portland included in a property tax mailing a one-page flier concerning the TABOR II and excise tax initiatives. The flier

- informed property-owners that the City Council had voted to oppose both initiatives,
- provided some limited information about the effects of the initiatives if they were enacted, including the loss of \$1.9 million in revenue to the City during the current fiscal year, and
- encouraged property-owners to learn more about both initiatives at the City's website.

The flier did not explicitly urge a “no” vote on the initiatives. The statements in the letter were factual, rather than opinion. The only explicit direction to recipients in the flier was to learn more about the initiatives at the City's website.

Nevertheless, the flier contained language that could indicate a purpose to influence South Portland residents to vote against the TABOR II and excise tax initiatives. In the context of stating the City Council's vote on both initiatives, the word “oppose” was typed in capital letters and was further emphasized with boldface type, italics, and underlining. Also, the letter stated the amount of tax revenue the City would lose if the automobile excise tax initiative were enacted.

The flier refers to votes taken by the South Portland City Council to oppose both initiatives. According to the City’s website, the City Council held a workshop on September 14 to discuss both initiatives, and held a second workshop on September 28 to discuss the TABOR II initiative. The members of the City Council passed resolves opposing the excise tax and TABOR II initiatives at their regular meetings on September 21 and October 5, respectively. Among the materials posted on the City’s website were short position papers (one to three pages) and resolutions prepared by the City Manager, James H. Gailey. Apparently, more lengthy analyses of the initiatives were also made available at the workshops and meetings, including materials prepared by nonprofit organizations such as the Maine Heritage Policy Center, which wrote both initiatives, and the Maine Municipal Association.

Standards for Considering Requests for Investigation

Any person may request that the Commission investigate compliance with Maine’s campaign finance reporting requirements:

2. Investigations requested. A person may apply in writing to the commission requesting an investigation concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred. (21-A M.R.S.A. § 1003(2))

The Commission is required to consider the request, and must make an investigation if sufficient grounds have been shown for believing that a violation “may have occurred.”

(Id.)

Ballot Question Committee Reporting Statute

Under 21-A M.R.S.A. § 1056-B, an organization qualifies as a ballot question committee as follows:

Ballot question committees. Any person not defined as a political action committee who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of \$5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file reports with the commission in accordance with this section. Within 7 days of receiving contributions or making expenditures that exceed \$5,000, the person shall register with the commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. ...

Ballot question committees are required to register with the Commission and to file campaign finance reports according to a prescribed schedule. (*Id.*) The statute makes clear that reporting includes “paid staff time spent for the purpose of influencing in any way a ballot question.” (*Id.*)

Threshold Legal Question

The Commission’s counsel and I believe that TABOR NOW’s request presents a threshold legal question of whether the ballot question committee reporting statute (21-A M.R.S.A. § 1056-B) could apply to a municipality. The statute applies to “[a]ny person not defined as a political action committee who receives contributions or makes expenditures” The term “person” is defined at the beginning of the state’s campaign finance disclosure law as:

"Person" means an individual, committee, firm, partnership, corporation, association or organization. (21-A M.R.S.A. § 1001(3))

The definition does not contain the classification of “municipality” or other type of governmental entity.

In contrast, in the lobbyist disclosure law (also administered by the Commission) the Legislature explicitly defined the term “person” to include municipalities:

12. Person. "Person" means an individual, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional association, labor union, firm, partnership, club or other organization, whether profit or nonprofit, or any municipality or quasi-municipality or group of persons acting in concert, but does not include this State or any other agency of this State. (3 M.R.S.A. § 312-A(12))

Thus, if a municipality pays an employee or outside consultant or lawyer for more than eight hours of lobbying in a calendar month, the municipality is required to register with the Commission as having hired a lobbyist and must jointly file monthly disclosure reports.

In the view of the Commission staff, the applicability of 21-A M.R.S.A. § 1056-B to the City of South Portland turns on whether the City would be considered a “corporation” or an “organization.” In their letters dated November 5 and 6, Dan Billings and David Crocker express the view that the City of South Portland is a corporation for purposes of the reporting statute. They note that historically, towns and cities have been referred to as municipal corporations or as a “body corporate,” and that Article 1, Section 1 of the Charter of South Portland contains this concept.

In the view of the staff, this is not dispositive. The more common usage of the term “corporation” is to refer to private business or nonprofit entities incorporated under Titles

13-B and 13-C of the Maine Revised Statutes. The position of the term “corporation” in the definition of person after “firm” and “partnership” may indicate that the Legislature intended “corporation” to refer to business entities, and not towns and cities.

The City of South Portland has offered a legislative history of the term “person” in the campaign finance reporting law. (Daggett Letter, at 1-2) I have looked quickly at the development of the law as well, and the history is confusing because of the frequent revisions to the law in the 1970s and 1980s. In case you wish to review the history in detail, I have attached to this memorandum the relevant public laws referred to by Ms. Daggett and a few additional laws that I have included to provide greater context. I have also provided a brief description of the history in an appendix to this memorandum. Please be aware that, due to time constraints, my review of the legislative history has been confined to reading the statutory changes alone, and I have not reviewed other materials such as floor debates in the Legislature or testimony or analysis presented at committee.

In summary, from 1973 to 1985 the Election Law (Title 21) contained successive statutes that explicitly required a “governmental agency” to file reports with the state government if it spent money to support or oppose a direct initiative. By the end of this period (1985), Maine’s campaign finance law consisted of three different chapters of the Election Law (Chapters 35, 35-A, and 38). Each of these chapters contained their own definition of “person.” (21 M.R.S.A. §§ 1392(5), 1412(5), 1552(6)) The definition of

person in Chapter 35-A contained the phrase “governmental agency,” whereas the definition of person in the other two chapters did not.

In 1985, the Legislature re-codified the Election Law as Title 21-A, and brought the three chapters into a single Campaign Reports and Finances Law (Chapter 13). As part of that recodification, it consolidated the three definitions of “person” into a single definition in 21-A M.R.S.A. § 1001(3) that did not include the phrase “governmental agency.”

The City of South Portland concludes that “the Legislature knows how to include governmental agencies within the scope of the campaign finance reporting requirements of Maine law when it wants to, but it has chosen not to do so at present.” (Daggett Letter, at 2) Based on the 1985 elimination of the term “governmental agency,” the Commission staff agrees that this is a reasonable interpretation of the overall legislative history.

Dan Billings points out the difficulties in interpreting legislative history. He argues that the Commission should not consider the legislative history because of the plain meaning of the term “corporation” within the definition of “person.” (Billings Letter, at 1) David Crocker also believes it is unnecessary to consider the legislative history. (Crocker 11/6/09 Letter, at 2) The staff does not agree that the plain meaning of “corporation” includes a municipality and believes that it is appropriate to look to the legislative history as a guide in interpreting the current language.

Factual Argument by South Portland: the Mailing Cost Less than \$5,000

In Sally Daggett's October 29, 2009 letter, the City of South Portland states that the total cost of including the one-page flier in the tax bill mailing was \$622.11.

Cost of preparing the flier. The City states that it cost \$59.67 in staff time to prepare the flier. Ms. Daggett elaborated to me that this constitutes one hour of time spent by City Manager James H. Gailey.

Cost of producing the fliers. The City states that the production cost of the one-page insert was \$562.44, which represents 9,374 inserts at a cost of 6¢ each. Ms. Daggett told me that the per-unit cost of six cents included the cost of photocopying and of folding the insert. When I asked her about the cost of inserting the flyer in envelopes, she replied that she would check with her client, and that Mr. Gailey could address the issue at the November 19 meeting.

Dan Billings argues that since the City charges 25¢ per page for photocopying records provided in response to requests under the Freedom of Access Act (FOAA), that same photocopying cost should be applied toward the \$5,000 threshold for campaign finance reporting. Public entities are entitled to charge a "reasonable fee for the cost of photocopying" performed to respond to a FOAA request. (1 M.R.S.A. § 408(3)(A)) My general understanding is that it is not unusual for public agencies to charge a photocopying fee for FOAA responses that exceeds the agency's actual cost. For

purposes of the \$5,000 threshold in 21-A M.R.S.A. § 1056-B, the Commission staff believes that the City's *actual* cost in photocopying the flier is the appropriate measure.

Mailing costs. The City states that it sends tax bills quarterly, and that the inclusion of the one-page flier did not increase the cost of the postage. Accordingly, it states that there was no incremental postage cost for including the fliers in the mailing.

In response, Mr. Billings raises the point that “[i]f only incremental costs were to be considered [for purposes of campaign finance reporting], organizations and businesses could include campaign materials of various kinds in mailings that were already planned and avoid campaign finance reporting as a result.” (Billings letter, at 2) The Commission staff believes that Mr. Billings’ point is valid as a general policy. One of the Commission’s responsibilities in candidate elections is to pay matching funds to candidates participating in the Maine Clean Election Act based on communications to voters distributed by organizations independently of the candidates in the race. If the Commission were to adopt the general policy that there was zero postage when literature relating to a candidate was inserted in a planned mailing (*e.g.*, an employer’s distribution of paychecks), that policy could decrease the reporting of campaign expenditures and could impact the payment of matching funds.

Dan Billings argues that one-half of the cost of the October property tax mailing should be allocated to opposing TABOR II and the excise tax initiatives. He calculates that if

the mailing cost is 44¢ per piece, and the cost of 22¢ is allocated to each of the 9,374 pieces mailed, then the expenditure on postage to oppose the initiatives was \$2,062.28.

The Commission staff believes that the Commission has the discretion whether or not to allocate one-half of the postage cost of the mailing in determining whether the City met the \$5,000 threshold. While consistency is important, the valuation of postage in this case would not necessarily create a precedent for all circumstances.

The actual cost of the mailing may be lower than 44¢ per piece if the City was able to obtain bulk mailing rates. For example, when an agency of the state government sends a mailing of more than 200 pieces, the U.S. Post Office charges the State of Maine a bulk rate of \$0.256 per piece (25 cents plus six-tenths of a cent). Ms. Daggett informed me that she would inquire with the City Manager whether the October property tax mailing was sent by bulk rate. If, for example, the City of South Portland were charged the rate of \$0.256 per piece and one-half of that charge were attributed to the flier, I calculate that the cost of postage for the flier would be \$1,199.87.

Drafting of Resolutions by City Manager. David Crocker and Dan Billings suggest that the cost of the City Manager in preparing the resolution and to prepare information for consideration by the City Council should count toward the \$5,000 threshold. Mr. Billings also suggests that the “Commission should consider whether City staff attended any meetings or events concerning the referendum while on City time.” (Billings letter, at 3)

The Commission staff does not view the time spent by the City Manager in preparing his position papers and resolutions as part of the mailing. A number of municipalities adopted resolutions in 2009 opposing TABOR II or the excise tax initiatives, and did not send mailings. Since enactment of these initiatives would have had a significant effect on the City's available revenue and spending limits, one would expect it to be within the scope of the City Manager's job responsibilities to develop and present his analysis to the Council and to the public. The time spent by the City Manager or other employees at the September-October workshops and meetings could be viewed as activity to educate and inform public officials and their constituents regarding the potential fiscal impacts of the initiative, rather than as an expenditure to defeat the initiatives.

Purpose of Mailing – Advocating a “No” Vote or Disseminating Information?

An expenditure only counts toward the \$5,000 spending threshold in 21-A M.R.S.A. § 1056-B if the expenditure was made “for the purpose of initiating, promoting, defeating or influencing in any way a ballot question.” TABOR NOW presumes that the purpose of the insert was to defeat the initiatives.

The City of South Portland did not address in Ms. Daggett's letter whether the City's purpose in distributing the flier was to defeat the initiatives. Nevertheless, the City may take the view that the purpose was to disseminate information to voters about the impact of the initiatives and to encourage them to find out more information at the City's website. Based on reporting in the press, it appears that a number of municipalities in

Maine decided that they had an appropriate role – if not a duty – to examine the impact of the TABOR II and excise tax initiatives and to provide that information to voters.

This educational role was recognized in the attached September 10, 2004 advisory opinion by the Maine Attorney General, which relied upon a 1991 decision of the Maine Superior Court, *Campaign for Sensible Transportation v. Maine Turnpike Authority*, Docket No. CV-91-952 (Me. Super. Ct., Cum. Cty., October 8, 1991) (Alexander, J.), 1991 Me. Super. LEXIS 228, *app. dismissed as moot*, 658 A.2d 213 (Me. 1995). In the decision, the Attorney General concluded that while governmental officials could not spend public funds for partisan advocacy without express authorization, it is an appropriate governmental function to analyze the effects of legislation and to disseminate information concerning an initiative and its impact. Op. Me. Att’y Gen. (September 10, 2004), at 4.

Recommendation by Commission Staff

The Commission staff recommends not conducting any further investigation of this matter, because TABOR NOW has not submitted sufficient evidence to show that a violation may have occurred.

Even if the Commission is inclined to conclude that 21-A M.R.S.A. § 1056-B could apply to a municipality, it does not appear that the City of South Portland exceeded the \$5,000 spending threshold. If the Commission decides to attribute one-half of the postage cost of the mailing to defeating the initiatives, that half-share would be in the

range of \$1,199 (at \$0.256 per piece) to \$2,062.28 (at 44¢ per piece). In the view of the Commission staff, the other possible expenses associated with the flier were:

- drafting the content of the flier (estimated by the City as \$59.67),
- producing the 9,374 fliers (stated by the City to be \$562.44), and
- any staff time spent stuffing envelopes or on other activities to get the flier ready for the U.S. mail (unknown at this time).

It seems unlikely that these costs are going to be in the range of \$3,000 to \$4,000, which would be necessary for the City's costs to exceed the \$5,000 threshold.

Second, it is not at all clear that the Legislature intended the term "person" to refer to municipalities. The absence of any reference to municipalities or "governmental agencies" in the current definition of person (21-A M.R.S.A. § 1001(3)) suggests otherwise. While the legislative history does not offer any definite guidance, it supports the view that the Legislature eliminated the explicit requirement for governmental entities to report in 1985.

The policy question of whether municipalities must file campaign finance reports with the Commission is a *major* policy decision that should be made by the Legislature, not the Commission. It is closely related to the difficult policy issue of what is the proper role of municipalities in spending staff time to educate and inform their voters regarding the effects of a statewide initiative or referendum – a topic which is outside the purview of the Commission.

One practical concern I would have about extending campaign finance reporting to municipalities is that it could involve the Commission in very thorny factual determinations concerning the purpose of municipal officials in performing activities concerning initiatives and referenda. The Commission could be called upon to parse statements made by governmental officials at public meetings, or to divine the purpose of a town employee in preparing a legislative analysis or in convening an internal staff meeting to discuss an initiative. As noted by the Maine Attorney General on page 4 of the September 10, 2004 opinion, it can be very difficult to draw the line between legitimate municipal functions (analysis, planning, and education) and electioneering. The Commission staff has doubts whether the Legislature contemplated that the Commission would have this kind of oversight role over municipalities, which are subdivisions of the state.

Some advocates may believe this is an appropriate role for the Commission as the campaign finance agency of the state, because the disclosure would provide the public with a greater understanding of how public agencies are influencing elections and the amount of tax dollars that are spent by those agencies. I understand the logic of these public policy arguments, and the staff would willingly accept those responsibilities if they are assigned by the Legislature. Given the practical challenges of those types of determinations and the potential for interference in legitimate municipal functions, however, I would suggest not volunteering for that role without clearer direction from the Legislature.

Thank you for considering the recommendation of the Commission staff. We are ready to take on any fact-gathering or other project you would like in connection with this matter.

Appendix

Legislative History of Ballot Question Reporting in Maine Campaign Finance Law

In 1973, the Legislature first adopted a statute within the Election Law (Title 21) that required entities that were spending money to influence initiatives or referenda to file campaign finance reports. (P.L. 1973, Ch. 591) The new statute was inserted within Chapter 35, which primarily pertained to campaign finance reporting concerning *candidate* elections. The new statute (21 M.R.S.A. § 1391-A) required “any person, corporation, public or private utility, association, *governmental agency* or political committee accepting or expending money, to initiate, promote or defeat [initiatives and referenda]” to file campaign finance reports with the Secretary of State (emphasis added). Thus, when ballot question reporting was initiated in Maine, the Legislature did intend governmental entities to file reports.

In 1975, the Legislature enacted legislation creating the Commission and assigned to the Commission the task of receiving campaign finance reports. (P.L. 1975, Ch. 621) As part of that legislation, the entire Chapter 35 of the Election Law (Title 21) was repealed and replaced. In the process, former § 1391-A was renumbered as § 1392 and was amended slightly.

In 1976, the Legislature again repealed and replaced Chapter 35 of the Election Law, in response to the U.S. Supreme Court’s ruling in *Buckley v. Valeo*, 424 U.S. 1 (1976). (P.L. 1975, Ch. 759) It created a new § 1392, which was a definitions section for Chapter 35. The definition of “person” was introduced in § 1392(5) to mean “an individual,

committee, firm, partnership, corporation, association or any other group or organization of persons.” As noted by Ms. Daggett, this definition of “person” in Chapter 35 did not contain an express reference to governmental agencies. As part of the new Chapter 35, the Legislature moved the ballot question reporting requirement from § 1392 to § 1397(3). This subsection required “*any person, public utility or governmental agency*” to file reports if they spent more than \$50 to initiate, promote, or defeat an initiative or referendum. (Emphasis added) The addition of the term “governmental agency” here suggests that the Legislature did not consider such agencies to be covered within the definition of “person” in the new § 1392(5).

In 1977, the Legislature introduced a new Chapter 35-A in the Election Law which pertained to campaign finance reporting of financial activity to influence *ballot questions*. (P.L. 1977, Ch. 575) The new Chapter 35-A was entitled “Reports on Referendum Campaigns.” (Chapter 35 was entitled “Campaign Reports and Finances,” but at this point its provisions related only to candidate elections.) Chapter 35-A contained new definitions that were different from the definitions in Chapter 35. The definition of “person” in Chapter 35-A added the words “public utility” and “governmental agency” to the list included in the Chapter 35 definition of “person.” (21 M.R.S.A. § 1412(5)) Because of this definition, governmental agencies continued to be required to file reports with the Commission if they spent more than \$50 with respect to a ballot question. (§ 1413(1))

In 1983, the Legislature enacted the first PAC statute as a new Chapter 38, entitled Reports by Political Action Committees. (P.L. 1983, Ch. 365) The definition of “person” in Chapter 38 was identical to that contained in Chapter 35 pertaining to candidate elections and thus did not include any specific reference to governmental agencies (21 M.R.S.A. § 1552(6)).

In 1985, the Legislature recodified the entire Election Law as Title 21-A. (P.L. 1985, Ch. 161). The Legislature retained Chapters 35, 35-A and Chapter 38 and recodified them as subchapters 2, 3, and 4, of Chapter 13 of Title 21-A. This recodification consolidated the definitions of “person” that existed in Chapters 35, 35-A, and 38 into a single definition of person in 21-A M.R.S.A. § 1001(3), with nearly the same wording previously used in Chapters 35 and 38.¹ This new definition did not contain the term “governmental agency.”

The definition of “person” in 21-A M.R.S.A. § 1001(3) remained the same from 1985 until 2007, when the Legislature deleted the word “group” in legislation that was proposed by the Commission. (P.L. 2007, Ch. 443) No changes have been made to the definition since 2007.

¹ The only difference was in the last phrase. The new 21-A M.R.S.A. § 1001(3) defined “person” to mean “an individual, committee, firm, partnership, corporation, association, *group or organization*,” whereas Chapters 35 and 38 defined “person” to mean “an individual, committee, firm, partnership, corporation, association *or any other group or organization of persons*.” (Emphasis added)

Title 21-A: ELECTIONS

Chapter 13: CAMPAIGN REPORTS AND FINANCES

Subchapter 1: GENERAL PROVISIONS

§ 1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established under Title 1, section 1002.

1-A. Caucus political action committee. "Caucus political action committee" means a political action committee designated under section 1053-C to promote the election of nominees of a political party to the Senate or the House of Representatives.

2. Election. "Election" means any primary, general or special election for state or county office or municipal office in a municipality subject to Title 30-A, section 2502, subsection 1 and any referendum, including a municipal referendum in a municipality subject to Title 30-A, section 2502, subsection 2.

3. Person. "Person" means an individual, committee, firm, partnership, corporation, association or organization.

§ 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

- A. Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;
- B. Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or
- C. Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

2. Investigations requested. A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

§ 1052. Definitions [selected]

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Campaign. "Campaign" means any course of activities to influence the nomination or election of a candidate or to initiate or influence any of the following ballot measures:

- A. A people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;
- B. A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18;
- C. An amendment to the Constitution of Maine under Article X, Section 4;
- D. A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;
- E. The ratification of the issue of bonds by the State or any agency thereof; and
- F. Any county or municipal referendum.

2-A. Ballot question committee. "Ballot question committee" means a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. The term "ballot question committee" does not include a political action committee or an exempt donor.

4. Expenditure. The term "expenditure":

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign;
- (1-A) Any purchase, payment, distribution, loan, advance, deposit or gift of money made from the campaign account described in section 1054;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and
- (3) The transfer of funds by a political action committee to another candidate or political committee; and

B. Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or the spouse or domestic partner of a candidate;
- (2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;
- (3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;
- (4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$250 with respect to any election;
- (5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;
- (6) Any communication by a committee that is not made for the purpose of influencing the nomination or election of any person to state or county office; and
- (7) Any payments to initiate a people's veto referendum or the direct initiative of legislation made prior to the submission of an application to the Department of the Secretary of State as provided in section 901.

4-A. Influence. "Influence" means to promote, support, oppose or defeat.

4-B. Initiate. "Initiate" includes the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.

§ 1053-A. Municipal elections

If an organization qualifies as a committee under section 1052, subsection 2 and that organization receives contributions or makes expenditures to influence a municipal campaign in towns or cities with a population of 15,000 or more, that organization must register and file reports with the municipal clerk as required by Title 30-A, section 2502. If an organization qualifies as a ballot question committee under section 1052, subsection 2-A and that organization makes expenditures exceeding \$5,000 to influence a municipal

referendum campaign in a town or city with a population of less than 15,000, that organization must register and file reports with the commission using the electronic filing system pursuant to section 1059, subsection 5. The reports must be filed in accordance with the reporting schedule in section 1059 and must contain the information listed in section 1060. A committee registered with the commission and that receives contributions or makes expenditures relating to a municipal election shall file a copy of the report containing such contributions or expenditures with the clerk in the subject municipality. The commission retains the sole authority to prescribe the content of all reporting forms. The commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns in towns or cities with a population of 15,000 or more. If a municipal clerk becomes aware of a potential violation of this subchapter that the clerk considers to be substantial, the clerk may refer the matter to the commission for enforcement. The commission may conduct an investigation if the information referred by the municipal clerk shows sufficient grounds for believing that a violation may have occurred. After conducting the investigation, if the commission determines that a violation of this subchapter has occurred, the commission may assess penalties provided in this subchapter.



Select Language ▼

Powered by Google Translate

Search



School Building Advisory Committee

The School Building Advisory Committee was sunsetted on June 30, 2024. The School Building Project will continue following this process, approved by the Town Council on June 10, 2024.

To follow the School Building Project progress, please visit the [School Department's website](#).

SBAC COMMITTEE CORRESPONDENCE

In an effort to provide the community with full access to discussions pertaining to the work of the SBAC, the following link provides documentation of all emails addressed to the School Building Advisory Committee at cesbac@capeelizabetschools.org, committee responses, and correspondence between committee members.

As approved by the Town Council on 1/9/2023 and approved by the School Board on 1/10/23.

COMMITTEE CREATED: There is hereby created a School Building Advisory Committee (SBAC) to consist of nine members. The Committee shall be a joint ad hoc advisory committee of the School Board and Town Council, assisting them in their respective responsibilities for development of a school building project and funding which meets the Department of Education guidelines for major capital school construction projects and submit to the Town voters.

COMMITTEE CHARGE: The Committee shall work with professionals to assess the previous school building referendum proposal and to advise the School Board and the Town Council on a Building Plan and funding to address our school building needs. The work should develop the project concept sufficiently to propose the general project(s) solution and estimate the cost for referendum purposes. This work will include but is not limited to the following:

- 1) Recommending a budget for this committee's work to the Town Manager;
- 2) Recommending a project plan and scope to address the school building needs to the School Board and Town Council;
- 3) Recommending a target referendum dollar range to the Town Council and School Board;
- 4) Conducting public outreach and engagement; and
- 5) Recommending a target referendum date and timeline for deliverables to meet that deadline, and report deliverable timeline back to the school board and town council.

The Committee shall consult with both bodies regarding its work and recommendations. Final approval of any Building Plan, and of building design and construction decisions, including award of project contracts, shall be by the School Board and final approval of any referendum amount, and bond sale matters and other bond-related financial decisions shall be by Town Council. Further, approval of construction funding is subject to a referendum vote of the citizens of Cape Elizabeth.

SCOPE OF WORK: The Committee shall:

Issue a Request for Qualifications (RFQ) for a third-party owner's representative (Owner's Rep) for the Project, including the activities of this Committee, interview interested firms, and make a recommendation for selection of the Owner's Rep.

Recommend the design team based on assessment of completed work for all three schools.

Develop a range of options for the Building Plan, including analysis of the financial impact and benefit of each Building Plan option.

Seek public input throughout the process, and educate and inform the public throughout the process.

Engage a consultant to create and conduct a community survey(s).

Explore funding options and alternative funding sources.

With feedback from the Town financial team and community, make a Building Plan recommendation for selection, further development, and referendum submission.

VOTING MEMBERS: The Committee shall have co-chairs, with one chairperson being a School Board member and one being a Town Council member. Two members, including the co-chair, will be from the membership of the Cape Elizabeth School Board and shall be appointed by the School Board Chair. Two members, including the co-chair, will be from among the membership of the Cape Elizabeth Town Council and shall be appointed by the Town Council.

Five public members shall be recommended by a joint appointments committee consisting of three members of the Town Council Appointments Committee and three members of the School Board, selected by the School Board Chair, with appointment confirmation votes by the School Board and Town Council affirming.

NON-VOTING MEMBERS AND ADVISERS: The Superintendent of Schools and the Town Manager shall be non-voting ex-officio members and shall serve as the staff liaisons to the Committee. The Facilities Manager, the school Business Manager, and town Finance Director shall be invited to participate in Committee meetings to serve as a non-voting staff resource.

The Owner's Rep will participate in meetings in a non-voting capacity.

The Superintendent of Schools shall be invited to designate school staff members as needed to advise the Committee on opportunities and issues arising from the current school facilities and how to address those issues with any future building design.

The Town Manager shall be invited to designate finance staff and the Town's financial advisor as needed to advise the Committee on funding sources and debt structure, financial costs and impacts, and mitigation of budgetary impacts.

The Architectural Design Team will also be invited to meetings as warranted to update the Committee.

The Committee shall also establish subcommittees as deemed necessary to advise the Committee such as but not limited to school design, finance, and communication.

Other third-party consultants such as Financial Advisors, Survey Firms and Communications Specialists may be engaged to advise and assist the Committee as required.

PUBLIC INPUT AND OUTREACH: The Committee shall seek public engagement and input in its deliberations through a multi-channel public outreach campaign, which may include websites, social media, e-mail, public signage, notices in the newspaper and direct mail. All public correspondence relevant to the SBAC received by the Committee, Town Council and School Board will be made available to the public via the town website.

COMMITTEE BUDGET: The Town Manager, in consultation with the Superintendent, is responsible for the Committee budget for Town Council approval, and to manage the approved Committee budget. This budget includes estimated costs of the Committee through referendum, including the estimated costs for the Owner's Rep, the Design Team, and the Committee's consultants. The costs of the School Committee's proposed contracts with the Owner's Rep and Design Team payable under this budget, as well as the costs of the Committee's contracts with other consultants for its activities, must be submitted to the Town Manager for budgetary control approval.

COMMITTEE REPORTS: The Committee chairs will regularly update the School Board and Town Council on the progress of the Committee.

DEFINITIONS:

Building Plan - Proposal(s) to address educational and physical building needs at Pond Cove Elementary, Cape Elizabeth Middle School, and Cape Elizabeth High School, including, but not limited to new construction, addition, and or renovation of existing buildings.

Design Team - Architectural and Engineering Firm(s)

Owner's Rep(resentative) - The individual or firm tasked with representing the interests of the owner (Town of Cape Elizabeth) throughout the duration of the project and reporting to, as applicable, the committee, the Superintendent of Schools and/or Town Manager.

Consultants - Third party professionals engaged to advise and assist the committee.

EMAIL SCHOOL BUILDING ADVISORY COMMITTEE

School Building Advisory Committee

(Effective February 13, 2023)

David Andrews

Corinne Bell

Patrick Cotter

Michael Hussey

Larry Benoit

Penny Jordan, Co-
Chair

Town Council

Caitlin Sweet

School Board

Timothy Thompson

Town Council

Cindy Voltz, Co-Chair

School Board

COMMITTEE MEETINGS & CORRESPONDENCE

Terms of Service/Privacy Policy

Town of Cape Elizabeth
320 Ocean House Road
Cape Elizabeth, ME 04107
Phone: 207-799-0881
Fax: 207-799-7141
Monday 7:30 am - 5:00 pm
Tuesday-Thursday 7:30 am - 4:30 pm
Closed Fridays



KDA - PUBLIC INFORMATION PROGRAM

Public support for the schools depends upon informed public opinion. The Cape Elizabeth School Department will strive to maintain effective communications with the public in order to convey accurate information about the goals, programs, needs, and accomplishments of the schools and to provide ways for citizens to express their opinions and expectations.

The Superintendent shall be responsible for establishing and maintaining a public communications program that will provide for the dissemination of school unit reports and plans, information concerning student achievement, relevant statistics, noteworthy facts, issues affecting education, use of school facilities, news of the schools, school events, and student and staff accomplishments.

The Board encourages the Superintendent and school unit employees to whom communication responsibilities have been delegated to use a variety of methods for providing information to the public, such as the school system's website, letters, newsletters, publications, news releases, news media coverage of Board meetings and school-related events, meetings, and personal contacts.

All communications with the public shall appropriately respect the confidentiality of students and staff.

The building principal and/or program directors will be responsible for program and other routine school announcements to parents and students. The Superintendent shall be responsible for establishing guidelines for communications with the media and to the public. Such guidelines shall address confidentiality as well as authority to approve and/or release communications, content, and contact with media representatives.

Community opinion may be solicited through parent organizations, parent-teacher conferences, open houses, and other events or activities that bring staff, parents, and community members together. The Board and/or Superintendent may develop and disseminate surveys and questionnaires to obtain information and to allow parents and citizens served by the school unit to express their opinions.

Legal Reference:

- 20 USC §§ 6311, 6314-6316, 6319

- Ch. 125 § 4.04 (Me. Dept. of Ed. Rule)

Cross Reference:

- [BHC - Board Relationships and Communication with Staff](#)
- [JRA – Student Education Records and Information](#)

Adopted:

- May 14, 2024

MAINE ETHICS COMMISSION

IN RE: Cape Elizabeth School Department – Ballot Question Committee Complaint

BRIEF IN SUPPORT OF ENFORCEMENT ACTION

Submitted to: Maine Ethics Commission

Submitted by Robert L. Benoit and Mary Ann Lynch

Date: June 20, 2025

I. INTRODUCTION

This brief is submitted in support of the complaint alleging that the Cape Elizabeth School Department (CESD) and Superintendent failed to comply with the registration and disclosure requirements of Maine’s Ballot Question Committee (BQC) law under 21-A M.R.S. §§ 1001(1) & 1056-B. The record before the Commission—both documentary and testimonial—establishes that:

1. The CESD is a “person” under the plain meaning of the statute.
2. Its advertising crossed from “education” into advocacy.
3. Its expenditures exceeded the \$5,000 jurisdictional threshold when all components—including production, design, and QR-linked content—are considered.
4. As a public entity promoting its own ballot initiative, CESD has a heightened duty to operate with transparency and accountability.

We urge the Commission to follow its prior precedent and the plain meaning of Maine law by requiring CESD to register and disclose the sources of funding and expenditures as a ballot question committee.

II. CESD IS A “PERSON” UNDER MAINE LAW

A. Legal Standard

The law applies to a “person.” 21-A MRS 1152. A “person” includes a “corporation.” Section 1001(3). Cape Elizabeth has been formed as a municipal “corporation.” In a 2009 decision of this commission, the Commission concluded that the City of South Portland was a “person” under the definition of Section 1001(3). The 2014 DIFW decision is not on point, as it was an agency of the state and nowhere is there a suggestion that the law applies to the state. The 2009 South Portland decision is the Commission’s only on-point precedent of which we are aware.

Today, the Staff suggests that there needs to be clear direction from the Legislature on the Commission's previous decision. We strongly disagree. The plain language could not be clearer: the law applies to a "person," and a person includes a "corporation." Cape Elizabeth is a corporation, and thus falls within the plain meaning of the language of the statute. No further clarification is needed; the Legislature has spoken clearly. This is the plain meaning, and to ignore the plain meaning of the language is to ignore the law.

Had the Legislature disagreed with the 2009 Commission decision, it could have acted to change the law, and if the staff had "discomfort" over this Commission's 2009 ruling, surely it would have recommended that the Commission seek clarification from the Legislature.

C. The South Portland Decision Is Precedent that the Commission should respect.

It has been suggested that the 2009 South Portland ruling carries less weight because the city ultimately spent less than \$5,000. That argument mischaracterizes the decision. The finding that South Portland was a "person" was a necessary legal conclusion. The Legislature has had more than a decade to amend the statute in response and has not done so, implying legislative acquiescence.

Precedent is valuable in promoting consistency and predictability in the law, and in ensuring the parties in similar cases will be treated similarly. The complainants relied on Commission precedent as a foundational basis to request an investigation of the Cape Elizabeth School Department for possible violation of Maine campaign finance law. To ignore precedent is to become a government of men, not laws, and will lead to unfairness and inequities in the administration of the state election laws. A reversal would undermine public trust and confidence in the reliability and consistency of the Commission's rulings in the future.

III. THE SCHOOL DEPARTMENT'S COMMUNICATIONS CROSSED INTO ADVOCACY

A. Factual Background

The Commission's staff was apparently persuaded by comments from Superintendent Record that described the informative role of the SBAC. Those comments were, at best, misleading, however, and fail to place the issue in its appropriate context.

The SBAC, of which Mr. Benoit was an active member, did interact with the town citizenry as intended and developed a less expensive plan to address the deficiencies in the existing school buildings. The SBAC determined that a new middle school was not needed. After it issued its recommendation in 2024, however, the SBAC was summarily disbanded, its recommendation was ignored, and the Superintendent and School Board instead put forth a supposed “Middle Ground” design that was little different from the proposal rejected by the voters in the first of the three referenda. In particular, the so-called Middle Ground design included the construction of a new middle school. Accordingly, it would be misleading and incorrect to view the advertisements published by the School Department after it disbanded the SBAC as furthering the purpose of that advisory committee.

B. Applicable Law

A ballot question committee must register when it spends more than \$5,000 to influence a ballot measure. The Commission has previously advised that this includes activity before a question is officially on the ballot.

The leading decision on the distinction between public advertisements that are permissible as “informational” or impermissible as “advocacy” noted that “in a number of instances publicly financed brochures or newspaper advertisements which have purported to contain only relevant factual information, and which have refrained from exhorting voters to ‘Vote Yes,’ have nevertheless been found to constitute improper campaign literature. In such cases, the determination of the propriety or impropriety of the expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication; no hard and fast rule governs every case.” *Stanson v. Mott*, 17 Cal. 3d 206, 222; 551 P.2d 1, 12; 130 Cal. Rptr. 697, 708 (Calif. 1976) (citations and footnote omitted).

B. The School Department Advertisements Were Impermissible Advocacy, Not Permissible Information.

Here, the style, tenor and timing of each of the School Department taxpayer-funded advertisements exceeded mere factual information and instead advocated only for construction of a new middle school, the so-called “Middle Ground” concept. As examples:

- Aug 7-20, 2024: “How does the “the Middle Ground” concept address the barriers to education?” [ETH-5] This advertisement presents a one-sided promotion of the School Department’s proposal (without mention or contrast describing the SBAC recommendation).

- Aug 21- Sep 4, 2024: “Why the “Middle Ground” school design **matters** to students, teachers, families ... & and hopefully you too.” Another one-sided promotion for a new middle school, without consideration of alternatives. The ad selectively quotes from “a recent survey” unnamed “parent/guardian” respondents that favor building a “new school.” [ETH-6]
- Sep 4-17, 2024: Noting that “an \$89.9M school solution ... will be on the November 5th referendum,” the “Middle Ground” school design is the only purported answer to the question “how do we address [alleged problems facing our schools] in order to invest in our future.” [ETH-7]
- Sep 18-Oct 1, 2024: Arguing that the “Middle Ground” school is a “comprehensive approach to safety & security” that “allows our students & teachers to focus on the joy of learning,” the School Department again advocates for its chosen design, without presenting any alternative options. [ETH-8]
- Oct 2-22, 2024: In the runup to the 2024 referendum, the School Department baldly presents “3 REASONS WHY NOW IS THE TIME” for a new middle school—plain argument—again without describing any alternatives. Such tax-payer funded advertisements illustrate what constitutes improper advocacy, rather than permissible information [ETH-9]
- Feb 5-18, 2025: “Why a new middle school” asks this School Department advertisement. Again, this is plain argument: opinions, not facts. [ETH-10]
- March 26-April 8, 2025: This School Department advertisement promotes a new middle school by touting a plan “developed by licensed architects and engineers” who were being paid by the School Department (to develop these ads, among other things), again without mentioning the alternative solutions to the alleged deficiencies in the existing schools. [ETH-11]
- April 9-22, 2025: “Why do we need a new middle school?” begins this School Department advertisement, again presenting argument and opinion rather than facts in the runup to the June referendum. Although expressing an opinion is not improper per se, using tax-payer funds to try to influence an election is. [ETH-12]
- April 21-May 6, 2025: This advertisement does not even try to disguise its advocacy purpose: “IT’S TIME FOR AN INVESTMENT IN CAPE ELIZABETH SCHOOLS,” it begins, noting “Critically Needed School Construction Project on the June 10th Ballot.” The style, tenor and timing of this publication is obviously argumentative: the School

Department characterizes its approach as “the best plan” without any reference to the less costly alternatives. [ETH-13]

- May 7-20, 2025: If it is not advocacy to present “TOP 10 REASONS A NEW MIDDLE SCHOOL IS CRITICALLY NEEDED,” it is hard to imagine what would qualify as advocacy. [ETH-14]
- In ads during 2025 QR codes linked to the CESD website which noted Election Day was June 10th and that the School Board encouraged a “Yes” vote.

In summary, the tax-payer funded advertisements were impermissible advocacy because they presented and promoted only a single approach, that favored by the School Department (and its paid consultants, who stand to profit significantly from the construction of a new middle school), to addressing needs in the Cape Elizabeth schools. The SBAC had developed an alternative proposal for addressing the same issues, but the School Department ignored and suppressed the SBAC’s findings.

The Commission staff asks: “For example, if the SBAC and the superintendent believe it’s factually correct that the current school buildings are unsafe or not suitable for modern educational needs, is it reasonable to expect they wouldn’t convey this information to the public?” That misses the point. The question is not whether there are problems that need to be addressed; instead, the question is whether the School Department could use tax-payer money to advocate for its preferred solution to those problems when other options were also available. As a consequence, the School Department spent tax dollars to influence the result of two referendums over a new middle school that will significantly increase taxes for the residents of Cape Elizabeth.

C. Unequal Application of Standards

CapeVotersBQCII was advised that its pre-ballot question advocacy triggers registration, even when it did not mention an election date, nor did it contain an exhortation to vote “No.” CESD should be held to the same standard as that applied to Cape Voters.

IV. SPENDING LIKELY EXCEEDED THE \$5,000 THRESHOLD

The school department acknowledges spending at least \$4,940 on advertising. That figure only applied to the cost of placing the ads in a local newspaper. That figure omits:

- Professional services for design, production, and consulting, as well as their own staff time.

- Recent and upcoming ads
- Digital content (website, social media) costs

Despite being presented with contractual evidence that Harriman Architects was being paid \$30,000 for communications, including leaflets, flyers and advertising, Staff made no effort to obtain itemized costs for these activities. Without any basis, staff suggested a couple of hundred dollars for ad preparation. Mr. Benoit described his four decade long career in political advertising, and in particular, that given his knowledge and experience, staff grossly ignored or understated the production costs of these ads.

Using the staff's own analysis, which was incomplete and greatly understates the true cost of advertising intended to influence the referendum election(s) in support of the school bonds, Mr. Benoit showed that expenditures of public funds amounted to \$5,260.80 (statement submitted for the Commission's hearing 5/28/25 – Exhibit 1).

In totality, these activities exceed the \$5,000 jurisdictional threshold. This case should be remanded to the Commission to request full and itemized details for the cost of production for each advertisement, flyer, and other marketing material, web site design and maintenance.

V. PUBLIC BODIES ARE NOT EXEMPT FROM CAMPAIGN DISCLOSURE LAWS

A. Public Duty Does Not Immunize Advocacy

It has been suggested that CESD's communications should be presumed educational, as if calling the ads "educational and informative," shields them from election law disclosure.

The principal of government speech should not be used as justification to exempt local governments from state campaign finance laws, while citizens are required to comply with those laws. CESD proposed and promoted its own project with taxpayer dollars, creating a greater need for disclosure and accountability.

The primary intent of Maine's campaign finance law is to ensure transparency, accountability and fairness in elections, while also addressing potential corruption and undue influence in the political process. We find no evidence that the Legislature intended to hold citizens to higher standards of accountability and transparency than local governments.

B. Local Projects Warrant Greater, Not Lesser, Scrutiny

It has also been suggested that CESD's activity is different from South Portland because it concerns a local initiative. In fact, this makes registration more critical, not less—because the proponent is a biased beneficiary.

Also, in some municipalities local referendum elections can be initiated by citizen petitions. For example, the Town of Cape Elizabeth Charter provides for citizen petitions to propose and submit changes in ordinances for a referendum vote. The town government could ironically and paradoxically expend public funds to oppose citizen-initiated ballot questions without any regulation of campaign finances while the citizens are required to register and file reports for receipts and expenditures.

VI. CONCLUSION

Maine's campaign finance law requires disclosure, transparency, and accountability, especially when public resources are used to influence an election.

The Cape Elizabeth School Department:

- Meets the legal definition of a "person";
- Engaged in advocacy;
- Likely exceeded the spending threshold;
- Should be held to the same standard as any other actor using paid advertising to influence an election.

We respectfully request that the Commission:

1. Find that CESD qualifies as a person and can be regulated as a ballot question committee;
2. Find that the advertisement included impermissible advocacy using taxpayer funds;
3. Require the staff to do a detailed analysis for the full and true cost of the advertising at issue;
4. Depending upon the outcome of the analysis, require the School Department to register and make a full disclosure; and
5. Provide guidance to ensure equal application of the law going forward.

Statement by Robert L. Benoit, May 28, 2025,
Before the Commission on Governmental Ethics and Election Practices

The commission staff “identified with italicized comments the ads which some readers might see as more likely to influence voters.” Billing documents show each of these advertisements in the Cape Elizabeth Courier cost \$1015.20 and the staff estimated design services provided by Harriman was \$300 per advertisement. Accordingly, the sum of these expenditures, which would be counted for the purposes of the \$5,000 threshold, is \$5,260 as follows:

Date	Publication	Ad Cost	Fees	Total Cost
9/4/24	Cape Courier	\$1015.20	\$300	\$1315.20
10/2/24	Cape Courier	\$1015.20	\$300	\$1315.20
4/23/25	Cape Courier	\$1015.20	\$300	\$1315.20
5/7/25	Cape Courier	\$1015.20	\$300	\$1315.20
Grand Total				\$5,260.80

Additionally, we believe that all advertisements published after the Town Council voted (August 19, 2024) to place the middle school bond on the Nov. 5, 2024, referendum ballot are on their face intended to influence an election in support of the referendum question.

Via email (Jonathan.Wayne@maine.gov)

June 20, 2025

William Schneider, Chair
Maine Commission on Governmental Ethics
And Elections Practices
135 State House Station
Augusta, Maine 04333-0135

RE: Lynch/Benoit Complaint/Cape Elizabeth School
Department

Dear Chairman Schneider,

I represent the Cape Elizabeth School Department (the “Department”) and submit this letter in response to the Commission’s May 29, 2025, Invitation to Comment.

Based on the below-described legal points and public policy considerations, the Department takes the position that a school administrative unit, like the Department, is not a “person” under Maine’s campaign finance laws¹ and, therefore, is not subject to the ballot question committee filing and reporting requirements of 21-A M.R.S. § 1052 *et seq.* that are the subject of the Complaint in this matter.

1. The 21-A M.R.S § 1001(3) definition of “person” does not include a school administrative unit

Title 21-A M.R.S. § 1001(3) defines “person” as “an individual, committee, firm, partnership, corporation, association or organization.” Because this definition does not explicitly apply to school administrative units, the Commission should decline to interpret the statute to apply to the Department.

Although the Commission has never reached the specific question of whether a school administrative unit is a “person” under Section 1001(3), it has addressed related questions of whether the definition of “person” applies to municipality or a State agency. As discussed below, neither of these prior Commission determinations is controlling here, especially where the applicability of Section 1001(3) was not the basis for the Commission’s ultimate determination in either instance.

In 2009, the Commission voted 3 to 1 that a municipality is a “person” under Section 1001(3) where the City of South Portland included flyers with tax bills stating the City’s opposition to

¹ While the Invitation to Comment specifically references the question of whether a municipality is a “person” under 21-A M.R.S. § 1001(3), as discussed below, a school administrative unit, like the Department, is distinct from a municipality, although both are governmental entities.

two ballot questions. Although a majority of the Commission voted in favor of an interpretation that a municipality is a “person” subject to ballot question committee requirements, that determination was not dispositive of the question before it because the Commission voted unanimously not to investigate further because the spending threshold was not met.

Five years later, in 2014, in a matter involving the Maine Department of Inland Fisheries and Wildlife providing staff time to make statements opposing a referendum question to ban bear baiting (and whether the Maine Wildlife Conservation Council needed to report that time as an in-kind contribution), the Commission voted 3 to 1 not to investigate the matter further. Commissioners offered different perspectives, but at least two of the four commissioners at the time expressed a view that because “person” was not defined to explicitly include the State or a State agency, either the definition did not apply to it, or the legislature, and not the Commission, should make that determination.

The Maine Legislature has not clarified, and Maine courts have not reached the specific issue of, whether Section 1001(3) includes school administrative units. Because school administrative units are considered distinct agents of the state, and because it is well-established that a statute should not be interpreted to apply to a governmental entity unless explicitly so stated therein, the Commission should decline to interpret Section 1001(3) to include school administrative units.

In *Pickering v. Town of Sedgwick et al*, 628 A.2d 149,150-151 (Me. 1993), a case involving a teacher that sued the town following refusal to offer a teacher contract, in determining that the claim could not be brought against the town, the Law Court determined that “statutorily authorized forms of school administrative units are distinct legal entities,” are agents of the state, and are legally distinguishable from municipalities. *See also Shaw v. Small*, 124 Me. 36, 125 A. 496, 499 (1924)(“the [school] committee acts as a public board. It in no sense represents the town. Its members are chosen by voters of the town, but after election they are public officers deriving their authority from the law and responsible to the state for the good faith and rectitude of their acts.”).

Additionally, it is well-settled law in Maine that governmental entities, including the State, State agencies, and municipalities, are not bound by a statute unless expressly named therein. *See Dep’t of Corrections v. Public Utilities Com’n*, 968 A.2d 1047, 105-1051 (collecting cases on this point and holding that the Department of Corrections was not subject to the jurisdiction of the Public Utilities Commission because it was not specifically included in the definition of “person”). Indeed, in *Chase v. Town of Litchfield*, the case mentioned during the last Commission meeting, the Law Court determined that the term “corporation” in the wrongful death statute could not be presumed to include municipalities “in the absence of express language.” 182 A. 921, 925 (Me. 1936).

The Commission should apply this well-established caselaw in this context to decline to interpret Section 1001(3) to include school units where the statute does not explicitly include them.

2. Public policy favors interpreting Section 1001(3) to exclude school administrative units

In addition to the above-described legal principles, public policy considerations weigh in favor of interpreting Section 1001(3) to exclude school administrative units.

The primary purpose of campaign finance laws is to provide the public with information regarding the source and funding of political messaging intended to influence a campaign. The concerns that exist when private citizens or corporations engage in electioneering, and the corresponding requirements of public registrations and filings, do not exist in the context of governmental entities, including school units, for at least two reasons: (1) school departments have a statutory obligation to provide information to the public, including to provide the department's position regarding ballot initiatives and school construction projects; and (2) school departments are already subject to public disclosure requirements related to the school department's budget and financial records, including expenditures.

As discussed during the Commission's last meeting, pursuant to Maine's Education Law, all school boards in Maine are statutorily obligated to "regularly communicate with . . . members of the public who reside within the boundaries of the school administrative unit." 20-A M.R.S. § 1001(21). Maine's Education Law further requires that "[a] plan for a school construction project voted for by a school administrative unit shall be approved by the school board." 20-A M.R.S. § 15902(2). Additionally, where a ballot question requests an appropriation, or will affect the school budget, it is required that a recommendation of the school board "be printed [on the ballot] in addition to those of the municipal officers and the budget committee, if any." 30-A M.R.S.A. § 2528(5)(B)(2). In 2004, Maine Attorney General Rowe issued an opinion referencing that statutory provision and stating that it is appropriate for municipal and school officials to comment on and disseminate information about referenda with budgetary impacts. Op. Me. Att'y Gen. (September 10, 2004). Because it is an obligation of a school department to communicate with the public, to approve school construction projects that will be put to the voters, and to comment on and disseminate information about referenda with budgetary impacts, such activities should not be subject to campaign finance oversight because they are distinct from electioneering and because they necessarily include information regarding the source of the information.

Additionally, as Superintendent Record discussed during the Commission's May meeting, the Department routinely provides budgetary and financial information, including information regarding expenditures, to the School Board and the public. Indeed, Maine's Education Law requires that a superintendent keep all financial records and accounts, 20-A M.R.S. § 1055(1)(C), and at least annually provide an accurate account of school finances to the School Board, 20-A M.R.S. § 1055(3). Unlike individuals and corporations, as a governmental entity, the Department is subject to Maine's Freedom of Access Act. 1 M.R.S. § 400 et seq. As such, the Department is already subject to financial and other disclosure requirements that meet the public interest in transparency.

Requiring school units to register and file with the Commission would not advance the public policy goals behind Maine's campaign finance laws. Because school units are statutorily required to disseminate information to the public, and to opine on issues like the school

construction project at issue in this matter, they are not engaging in electioneering but meeting their statutory obligations. Additionally, as governmental entities, school units have both affirmative reporting and other transparency mechanisms, like FOAA requests, that are simply absent in the case of corporations and private individuals. To determine that a school unit is a “person” subject to campaign finance laws would be burdensome and duplicative and would not advance election law policy goals.

For these reasons, the Department respectfully asks that the Commission accept the recommendation of Commission Staff and determine that Section 1001(3) does not apply to school administrative units.²

Sincerely,

/s/ *Adrianne E. Fouts*

Adrianne E. Fouts

² If the Commission does determine that Section 1001(3) applies to the Department, the Department requests that the Commission determine that it has not engaged in efforts to influence a campaign, but, rather, engaged in public outreach and informational efforts pursuant to its statutory obligations. Additionally, if the Commission determines that the Department did engage in attempts to influence a campaign, the Department requests that the Commission determine that the evidence does not establish that the Department spent more than \$5,000 to influence either the November 2024 referendum or the June 2025 referendum, especially because the expenditures relate to materials that were used for multiple purposes, including public forums and meetings.

M E M O R A N D U M

TO: COMMISSIONERS, COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES (“COMMISSION”)

FROM: JONATHAN BOLTON, AAG

SUBJECT: STATUS OF MUNICIPAL ENTITIES UNDER MAINE CAMPAIGN
FINANCE LAWS

DATE: JULY 14, 2025

CC: JONATHAN WAYNE, EXECUTIVE DIRECTOR

At the May 28, 2025 meeting, you requested a memo from me analyzing whether a municipal entity can be considered a ballot question committee (BQC) and thereby become subject to reporting and disclosure requirements for efforts to influence a referendum election. You further asked for analysis on whether potential campaign finance reporting obligations on municipalities are different if a municipal entity is seeking to influence a referendum proposed by the municipal entity itself, as opposed to a statewide ballot question.

After reviewing the relevant legal authorities and the helpful submissions of the Cape Elizabeth School Department (“Department”) and complainants Robert L. Benoit and Mary Ann Lynch, I offer my thoughts and analysis below. This memo reflects my own legal analysis as counsel to the Commission. It is not an opinion of the Attorney General under 5 M.R.S.A. § 195.

I ultimately conclude that, while the statutory framework could be reasonably interpreted either way, the better interpretation is that municipal entities cannot be required to register as ballot question committees (BQCs) because they are not “persons” within the meaning of Maine’s campaign finance laws.

BACKGROUND

The need for this memo arose in the context of the Commission’s consideration of a complaint against the Department, a “school administrative unit,” *see* 20-A M.R.S.A. § 1(26), for not registering as a ballot question committee. As recounted in Director Wayne’s memo of May 22, 2025, the complainants allege that the Department spent more than \$5,000 to influence a school construction referendum

in Cape Elizabeth and therefore should have registered with the Commission as a ballot question committee and filed reports disclosing those expenditures. The Commission took testimony and evidence at its May 28th meeting, but reserved judgment so it could further consider the threshold legal question of whether the Department, as a governmental entity, could ever qualify as a ballot question committee.

LEGAL AUTHORITIES

In order to assist the Commission in reaching a decision in this matter, this section outlines the factors that should be considered in reaching the best interpretation of the statutory framework. I have attempted to cover all relevant factors, regardless of whether they support my ultimate opinion that governmental entities cannot be required to register as BQCs.

STATUTORY TEXT

Any interpretation of a statute must begin with its text.

The statutory definition of *ballot question committee* contains the criteria for who must register with the Commission as a BQC. The law defines *ballot question committee* in relevant part as

a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. . . .

21-A M.R.S.A. § 1052(2-A) (emphasis added). Thus, if the Department is not a “person,” it was not required to register as a BQC, even if it exceeded the threshold amount of financial activity to influence the referendum.

Person is a statutorily defined term:

“Person” means an individual, committee, firm, partnership, corporation, association or organization.

21-A M.R.S.A. § 1001(3). This definition expressly applies to all uses of *person* in Maine’s campaign-finance laws (i.e. Title 21-A, Chapter 13) “unless the context otherwise indicates.” *Id.* § 1001.

There appear to be only two possibilities for how a school administrative district might qualify as a *person* under this definition: either as a “corporation” or as an “organization.” None of the other terms even arguably fit.

Neither the campaign-finance laws nor the election laws more generally define “corporation” or “organization.” When a statute contains undefined terms, those terms “must be given their plain and natural meaning and should be construed according to their natural import in common and approved usage.” *Searle v. Town of Bucksport*, 2010 ME 89, ¶ 8, 3 A.3d 390. In determining the plain and natural

meaning of undefined terms, courts sometimes find it helpful to consult legal or general-purpose dictionaries. *See, e.g., State Tax Assessor v. MCI Commc'ns Servs., Inc.*, 2017 ME 119, ¶ 14, 164 A.3d 952.

Black's Law Dictionary defines “corporation” as follows:

An entity (usu. a business) having authority under law to act as a single person distinct from the shareholders who own it and having rights to issue stock and exist indefinitely; a group or succession of persons established in accordance with legal rules into a legal or juristic person that has a legal personality distinct from the natural persons who make it up, exists indefinitely apart from them, and has the legal powers that its constitution gives it.

“Corporation,” *Black's Law Dictionary* (12th ed. 2024).

In contrast to *Black's*, *Webster's*, a general-purpose dictionary, specifically mentions municipal governments in its definition of *corporation*:

1. a: a group of merchants or traders united in a trade guild (see guild sense 1)

b: the municipal authorities of a town or city

2: a body formed and authorized by law to act as a single person although constituted by one or more persons and legally endowed with various rights and duties including the capacity of succession

3: an association of employers and employees in a basic industry or of members of a profession organized as an organ of political representation in a corporative state.

“Corporation,” *Merriam-Webster Dictionary*, at <https://www.merriam-webster.com/dictionary/corporation> (emphasis added).

Black's also contains several definitions of *organization*, the relevant one of which states:

A group that has formed for a particular purpose <the World Trade Organization>. — Also termed society.

“Organization,” *Black's Law Dictionary* (12th ed. 2024).

Webster's defines (and provides contextual examples of) *organization* in relevant part as follows:

2. a: association, society

charitable organizations

b: an administrative and functional structure (such as a business or a political party)

The new president plans to make changes to the company's organization.

“Organization,” *Merriam-Webster Dictionary*, at <https://www.merriam-webster.com/dictionary/organization>.

Webster’s supports the notion that a municipality is a corporation. (Note, however, that the Department is technically not a “municipality,” as it points out in its brief.) *Black’s* definition, in contrast, seems neutral or may even cut slightly against considering a municipality to be within the meaning of *corporation*. With regard to *organization*, *Black’s* definition is broad, but its phrasing—“a group that has formed”—may be at least in tension with the concept of a political subdivision in that the definition connotes that it is the members of the “group” who do the “form[ing],” where political subdivisions are formed by an external entity—the State. *Webster’s* definition, however, is plainly broad: a municipal entity could clearly be described as “an administrative and functional structure.”

Overall, dictionary definitions suggest that “corporation” and “organization” are broad terms. Those definitions, while not dispositive, generally seem to cut in favor of recognizing political subdivisions as “persons.”

LEGISLATIVE HISTORY

In contrast, relevant legislative history (described at further length at ETH 152–154 of Director Wayne’s May 22, 2025 memo) suggests that the Legislature that enacted the definition of *person* now codified as amended at 21-A M.R.S.A. § 1001(3) did *not* understand that definition to include public entities.

Until 1976, the only applicable statutory guidance on the meaning of *person* was a general provision applicable to all Maine statutes stating that “person’ may include a body corporate.” See 1 M.R.S.A. § 72(15). In a 1976 recodification of the campaign finance laws, the Legislature enacted the first definition of *person* specific to campaign-finance laws. See [P.L. 1975, ch. 759](#). It provided that a *person* was “an individual, committee, firm, partnership, corporation, association or any other group or organization of persons.” *Id.* at § 1 (codified until repealed as 21 M.R.S.A. § 1392(5)). Except for “or any other group or organization of persons” (which was replaced with “or organization” in the 1985 recodification of election laws that created Title 21-A), the 1976 definition exactly tracks the current definition of *person* in 21-A M.R.S.A. § 1001(3).

The 1976 rewrite of the campaign-finance laws also incorporated, in altered form, a 1973 law that required those seeking to influence statewide referenda to file reports. As originally enacted, that 1973 law applied to “any person, corporation,

public or private utility, association, governmental agency or political committee.”
[P.L. 1973, ch. 591.](#)

The 1976 law’s amendments to the 1973 law’s list of covered entities is illuminating given the 1976’s law’s simultaneous adoption of an expansive definition of *person*. Shown in blackline, the 1976 law changed the 1973 list of who must file reports as follows:

[a]ny person, ~~corporation, public or private utility, association, or~~ governmental agency ~~or political committee~~

P.L. 1975, ch. 759, § 1 (blacklined against P.L. 1973, ch. 591). “Corporation,” “association,” and “committee” expressly appeared in the new definition of *person*. Thus, the most straightforward explanation of these deletions is that the Legislature intended no substantive change in the law, but was instead making a technical change to remove wording that it deemed to have become duplicative in light of the new definition of *person*. If that supposition is correct, the 107th Legislature’s decision to leave “public utility” and “governmental agency” in the revised statute indicates that it did not consider those entities to be “persons” under the statutory definition it created. Moreover, because public utilities and governmental agencies have little in common beyond their public character, the interpretive distinction employed by the Legislature appears to turn simply on whether the entity is public or private, and not on more specific factors, such as organizational structure or whether the entity is state or local.

The Legislature recodified Title 21 in 1985, creating the current Title 21-A. See [P.L. 1985, ch. 161](#). In so doing, it removed the reporting requirements for “governmental agencies” and “public utilities” while only slightly modifying the definition of *person*, replacing “or any other group or organization of persons” with “or organization.”

While the above analysis cuts in favor of the Department’s position, a few caveats are appropriate: First, it is possible that the Legislature left “governmental agency” in the reporting statute because it believed only that *state* agencies were excluded from the definition of *person*. (This view, however, does not account for the Legislature’s decision to also leave “public utilities” in the statute, nor is it consistent with the caselaw described below, which did not draw such a distinction in 1976). Second, it is possible that the Legislature may have thought that at least some public entities were in fact covered by the definition of *person* but simply wanted to erase any doubt in the operative reporting provision. And, third, it is possible that in the context of a massive statutory reorganization in 1985, the Legislature did not realize that its various changes could be construed to alter the pre-1985 reporting requirements for governmental agencies. In other words, the removal of governmental entity reporting requirements could have been accidental.

Overall, however, the legislative history seems to cut in favor of the view that *person* was not understood at the time of enactment to cover municipal entities.

To the extent courts have interpreted the provisions at issue or other statutes with similar provisions, those decisions should be taken into consideration in interpreting the disputed statute.

I am aware of only one case directly interpreting 21-A M.R.S.A. § 1001(3). The Superior Court recently interpreted it to reach the unremarkable (and apparently uncontested) conclusion that an LLC subject to investigation by the Commission was a “person” because it was an “organization.” See *Clean Energy for ME LLC v. Maine Com’n on Governmental Ethics and Election Practices*, No. AP-20-14, 2020 WL 9256598, at *2 (Me.Super. Dec. 22, 2020).

More usefully, the Supreme Judicial Court has considered the general question of whether a statute’s use of the term *corporation* covers a municipality. In *Chase v. Inhabitants of Town of Litchfield*, 134 Me. 122 (1936), the Court considered whether the municipality of Litchfield could be held liable for the death of a motorist due to alleged negligence in maintaining a town road. Under Maine’s wrongful death statute in effect at the time, the decedent’s estate was authorized to sue “*the person who, or the corporation which*, would have been liable, if death had not ensued.” *Id.* (quoting R.S. 1930, ch. 101, § 9) (emphasis added).

The Court concluded that Litchfield was neither a “person” nor a “corporation” within the meaning of the statute. It reasoned that where the statute used both *person* and *corporation*, a corporate body like a municipality could only fall within the latter term. Next, while acknowledging sources referring to municipalities as “public corporations,” it sided with Massachusetts decisions holding that *corporation*, when it appears in statute, should not be understood to include municipalities. *Id.* at 923. For example, it quoted one Massachusetts Supreme Court decision observing:

Corporations is a word which in our statutes and decisions has not been used generally to include cities and towns. In a certain sense they are bodies corporate. But in common speech it is rarely that a city or town is referred to merely as a corporation. Towns in New England differ in their nature from trading, manufacturing or public service corporations, and even from municipal corporations elsewhere. They are created primarily for political purposes and the convenient administration of government. They possess few of the characteristics which distinguish the ordinary corporation.

Id. (quoting *Donohue v. City of Newburyport*, 211 Mass. 561, 566, 98 N.E. 1081, 1082 (1912)). Based on cases like this one as well as an absence of any history in Maine of municipalities being sued in wrongful death cases, the Court concluded that “[i]t is not reasonable to believe that the Legislature intended the word ‘corporations’ to embrace both towns and private corporations so dissimilar and with practically nothing in common.” *Id.* at 924.

There are also at least two older decisions of the Law Court supporting the general concept that a statute should not be understood to cover a municipality unless it expressly so states. In *Inhabitants of Cape Elizabeth v. Skillin*, 79 Me. 593, 12 A. 543, 544 (1887), the Court concluded that a statute allowing for the release of an insolvent debtor's debts should not be interpreted to allow for the release of tax liabilities to a municipality. The Court observed that it is "a settled rule of statute construction that the government is not bound by the words of a statute tending to restrain or diminish its powers, rights, or interests, unless it is named therein as to be bound." *Inhabitants of Cape Elizabeth v. Skillin*, 79 Me. 593, 12 A. 543, 544 (1887). Similarly, in *Inhabitants of Whiting v. Inhabitants of Lubec*, 115 A. 896, 899 (Me. 1922), the Law Court cited approvingly from a treatise noting that "[i]t is sound principle that, in the interpretation of public statutes, the state *and its political subdivisions* shall be regarded as excluded unless included by positive legislation." *Id.* (citing Dillion, Mun. Corp. § 1396) (emphasis added). The latter case, however, also recognizes that this interpretive rule "will not be so closely followed as to make unreasonableness" and ultimately decided *not* to follow the general rule on the specific facts and circumstances of that case, which involved whether property owned by a municipality but located outside the municipality's boundaries was subject to taxation. *Id.*

As discussed below, the Legislature enacted the precursor of § 1001's definition of *person* in 1976. In interpreting legislative intent, "[t]he Legislature is presumed to be aware of the state of the law and decisions of [the Maine Supreme Judicial Court] when it passes an act." *Bowler v. State*, 2014 ME 157, ¶ 8, 108 A.3d 1257. Because *Chase*, *Skillin*, and *Inhabitants of Whiting* predate enactment of the *person* definition, it would be appropriate for the Commission to presume that the Legislature was aware of those decisions when it drafted a definition of *person* that did not expressly mention governmental or municipal entities.

In recent years, the Law Court has continued to recognize the principle that statutory enactments should not be understood to regulate government entities. However, these decisions are less on-point because they involved state actors and tend to state the rule as applying to "the State" and "state agencies," not governmental entities generally. See, e.g., *DOC v. PUC*, 2009 ME 40, ¶ 11, 968 A.2d 1047 (Department of Corrections not a "person" or "legal entity" for purposes of the Public Utilities Commission's jurisdiction statute); *Jenness v. Nickerson*, 637 A.2d 1152, 1158 (Me. 1994) (State not a "person" subject to suit under the Maine Civil Rights Act). However, the *DOC v. PUC* decision, while involving a state agency, did cite *Skillin* as authority, and expressly noted that it involved a municipal entity. Thus, that decision suggests that the Law Court continues to view municipal entities as also subject to the interpretive rule.¹

¹ At the federal level, the meaning of *person* has arisen in the context of 42 U.S.C. § 1983, the civil rights statute that grants individuals a right to sue state and local governmental actors (i.e., "any person" acting under color of state law) for alleged violations of federal law. The U.S. Supreme Court has interpreted the use of *person* in that statute as allowing suits against municipal entities but not allowing suits against state agencies. See *Monell v. Dep't of Soc. Servs. of City of*

Finally, the Department in its legal brief cites *Pickering v. Town of Sedgwick*, 628 A.2d 149, 150–51 (Me. 1993) for the proposition that school administrative units should not be understood as “persons” even if municipalities are “persons.” That decision held that a teacher’s contract with a school administrative district did not bind the town because the district and the town were “distinct legal entities.” I am not persuaded that *Pickering* supports different treatment of municipalities and other political subdivisions for purposes of campaign-finance reporting. Just like school administrative units, municipalities are creatures of state law. *See City of S. Portland v. State*, 476 A.2d 690, 693 (Me. 1984) (“Towns [and cities] are mere agencies of the State. They are purely creatures of the Legislature and their powers and duties are within its control”). Thus, while the two types of entities may be legally distinct, it is difficult to see how one could be outside the meaning of “person” if the other is within it. Among other things, it seems doubtful that the Legislature intended to draw such fine distinctions between municipalities and other political subdivisions in defining *person*. In short, whichever way the Commission chooses to rule, I would encourage it to adopt a uniform approach to the definition of *person* that treats all political subdivisions the same.

LEGISLATIVE PRACTICE IN DEFINING “PERSON”

A common technique in interpreting unclear statutes is to look to how the Legislature has drafted other statutory provisions that achieve the disputed effect. *See, e.g., State v. McLaughlin*, 2018 ME 97, ¶ 14, 189 A.3d 262, 267, modified (July 24, 2018) (pointing to similar statutes to show that the Legislature “knows how to” define a drug to include mixtures containing the drug).

There are dozens of examples in the Maine Revised Statutes of the Legislature defining *person* to include governmental entities. Some examples follow:

Lobbyist disclosure procedures:

“Person” means an individual, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional association, labor union, firm, partnership, club or other organization, whether profit or nonprofit, **or any municipality or quasi-municipality** or group of persons acting in concert, **but does not include this State or any other agency of this State.**

3 M.R.S.A. § 312-A.

New York, 436 U.S. 658, 688 (1978) (municipalities are “persons”); *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 68 (1989) (state agencies are not “persons”).

Because these federal decisions are reasoned largely based on the legislative history of one particular federal statute, involve questions of immunity from suit rather than the scope of a regulation, and postdate the 1976 law establishing the definition of *person* in the campaign-finance laws, I am not convinced they deserve much weight in construing 21-A M.R.S.A. § 1001(3).

Data-breach notification procedures:

“Person” means an individual, partnership, corporation, limited liability company, trust, estate, cooperative, association or other entity, including agencies of State Government, **municipalities, school administrative units**, the University of Maine System, the Maine Community College System, Maine Maritime Academy and private colleges and universities.

10 M.R.S.A. § 1347.

Maine Administrative Procedure Act:

8. Person. “Person” means any individual, partnership, corporation, **governmental entity**, association or public or private organization of any character, other than the agency conducting the proceeding.

5 M.R.S.A. § 8002(8).

Maine Human Rights Act:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, **municipal corporations**, legal representatives, trustees, trustees in bankruptcy, receivers and other legal representatives, labor organizations, mutual companies, joint-stock companies and unincorporated organizations **and includes the State and all agencies thereof**.

5 M.R.S.A. § 4553(7).

Regulation of investments of life and health insurers:

“Person” means an individual, business entity, multilateral development bank or **a government or quasi-governmental body, such as a political subdivision or a government-sponsored enterprise**.

24-A M.R.S.A. § 1151-A(31).

Regulation of minimum lot size:

“Person” means any individual, corporation, firm, partnership, **municipality, quasi-municipal corporation, state or federal agency** or any other legal entity.

12 M.R.S.A. § 480(3).

The list above is by no means exhaustive. In addition, I did not include any “uniform” acts from the Maine Revised Statutes, since those laws are typically imported from out-of-state sources and their definitions of “person” thus likely were not drafted by the Maine Legislature. But the definitions of “person” in those uniform acts routinely mention governmental entities. *See, e.g.*, 11 M.R.S.A. § 1-1201(27) (Uniform Commercial Code); 14 M.R.S.A. 402 (Uniform Interstate Depositions and Discovery Act); 10 M.R.S.A. § 9402 (Uniform Electronic Transactions Act).

The examples above show that the Legislature “knows how to” expressly cover governmental entities in the statutes it enacts. But the Maine Revised Statutes also contains many definitions of “person” that do not mention governmental entities. *See, e.g.* 25 M.R.S.A. § 2471 (regulating explosives); 22 M.R.S.A. § 2014(5) (regulating medical laboratories). Without a detailed analysis of each statutory framework it is impossible to determine whether there might have been a plausible legislative intent to regulate governmental entities in these statutes, despite the lack of any express statement to that effect. Thus, the existence of many definitions of *person* expressly including governmental entities is not by itself dispositive of the correct interpretation of § 1001(3). But it is suggestive.

CONSTRUING THE ENTIRE STATUTORY FRAMEWORK

The Law Court has also explained that in interpreting statutes, the entire statutory framework must be considered, not just the specific word or phrase at issue, in order to achieve a “harmonious result” consistent with legislative intent. *See, e.g., Mallinckrodt US LLC v. Dep’t of Env’tl. Prot.*, 2014 ME 52, ¶ 21, 90 A.3d 428; *Cent. Maine Power Co. v. Devereux Marine, Inc.*, 2013 ME 37, ¶ 8, 68 A.3d 1262.

In applying this factor, the Commission should consider that the definition of *person* is not specific to the BQC statute, but applies to all Maine campaign-finance laws. Thus, if school administrative units specifically, or governmental entities generally, are not “persons” under 21-A M.R.S.A. § 1001(3), then they would not be subject to any of the requirements in the campaign-finance laws applicable to “persons,” unless, within that particular statute, “the context otherwise indicates.” 21-A M.R.S.A. § 1001.

Thus, not only would municipalities be exempt from BQC registration and reporting requirements, they would also likely be exempted from the requirement that “persons” spending more than \$500 to influence a ballot question include on-ad disclaimers identifying themselves as the source of the spending. 21-A M.R.S.A. § 1055-A. In addition, they would be exempt from many of the laws governing contributions and expenditures in candidate elections, *see, e.g.*, 21-A M.R.S.A. § 1019-B (independent expenditure reporting requirements), though other legal, ethical, and political constraints may well prevent governmental entities from spending taxpayer funds to influence candidate elections.

AGENCY PRECEDENT

Finally, while not directly relevant to legislative purpose, the agency should also consider its own past precedent in interpreting the relevant provision.

As Director Wayne recounts in his May 22, 2025 memo, the Commission has had two occasions to consider whether governmental entities are “persons” under 21-A M.R.S.A. § 1001(3). In 2009, the Commission voted 3-1 to find that the City of South Portland was a “person,” with two Commissioners concluding it was a “corporation” and one concluding that it was an “organization.” In 2014, the Commission voted 3-1 not to commence an investigation involving political activity by the Department of Inland Fisheries and Wildlife, with two Commissioners concluding that the state agency should not be considered a “person.” Director Wayne also notes that no municipalities have registered as BQCs within the last 15 years.

As an initial matter, “[a]dministrative agencies are not bound by their own prior construction of a statute. They are free to reject prior constructions which have not been endorsed by the courts.” *Crounse Corp. v. I.C.C.*, 781 F.2d 1176, 1186 (6th Cir. 1986). Neither the 2009 nor the 2014 interpretation of “person” was considered by a court. The Commission is therefore free as a matter of law to revisit the interpretations made in those instances.

Nevertheless, the Commission may wish to consider any reliance interests that have resulted from its prior interpretations of the campaign-finance laws. Here, however, the reliance interests would appear to be minimal. Even if the 2009 decision concerning the City of South Portland gave the public some expectation that municipal entities engaged in influencing referenda would trigger reporting requirements, the 2014 DIFW decision at least muddied the waters as to whether such reporting was required. In addition, there is no concern that the Commission would be treating some municipal entities differently from others since no municipalities have in fact registered as BQCs since the South Portland decision.

In short, while it is appropriate for the Commission to consider the practical effects of a change in statutory interpretation, here the Commission’s past interpretations are somewhat conflicting and there would appear to be little actual reliance by the public or the regulated community on any prior interpretation.

ANALYSIS AND RECOMMENDATION

In my view, the statutory term *person* is ambiguous as applied to a municipal entity. While dictionary definitions of “corporation” and “organization”—two enumerated types of “person” in the statutory definition—are expansive, and can be read to encompass municipal entities, legislative history, caselaw, and the Legislature’s drafting conventions in other statutes all point toward a narrower understanding of *person* that excludes municipal entities. I believe either interpretation is reasonable and would likely be given deference by a reviewing court. *Jones v. Sec’y of State*, 2020 ME 113, ¶ 12, 238 A.3d 982 (“With respect to the language of a statute within the expertise of an administering agency, however, if

the provision is ambiguous, meaning that it is “reasonably susceptible to different interpretations,” we defer to the agency's reasonable construction.”).

That said, my recommendation is that the Commission should conclude that *person* excludes municipal entities. The most compelling evidence for this view is the absence of any express reference to governmental entities in the statutory definition of *person*. Not only should the Legislature be presumed to have been aware of caselaw interpreting statutes as not applying to government entities unless those entities are expressly named, but the Legislature’s other changes to the 1976 law—removing private but not public entities from the list of reporting entities to conform to its new definition of *person*—suggests that the Legislature was actually aware of that caselaw when it defined *person* and drafted accordingly. The Legislature’s inclusion of governmental entities in numerous other definitions of “person” throughout the Maine Revised Statute only further supports the notion that the Legislature at the time understood what it was doing when it omitted those entities from the precursor to 21-A M.R.S.A. § 1001(3).

Further, while the dictionary definitions quoted above should be taken seriously, I do not find them dispositive. Treating municipalities as “corporations” would run afoul of the *Chase* decision—which acknowledged that municipalities are sometimes referred to as “corporations” while still rejecting that they were “corporations” in the relevant statutory sense—and would also seem to create what is, in my view, an inexplicable split in the treatment of “municipal corporations” on the one hand, and all other governmental entities, whether quasi-municipal, county, or state, on the other. Moreover, while “organization” is a more all-encompassing term, it is not commonly used to describe governmental entities, as demonstrated by the various examples used in the dictionary definitions, which include entities like “societies” and “political parties.” It thus seems more likely to me that the Legislature intended “organization” to be a catch-all for a broad class of *non*-governmental entities.

Ultimately, the goal of statutory interpretation is to “give effect to the Legislature’s intent in enacting the statute.” *State v. Beaulieu*, 2025 ME 4, ¶ 14, 331 A.3d 280. In my view, the legislative history, read in light of then-existing caselaw and legislative drafting conventions, indicates a legislative intent to exclude governmental entities from the definition of *person*.

STATEWIDE REFERENDUMS VS. LOCAL REFERENDUMS

Finally, two Commissioners asked for analysis of whether the reporting obligations of municipal entities might be different if they were seeking to influence statewide referendums versus local referendums that the municipal entity proposed.

If the Commission were to determine that municipal entities were not “persons” within the meaning of the statutory definition, there is no circumstance under which they could be required to register as a BQC. They simply would not meet a necessary part of the definition of a BQC. The definition does not change based on the type of referendum at issue.

If, on the other hand, the Commission were to determine that municipal entities were “persons” under the statutory definition, it would become possible for them to meet the statutory definition of a BQC, but they would also have to meet the remaining criteria: that they “receive[] contributions or make[] expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a [referendum campaign].”

In this context, it is possible that some activities to communicate with the public concerning municipality-initiated local referendums might not be communications to “influenc[e]” the referendum to the extent that the municipal entity was carrying out statutorily mandated duties to inform the public about the content of the referendum. The Department discusses some of these requirements in its legal brief, although it does so in the course of advocating against considering school administrative units to be “persons.” No similar statutory duties would be in play if the entity was communicating regarding a statewide ballot question, potentially simplifying the analysis.

If the Commission were considering such an approach, however, it would need to carefully consider the statutory definition of *influence*, which means “to promote, support, oppose or defeat.” 21-A M.R.S.A. § 1052(4-A). Even a public communication that, for example, carries out a statutory duty to state the municipal entity’s position on the referendum could still potentially be understood as “support[ing]” the referendum, and thus subject to registration and reporting requirements.

J.R.B.



To: Commission
From: Jonathan Wayne, Executive Director
Date: May 22, 2025
Re: Potential Campaign Reporting Requirements on the Cape Elizabeth School
Department

I. Introduction

This complaint is the third received by the Commission over the years that touches on important issues of public policy about the role of public officials in presenting information of interest to voters concerning a referendum. The most recent complaint before this one concerned the 2014 participation of employees of the State Department of Inland Fisheries and Wildlife (DIFW) who believed they had a public information duty to communicate that baiting and traps are necessary to control the bear population in Maine. At a meeting on November 3, 2014, a majority of Commissioners (3-1) chose not to investigate whether the DIFW had made a contribution of staff time to a PAC because they had doubts that the DIFW was a “person” or “organization” that could be investigated. Five years earlier, in a meeting on November 19, 2009, the Commission went in the other direction. The Commissioners voted 3-1 that the City of South Portland *was* a “person” that could qualify as a ballot question committee because of its spending to influence two referenda but found no violation because the City had not spent \$5,000.

This matter concerns two school construction referenda in Cape Elizabeth, one held on November 5, 2024 and another that is scheduled for June 11, 2025. In a complaint filed April 18, 2025, two opponents of these referenda allege that the school department spent more than \$5,000 on advertisements in the Cape Courier newspaper to influence the referenda and therefore should have registered and filed campaign finance reports as a ballot question committee. The ads can be found at pages ETH 4-14 (attached).

The school department responds that the School Board and Town Council jointly formed a School Building Advisory Committee (SBAC) that operated between March 2023 and June 2024 to advise both bodies on their respective responsibilities on the school construction issues. One duty assigned to the SBAC was encouraging members of the public to provide input on how school facilities should be remedied by participating

in public forums and hearings, a community-wide survey, and communicating with the SBAC and elected officials. (ETH 159-164, first item) According to the school superintendent, Chris Record, in a May 21, 2025 interview with the Commission staff, the goal of this community outreach campaign was to encourage the public to participate in an “interactive process.” The SBAC’s mandate also included educating members of the community on the school construction issues, so they could make informed decisions in any school construction referendum. The SBAC formed a public outreach subcommittee that met weekly for this purpose. The SBAC controlled the outreach to the public through June 2024, when the SBAC was phased out by the Town Council. Since then, the school department has conducted the outreach to the community consistent with the approach of the SBAC.

According to the superintendent, when the town conducted a community survey, members of the public responded that the “top way” for the SBAC to engage the public was through newspaper advertising that would reach the entire community, including residents without children in the schools. In its written response, the school department describes the Cape Courier ads as factual, consistent with the Town Council and School Board’s mandate to the SBAC and intended to invite public input and to educate the public.

When interviewed, the superintendent acknowledged he was not aware there was any possibility that the SBAC’s public education campaign could require the school department to register as a ballot question committee. He said that the school department, as a public body, is not at all adverse to public disclosure and regularly discloses its finances at public meetings. He volunteered that if the Commission believes ballot question committee registration is necessary, the school department will promptly make all required filings.

In the opinion of the Commission staff, there is ample evidence of a legitimate public duty on the SBAC and the superintendent to engage with members of the public to encourage them to provide input on the school building issues and to become better informed. Mr. Record spoke persuasively about these efforts when interviewed. The contents of the Cape Courier advertisements reflect these stated purposes of engagement and education. It is also highly relevant that *the Cape Courier advertisements barely mention the November 5, 2024 and June 10, 2025 referenda*. The ads do not tell Cape Elizabeth residents how to vote. Even if some of the ads could be viewed as advocacy, it seems unlikely more than \$5,000 was spent for either election. For these reasons, the

Commission staff recommends not taking any action on the complaint. Also, current Commission staff has some discomfort with a Commission determination that a department of a municipal, county, or state government violated Maine campaign finance disclosure laws (Title 21-A, chapter 13) without clearer direction from the Maine Legislature in statute that it intended for public entities to be covered by campaign finance reporting laws. This issue is discussed in the last section of this memo.

The people filing the complaint, Robert Benoit and Mary Ann Lynch, are opposed to the construction projects on the November 5, 2024 and June 11, 2025 ballots. In their April 18, 2025 complaint, they would like the Ethics Commission to consider whether the superintendent “violate[d] a fundamental principle of election ethics” by “spending taxpayer funds to influence the outcome of a referendum.” The issue of whether it is permissible for officials to spend public funds to influence an election is not within the Ethics Commission’s jurisdiction. Our authority extends only to whether people engaging in electioneering are making the required financial disclosures by filing reports with the Commission. If Mr. Benoit and Ms. Lynch are convinced the town acted illegally in 2024 or 2025 by spending public funds to influence an election, they may wish to think about seeking an injunction through a court action.

II. Complaint (ETH 1-30) and School Department Response (ETH 31-132)

Complaint. In the complaint submitted on April 18, 2025 (ETH 1-27), Mr. Benoit and Ms. Lynch stated that the Cape Elizabeth school department spent more than \$5,000 to influence the \$89.9 million school bond referendum election held on November 5, 2024, and, therefore, should have registered as a ballot question committee.

The November 5, 2024 school bond referendum failed to pass. The complaint further states that the school department soon thereafter initiated a campaign in support of a new \$86.5 million school bond proposal and signed a contract for the development of newspaper ads and flyers, then began publishing advertisements to support a June 10, 2025 referendum.

Mr. Benoit and Ms. Lynch submitted an email with three attachments on May 1, 2025 to supplement their initial complaint. (ETH 28-30) In the email, they stated that this was one continuous campaign undertaken by the Cape Elizabeth school department, meaning that any expenditures by the school department to influence the November 5, 2024 and June 10, 2025 school bond referendum elections should be counted toward a single \$5,000 ballot question registration threshold. The May 1 email and a short

attachment to the email are attached as ETH 28-30. Mr. Benoit's email included two other attachments that totaled more than 140 pages (two contracts between Cape Elizabeth and its architects, and Cape Elizabeth and its project manager). Because of the length of these two attachments, these materials will be made available to you electronically rather than in the printed packet.

Response by Superintendent. The school department's superintendent, Chris Record, submitted a written response (ETH 31-132). Mr. Record asserts that consistent with historical practice, the school department engaged in outreach to the public for purposes of education and engagement, not influence, and, therefore, does not meet the campaign finance law threshold for registering and reporting as a ballot question committee.

Mr. Record provided multiple exhibits to show that the newspaper advertisements and posters referenced in the complaint were informational and not for the purpose of influencing the referenda. He pointed out that most of the materials did not refer to a referendum and none of the materials encouraged a yes vote on any question. These exhibits are also intended to provide detailed information about the cost of the town's public outreach materials, even though the superintendent characterizes the materials as educational rather than electioneering.

III. Relevant Campaign Finance Law (ETH 155-158)

Standard for initiating an investigation. The Commission is required to review every request to investigate an alleged violation of campaign finance law and to conduct an "investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred." 21-A M.R.S. § 1003(2).

Coverage of municipal referenda by state campaign finance law. Until October 2023, Maine state campaign finance law applied to municipal referenda only in the 12 or 13 largest towns and cities in Maine (those with a population of 15,000 or more). In October 2023, the law changed to require ballot question committee reporting to the Commission for referenda in towns and cities with less than 15,000 people. 21-A M.R.S. § 1053-A.

Definition of “ballot question committee.” Maine Election Law defines “ballot question committee” as:

a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate

21-A M.R.S. § 1052(2-A).

Other defined terms. Maine Election Law contains the following definitions:

- “Person is defined as “an individual, committee, firm, partnership, corporation, association or of organization.” 21-A M.R.S. § 1001(3).
 - Campaign” is defined as “any course of activities to influence ... [a]ny county or municipal referendum.” 21-A M.R.S. § 1052(F).
 - “Expenditure” is defined, in part, as a “purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign” § 1052(4)(A)(1).
 - “Influence” is defined as “to promote, support, oppose or defeat.” § 1052(4-A).
 - “Initiate” is defined as “the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.” § 1052(4-B).
- This definition was enacted with statewide ballot questions in mind.

Responsibilities of ballot question committees. Ballot question committees are required to register with the Commission and file campaign finance reports of their financial activity to influence a ballot question. 21-A M.R.S. §§ 1052-A & 1059.

IV. Relevant Education Law and Policies of the School Board (ETH 159-164)

The governing body of any school administrative unit is its elected school board. In this case, it is the Cape Elizabeth School Board. School boards are created by state Education Law and are agents of the state government. Each school board must follow State education requirements in Maine Education Law.

One of the listed responsibilities of a school board under Maine Education Law is communicating with the public. 20-A M.R.S. § 1001(21). Communication with the public is listed as a duty (mandatory), not as an option or prerogative.

The Cape Elizabeth School Board has adopted written policies to stay in compliance with State requirements. In its written policy, the School Board describes its duty to communicate with the public as follows:

[The Cape Elizabeth School Board will] [p]rovide for the dissemination of information relating to the schools necessary for creating a well informed public ...¹

As discussed in more detail below and shown in ETH 159-164 (second item), the written policies of the Cape Elizabeth School Board delegate to the superintendent the responsibility of establishing and executing a public information program to convey accurate information about the goals, programs and needs of the schools.

V. Factual Context

In 2022, voters in Cape Elizabeth rejected a referendum that would authorize a proposed school construction project costing \$115.9 million. In March 2023, the Cape Elizabeth Town Council and School Board established the SBAC. The SBAC recommended, and the Town Council agreed, to hire Harriman Associates (referred to below as “Harriman”) as architects for the project and Turner & Townsend Heery as the project manager for the town (the “owner’s representative”). During 2023 and 2024, the SBAC, School Board and Town Council engaged in many consultations and meetings with the public, the Harriman architects, the owner’s representative, and other interested persons about priorities for school construction issues and options to address them.

One small part of the services by Harriman was to develop community outreach materials. The SBAC consulted with Harriman on these materials until the SBAC was phased out by the Town Council in June 2024, at which time the school department took over consulting with Harriman. These community outreach materials were used in multiple media including municipal and SBAC websites, the 11 Cape Courier advertisements at issue in this complaint, and in posters encouraging members of the public to participate in public events such as school tours.

In their complaint, Mr. Benoit and Ms. Lynch encourage the Commission to view the costs of these materials as expenditures that would count toward the \$5,000 spending

¹ Section BBAA, School Board Powers and Responsibilities (Revised October 2023), available at <https://documentation.cape.k12.me.us/books/board-policies/page/bbaa-school-board-powers-and-responsibilities>.

thresholds. When interviewed, Mr. Record stated that the community outreach materials were not assigned a specific cost by Harriman but were part of the overall project fee. In response to a question by the Commission staff to the superintendent, Harriman provided an estimate that each ad may have taken 1-4 hours to produce, depending on the content. The Commission staff is not sure if the value of the Harriman staff time should be viewed as a reportable expenditure, but if the Commission believes it is an expenditure, staff proposes \$300 as the design cost for each ad (2.5 hours x \$120/hour).

On July 29, 2024, the Town Council held a hearing to receive public comment a “middle ground” concept for the project, described as a compromise between educational needs and financial parameters. The proposed cost was \$89.9 million. On August 12, 2024, the Town Council voted to put the middle ground plan for a town vote on the November 5, 2024 town ballot.

In the months leading up to the November 2024 referendum, groups of private citizens formed ballot question committees for and against the referendum. Emotions ran high during that period. The Commission will remember receiving complaints from both the proponents and opponents alleging campaign finance non-compliance by the other side.

The vote failed by a narrow margin. Because the vote was close, on November 12, 2024, the School Board voted to direct the superintendent, Chris Record, to work with Harriman on a revised project plan with a reduced cost. The scope of the project was reduced, and the revised cost is \$86.5 million. The revised project has been scheduled for a vote on the June 10, 2025 ballot.

VI. Staff Analysis and Recommendation: Was More than \$5,000 Spent to Influence a Campaign?

Overall staff recommendation. The Commission staff recognizes that determining whether public communications are primarily educational or advocacy can sometimes require making nuanced judgments. Reasonable people may reach different conclusions. Nevertheless, Commission staff recommends against taking any action on the complaint, for two reasons. First, in our opinion, particularly during our May 21, 2025 interview, the school superintendent, Chris Record, made a persuasive case that the school department’s purpose in purchasing 11 Cape Courier advertisements was to encourage the public to participate in the numerous public forums, meetings and hearings, to communicate with the SBAC and town officials, and to learn more about the issues

through the town website, school tours, etc. The advertisements barely mention the November 5, 2024 and June 10, 2025 referenda, and do not tell anyone how to vote. They provide factual information that the SBAC would plausibly believe is necessary for the public to understand the issues.

Even if the Commission disagrees with this staff view and is inclined to believe that some of the advertisements in 2024 and 2025 were for the purpose of influencing the November 5, 2024 or June 10, 2025 referenda, the chances that the school department spent more than \$5,000 to influence either election seem low. The ads cost either \$947.52 or \$1,015.20 each. In order for the complainants to persuade the Commission that the school department spent more than \$5,000 to influence either referendum, the Commission would need to conclude that at least five of the ads in either election were intended to influence the referendum (or possibly four of the ads and some ancillary design costs). Some of the early ads in each year ran more than three months before the referenda and don't mention the referenda at all. We question whether those ads should be considered "for the purposes of influencing" the referenda.

Our second reason for recommending no action relates to our ongoing discomfort with regulating public entities as ballot question committees absent clearer direction from the Legislature. This is discussed in the last section of this memo.

Separate elections. Commission staff recommends the view that the November 5, 2024 and June 10, 2025 referenda be considered *separate* election campaigns, each with their own \$5,000 threshold for registration. "Ballot question committee" is defined as:

a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate

The test is spending more than \$5,000 for the purpose of initiating or influencing "a campaign" (singular, not plural). "Campaign" is defined as "any course of activities ... to initiate or influence ...[a]ny county or municipal referendum..." (again, "any" referendum is singular not plural). The 2024 and 2025 are different referenda with different price tags. We believe the best application of statute is that they should not be combined into a single "campaign." Although we do not have specific examples to cite, we believe this recommendation is also consistent with informal advice historically provided by Commission staff in similar situations in which successive statewide ballot questions were scheduled on related topics (energy construction projects, same sex marriage, etc.).

Analysis of 2024 and 2025 Advertisements. At issue are a total of 11 advertisements in the Cape Courier newspaper, which is published every two weeks. These can be found in the attached materials at pages ETH 4-14. Six advertisements were from 2024, and five advertisements were from 2025. Commission staff believes several factors support a conclusion that the purpose of the ads was to encourage the public to provide input and interact with officials and to educate the public on the school construction issues. After briefly discussing each of these factors, for your reference a chart on page 13 shows the dates and the uppermost language in these 11 advertisements.

Public duties to engage and inform the public. In the opinion of the Commission staff, the Cape Elizabeth SBAC (school building advisory committee) and the superintendent were under a valid public duty to engage with and inform the public. This is not a fictitious or post-hoc rationalization for the Cape Courier advertisements. We suggest the Commission give these public responsibilities due weight in the outcome of this complaint.

The School Board and the Town Council several specific duties to the SBAC, including:

PUBLIC INPUT AND OUTREACH: The Committee shall seek public engagement and input in its deliberations through a multi-channel public outreach campaign, which may include websites, social media, e-mail, public signage, notices in the newspaper and direct mail. All public correspondence relevant to the SBAC received by the Committee, Town Council and School Board will be made available to the public via the town website.² (underlining added)

(ETH 159-164, first item) The Town Council and School Board directed the SBAC to provide information not just through free media, but also through methods that entail an expenditure of public funds, such as newspaper notices and direct mail. According to the superintendent, Chris Record, during his interview, when the SBAC conducted a community-wide survey on school construction issues, the top way members of the public recommended communication was through the Cape Courier, which is a well-read newspaper in town. In particular, the superintendent said the SBAC viewed advertising in the Cape Courier as an effective way to communicate with Cape Elizabeth residents who

² The complete charge to the SBAC is available at www.capeelizabeth.com/SBAC.

do not have children in the schools. The public outreach campaign was conducted by the SBAC through June 2024, after which the school department conducted the outreach.

Mr. Record is also under a different public duty to inform the public. In section KDA of the School Board's written policies, the board directs the superintendent to establish and maintain a "public information program" through a "variety" of media:

KDA - PUBLIC INFORMATION PROGRAM

Public support for the schools depends upon informed public opinion. The Cape Elizabeth School Department will strive to maintain effective communications with the public in order to convey accurate information about the goals, programs, needs, and accomplishments of the schools and to provide ways for citizens to express their opinions and expectations.

The Superintendent shall be responsible for establishing and maintaining a public communications program that will provide for the dissemination of school unit reports and plans, information concerning student achievement, relevant statistics, noteworthy facts, issues affecting education, use of school facilities, news of the schools, school events, and student and staff accomplishments.

The Board encourages the Superintendent and school unit employees to whom communication responsibilities have been delegated to use a variety of methods for providing information to the public, such as the school system's website, letters, newsletters, publications, news releases, news media coverage of Board meetings and school-related events, meetings, and personal contacts.³

When interviewed, Mr. Record confirmed that when he took over the public outreach campaign, he believed he was acting consistently with this directive from the School Board.

Educational content of advertisements. In the opinion of the Commission staff, the content of the Cape Courier advertisements is consistent with the stated purpose of educating Cape Elizabeth residents about school construction issues. The major part of the Cape Courier ads explains the perceived deficiencies in the current school buildings

³ This policy can be found at <https://documentation.cape.k12.me.us/books/board-policies/page/kda-public-information-program>.

and how the two construction plans will address those deficiencies. There are also charts showing the fiscal impact on property taxpayers and architectural renderings to help citizens understand the projects. This is all factual information that the SBAC and school department would plausibly believe is necessary for the public to understand the ongoing construction issues.

It is true that the descriptions in the Cape Courier ads portray the two proposed construction plans in a positive light. That seems like a natural consequence of the subject matter, however. The SBAC reached a consensus that the current buildings have limitations and do not meet the educational, safety and security needs of a 21st century school. The SBAC worked closely with Harriman to develop construction plans to address those limitations. In their public outreach and educational materials, the SBAC and superintendent are naturally going to explain these points. For example, if the SBAC and the superintendent believe it's factually correct that the current school buildings are unsafe or not suitable for modern educational needs, is it reasonable to expect they wouldn't convey this information to the public?

Encouragement of public participation. Some of the advertisements contain a “call to action” directed at the reader. These directives, however, are *not* about voting in a referendum. Rather, the ads encourage members of the public to participate in the successive phases of the town's decision-making process by:

- attending public meetings and forums where the members of the public can receive more information and share their views with public officials (*e.g.*, the 7/29/2024 public hearing, the 8/12/2024 town council meeting, or the 2/11/2025 public forum);
- joining tours of current schools to directly see the construction issues (*e.g.*, 9/30/2024, 10/29/2024, 5/12/2025, 6/2/2025);
- learning more about the school construction issues on town/SBAC websites by using a QR code within the ads; and
- contacting School Board members at CESB@capeelizabethschools.org.

This all seems consistent with the direction given to the SBAC to encourage an interactive process.

Relative absence of advocacy on the referenda. Each Cape Courier advertisement contains either no explicit advocacy concerning the 11/5/2024 or 6/10/2025 referenda or advocacy that is so muted or implicit that it may not deserve to be called advocacy at all. There is no language telling readers how they should vote. There is no language telling

readers where or how to vote. Indeed, a Cape Courier reader who was new in town could carefully read most of the ads and not even realize the construction projects were scheduled for a public vote. If the purpose of the Cape Courier ads was to influence elections, they leave a lot to be desired.

Staff agree with the complainants to a limited extent: if one examines all 11 Cape Courier advertisements, there are occasional turns of phrases that could be viewed as crossing the line into advocacy by conveying a sense of urgency about the proposed projects, such as “Now is the Time” or “historic investment!” In our observation, these rhetorical flourishes are few and far between. The majority of the ads are quite dense with informational bullet points requiring magnification for all but the youngest readers. These informationally dense ads operate more like detailed, educational memoranda than the slick, sloganeering messages many of us are accustomed to receiving in our mailboxes or on our screens at election time.

Timing. It is relevant that some of the ads were published in the Cape Courier more than three months before the November 5, 2024 and June 10, 2025 referenda and invite the public to join upcoming public education opportunities. The timing of these early ads are more indicative of a purpose to engage the public than influencing the referenda.

Dates	Message at Top of Ad	Staff Comments
2014		
7/17/24 – 8/6/24	Please attend the Public Hearing on 7/29 (ETH 4)	Ad ran more than three months before election. The ad mentions a potential referendum but the call to action is to urge attendance at the July 29 public hearing.
8/7/24 – 8/20/24	How Does the “Middle Ground” Concept Address ... (ETH 5)	Ad ran 2½ - 3 months before election. Does not mention referendum.
8/21/24 – 9/4/25	Why the “Middle Ground” School Design Matters ... (ETH 6)	Ad ran more than 2 months before the election. Does not mention referendum.
9/4/24 – 9/17/24	Just the Facts (ETH 7)	<i>Given the reference to the election and positive comments about the project, this ad may be viewed as containing more indicia (markers) of a purpose to influence the 11/5/2024 referendum.</i>
9/18/24- 10/1/2024	A Comprehensive Approach to Safety and Security (ETH 8)	Staff sees no indicia of a purpose to influence the 11/5/2024 referendum, which is not mentioned.
10/2/24 – 10/22/24	The “Middle Ground” 3 Reasons Why Now is the Time (ETH 9)	<i>Even though the referendum is not mentioned, the timing and the exhortation “Now is the Time” may be viewed as indicia of a purpose to influence the 11/5/2024 election</i>
2015		
2/5/25 – 2/18/25	Cape Elizabeth’s Three School Phased Plan (ETH 10)	This ad ran more than 3 ½ months before the 6/10/2025 referendum and does not mention the election. Staff fails to see any indicia of a purpose to influence the 6/10/2025 referendum.
3/26/25 – 4/8/25	A 3-School Phased Plan (ETH 11)	Ad ran more than two months before the 6/10/2025 referendum and makes no reference to the referendum.
4/9/25 – 4/22/25	Building Project FAQs (ETH 12)	This is a dense, factual ad that ran 7-9 weeks before the 6/10/2025 referendum. The referendum is mentioned, but only in connection with its timing (June vs. November 2025).
4/23/25 – 5/6/25	It’s Time for an Investment in Cape Elizabeth Schools (ETH 13)	<i>The 6/10/2025 referendum is mentioned in connection with the phrase “critically needed,” which may be viewed as indicia of a purpose to influence the 6/10/2024 election</i>
5/7/25 – 5/20/25	Top 10 Reasons a New Middle School is Critically Needed (ETH 14)	<i>Even though the 6/10/2025 referendum is not mentioned, the timing and the “critically needed” heading may be viewed as indicia of a purpose to influence the 6/10/2024 election.</i>

Staff conclusion on 2024 and 2025 Advertisements. For the reasons set out above, Commission staff recommends taking no action on the complaint. We believe that the SBAC and the superintendent were under a legitimate public duty to engage and educate the public. The Cape Courier advertisements provide information about limitations or deficiencies of the current buildings and how Harriman’s architectural plans would address those deficiencies. This is information that the public needs to know to make informed decisions on the referenda. The Cape Courier ads barely mention the November 5, 2024 and June 10, 2025 referenda and do not tell any readers how to vote. We question whether any of the advertisements should be viewed as for the purpose of influencing the referenda.

Even if the Commission disagrees with this staff view and is inclined to believe that some of the advertisements in 2024 and 2025 were intended to influence the November 5, 2024 or June 10, 2025 referenda, Commission staff would suggest that the chances that the school department spent more than \$5,000 to influence either election seem low. The ads cost either \$947.52 or \$1,015.20 each. In the chart on the previous page, we have identified with italicized comments the ads which some readers might see as more likely to influence voters. Staff hopes this delineation illustrates the lack of probability that the school department spent more than \$5,000 to influence the election.

Non-Punitive Approach

During the May 21, 2025 interview, Mr. Record said that he believed the Cape Courier advertisements and other outreach materials were consistent with what he and the SBAC were directed to produce as public officers. He did not recognize that state campaign finance reporting requirements could attach to the school department’s public education activities. He said that if the Commission believes these activities require ballot question committee registration and reporting, the school department will gladly make whatever disclosures are required.

For the reasons in this memo, the Commission staff recommends taking no action on the complaint. If, however, the Commission concludes that the Cape Elizabeth school department spent more than \$5,000 to influence either referendum and should have registered and filed campaign finance reports in 2024 or 2025, Commission staff recommends taking a nonpunitive approach. For example, the school department could be urged to rectify the lack of registrations and reports without taking any negative enforcement action.

The timing of the Commission’s consideration of this matter was determined by the complainants, who did not file their objections about 2024 and 2025 advertising until

April 18, 2025, roughly seven weeks before the upcoming referendum. In our opinion, on June 10, 2025, Cape Elizabeth voters should make a decision on the current school construction proposal based on its merits. If the Commission were to conclude that the school department erred in not registering, we have concerns that – given the close vote on the school construction election last year – the public may attach undue weight to any finding of violation by the Commission in the last two weeks before the June 10, 2025 election.

VII. Questions Concerning Extent of Commission Authority to Regulate Public Entities

Current Commission staff has some ongoing discomfort with a Commission determination that a municipality, school administrative unit, county office, or state government department violated ballot question committee reporting requirements without clearer direction from the Maine Legislature that it intended public entities to be covered by the PAC and ballot question committee campaign finance reporting laws. Maine Election Law defines “ballot question committee” as:

a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate

21-A M.R.S. § 1052(2-A) (underscoring added).

Prior to this complaint, the Commission received two complaints in the past 22 years alleging that the paid informational activities of a governmental department concerning a ballot question required campaign finance reporting. Both complaints required the Commission to wrestle with the question of whether the governmental department was a “person” as defined in campaign finance law:

“Person” means an individual, committee, firm, partnership, corporation, association or of organization.

21-A M.R.S. § 1001(3).

2009 decision - City of South Portland. At a meeting on November 19, 2009, the Commission considered a complaint asking the Commission to consider whether City of South Portland was required to register with the Commission as a ballot question committee because of costs associated with a one-page flier that the City of South Portland included in an October 2009 mailing of property tax bills. The complainants argued that the flier was intended to oppose a Taxpayer Bill of Rights citizen initiative and a statewide initiative relating to excise taxes.

In advance of the meeting, the Commission staff collaborated with the Commission's former counsel to provide to the Commission a short legislative history of the Maine's ballot question reporting requirement. That history is attached on pages ETH 152-154, which was the last three pages the staff memo that we submitted to the Commission for their November 19, 2009 meeting. Staff argued that during 1973-1985, "governmental agencies" were among the types of entities that were required to report on their expenditures to influence ballot questions. In a 1985 consolidation of campaign finance laws, the Legislature deleted governmental agencies from that statute, which we argued should be understood as a decision to remove public entities from ballot question reporting.

Staff did not win that battle, however. An attorney for the complainants argued to the Commission that the City of South Portland was a municipal corporation and the term "corporation" in the definition of person should be understood to cover a for-profit, nonprofit or municipal corporation. During deliberations, two Commissioners, Ed Youngblood and Andre Duchette, stated their belief that a municipality was a corporation. A third Commissioner, Walt McKee, said that the term "organization" in the definition of person was sufficiently broad to cover municipalities and other subdivisions of the state. Those three Commissioners voted in favor of a motion to find that a municipality is a person under the definition in 21-A M.R.S.A. § 1001(3). The vote was 3-1 with Commissioner Francis Marsano voting against the motion. With respect to the flier sent by the City of South Portland, the Commission determined that the City did not reach the \$5,000 spending threshold to qualify as a ballot question committee. Both Commissioners Duchette and Marsano commented that they hoped the Maine Legislature would clarify this issue.

2014 decision – Maine Department of Inland Fisheries and Wildlife (DIFW). In 2014, the Humane Society of the U.S. and others organized a citizen initiative to ban traps, dogs, and baiting as means of hunting bears. During the public debate, officials of the DIFW actively expressed their views as natural resources experts that these hunting methods were necessary to controlling the bear population in Maine. During business hours, they participated in the filming of advertisements by the PAC opposing the initiative.

The Commission received a complaint concerning the DIFW participation in the ads. The allegation was not that DIFW should have registered as a ballot question committee. Rather, the gist of the complaint was that the anti-initiative PAC should have reported receiving an in-kind donation of paid staff-time from the DIFW.

Commissioners Michael Healy and Richard Nass stated that believed the DIFW did not qualify as “a person” as defined in the Commission’s statutes and therefore could not be investigated by the Commission as the source of a contribution. As expressed by Commissioner Healy, this was based on the general principle in case law that the State and its agencies could not be regulated by a state statute unless the Legislature explicitly wrote in the statute that the State and its agencies were covered. Commissioner Healy also relied on the dictionary definition of “organization.” Commissioner Nass said that the issue of whether financial activity by state departments was covered by campaign finance law was best left to the Legislature. Commissioner Meg Matheson also voted against an investigation because the comments by the DIFW were “government speech” and it would be difficult to quantify the value of that speech. Commissioner Walt McKee disagreed and thought that contributions of staff time by the DIFW could be investigated. The vote was 3-1 not to investigate.

Status quo. In 2009 and 2014, the Commission had valid statutory reasons for treating municipalities and state departments differently in the South Portland and DIFW cases. Staff has followed these decisions when providing occasional advice on these topics. In the last 15 years since the City of South Portland decision, no municipalities have registered and filed campaign finance reports as a ballot question committee. (Through October 2023, state campaign finance law applied to municipal referenda only in the 13 largest towns and cities in Maine. Beginning in October 2023, the law was expanded to referenda in all municipalities.)

The Commission staff respects that public officers such as DIFW employees or school superintendents have expertise in their subject matter areas and can provide valuable information to the public concerning initiatives and referenda. While the staff is generally pro-disclosure, we have concerns that requiring campaign finance reporting by public officers could curb the free flow of information to the public. For that reason, we agree with Commissioner Richard Nass that the question of whether paid informational activities by governmental offices should be covered by campaign finance reporting is best left to the Legislature.

We are also concerned about the potential that continuing ambiguity in the law could be a trap for the unwary. For example, if a Sheriff’s Office spent public funds to publish information about a matter of public importance that relates to an initiative, could the Sheriff’s Office potentially qualify as a ballot question committee? What about a regional school administrative unit? If the Commission has any interest in adopting an across-the-board policy that the definition of “person” does not include public entities unless the Legislature provides clearer direction, we believe the state of the law would be

clearer. That would, however, require revisiting a policy view expressed 15 years ago by three former Commissioners. Alternatively, the Commission could take a wait-and-see approach to observe how the issues develop.



To: Larry Benoit
Mary Ann Lynch
Chris Record
From: Jonathan Wayne, Executive Director
Date: May 28, 2025
Re: Confirmation of Results of Today's Meeting of the Ethics Commission

Thank you for your presentations at today's meeting of the Maine Ethics Commission. This memo is to briefly confirm the outcome.

The Commission voted four to zero that it would take testimony today which will close the evidence and defer the decision on the complaint until the Commission has had a chance to analyze the law further. The Commission asked its counsel to provide a memo on legal issues. Commissioners Hastings and Schneider said that if the parties were interested in submitting briefs on whether a municipality potentially may be covered by the ballot question disclosure requirements, those briefs would be welcome. The Commission staff will be in touch with the parties concerning deadline(s) for those optional briefs and the next meeting date.

Commissioners Hastings and Marble said they would appreciate input on whether potential campaign finance reporting obligations on municipalities are different if a municipal referendum is proposed by a school board or the municipality itself, as opposed to a statewide ballot question. The Commission agreed that today's meeting was the cut-off for receiving evidence in support of the requested investigation.



To: Larry Benoit
Mary Ann Lynch
Chris Record, Superintendent
Cape Elizabeth School Board (via Vice Chair Cynthia R. Voltz)

From: Jonathan Wayne, Executive Director

Date: May 29, 2025

Re: Invitation to Comment – Campaign Finance Regulation of Municipalities

At its meeting yesterday, the Maine Ethics Commission deferred making a decision on a complaint alleging that the Cape Elizabeth school superintendent, as an agent of the school department, should have registered and filed campaign finance reports as a ballot question committee. In connection with this matter, you are invited to submit comments on the topic of whether a municipality or local school officials potentially may be covered by ballot question disclosure requirements in state campaign finance law.

In a November 19, 2009 decision, former members of the Commission voted 3-1 that a municipality could qualify as a “person” as defined in Maine campaign finance law but found that the City of South Portland did not qualify as a ballot question committee because it had spent less than \$5,000 to influence two initiatives. The Commission is considering legal issues related to this decision. For your reference, relevant campaign finance laws and a citation to a court decision are set out on the next page.

If you would like to comment, please submit a memorandum or letter addressed to the Commission Chair, William Schneider. Please email the comments to me at Jonathan.Wayne@maine.gov **no later than June 20, 2025**. If you have any questions or would like more information, please email me or call me at 287-4179. Thank you.

Municipal ballot questions. Municipal referenda are covered by state campaign finance law under 21-A M.R.S. § 1053-A and 30-A M.R.S. § 2502.

Definition of “ballot question committee.” Maine Election Law defines “ballot question committee” as:

a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate

21-A M.R.S. § 1052(2-A).

Definition of “person.” The term “person” is defined as “an individual, committee, firm, partnership, corporation, association or organization.” 21-A M.R.S. § 1001(3).

Responsibilities of ballot question committees. Ballot question committees are required to register with the Commission and file campaign finance reports of their financial activity to influence a ballot question. 21-A M.R.S. §§ 1052-A & 1059.

Paid for “disclaimer” requirement. When a person spends more than \$500 on a communication to the public (e.g., advertising, mailings) expressly advocating for or against a ballot question, the communication must state the name and address of the person who made or financed the expenditure for the communication. 21-A M.R.S. § 1055-A.

Other terms. Maine Election Law contains the following definitions:

- Campaign” is defined as “any course of activities to influence ... [a]ny county or municipal referendum.” 21-A M.R.S. § 1052(F).
- “Expenditure” is defined, in part, as a “purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign” § 1052(4)(A)(1).
- “Influence” is defined as “to promote, support, oppose or defeat.” § 1052(4-A).
- “Initiate” is defined as “the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.” § 1052(4-B).

Potentially relevant court decision: Chase v. Inhabitants of Litchfield, 134 Me. 122, 182 A. 921 (1936).



By email and regular mail

To: Larry Benoit
Mary Ann Lynch
Chris Record, Superintendent
Cape Elizabeth School Board Vice Chair Cynthia R. Voltz
From: Jonathan Wayne, Executive Director
Date: June 13, 2025
Re: Confirmation of Ethics Commission Meeting Date

The Ethics Commission will resume considering Mary Ann Lynch's and Larry Benoit's complaint against the superintendent and school department at the Commission's next meeting on July 23, 2025. The meeting will be held at the Commission's office, 45 Memorial Circle in Augusta. The meeting will begin at 9:00 a.m. You are welcome to participate in person or by zoom. Thank you.

From: Mary Ann Lynch <maryannlynch5788@gmail.com>

Sent: Tuesday, May 27, 2025 12:07 PM

To: Wayne, Jonathan <Jonathan.Wayne@maine.gov>; Hoefler, Heidi <Heidi.Hoefler@maine.gov>; Currier, Martha <Martha.Currier@maine.gov>

Cc: Larry Benoit <lbenoit@maine.rr.com>; Jessica Sullivan <jsullivan08@maine.rr.com>; Michael Hussey <mhussey@gmail.com>

Subject: Request for a continuance

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Request for Continuance

We write to respectfully request a continuance in the matter regarding whether the Cape Elizabeth School Department should be required to register and file as a Ballot Question Committee.

We were notified Thursday, May 22, the day before a long holiday weekend of tomorrow's scheduled meeting. Staff's recommendation, contained in a lengthy 18 page memo, along with the Superintendent's responses, raise significant questions of fact and law, as well as entirely new issues, that require more time to reasonably respond. Moreover, Staff's recommendation and the Superintendent's response were not posted until late in the day on May 22.

In addition, we request the Commission order further investigation by staff for the reasons noted below.

The staff's recommendation rests on two key arguments:

First, Staff expresses “ongoing discomfort with regulating public entities as ballot question committees, absent clearer direction from the Legislature.” Notably, Staff’s “discomfort” is in direct contradiction to the only legal precedent of this Commission directly on point in this matter, namely, that a municipality is a “person” that qualifies as a ballot question committee. In light of this clear legal precedent, Staff’s “discomfort” is surprising.

Legal Analysis. The law applies to a “person.” 21-A MRS 1152. A “person” includes a “corporation.” Section 1001(3). Cape Elizabeth has been formed as a municipal “corporation.” In a 2009 decision of this commission, the Commission concluded that the City of South Portland was a “person” under the definition of Section 1001(3). The 2014 DIFW decision is not on point, as it was an agency of the state and nowhere is there a suggestion that the law applies to the state. The 2009 South Portland decision is the Commission’s only on point precedent of which we are aware.

Although the Staff suggests that there needs to be clear direction from the Legislature on the Commission’s previous decision, we strongly disagree. The plain language could not be clearer: the law applies to a “person,” and a person includes a “corporation.” Cape Elizabeth is a corporation, and thus falls plainly within the statute. No further clarification is needed; the Legislature has spoken clearly. This is the plain meaning, and to ignore the plain meaning of the language is to ignore the law. Had the Legislature disagreed with the 2009 Commission decision, it could have acted to change the law, and if the staff had “discomfort” over this Commission’s 2009 ruling, surely it would have recommended that the Commission seek clarification from the Legislature.

Second, Staff argues that the jurisdictional spending amount, \$5,000 was not reached. But staff has not done the due diligence required in detailing the costs of the ads. Further — and surprisingly, Staff has not included ads placed before there was an official ballot question, despite having previously advised CapeVotersBQCII earlier this year that the law contemplated regulating such ads. Surely, the same rules must apply to the Cape Elizabeth School Department; otherwise we have a double standard.

Staff has also excluded ads simply because they do not explicitly appear to note the election date, or say vote “yes.” We address this Staff position in detail below. Suffice to say here that it appears that staff did not click on the QR code in the ads.

In reaching its conclusion “that the chances that the school department spent more than \$5,000 to influence either election seem low,” (Page 8 SM) the staff noted, “some of the early ads in each year ran more than three months before the referenda and don’t mention the referenda at all. We question whether those ads should be considered” for the purposes of influencing” the referenda.” Page 8 SM. This conclusion stands in stark contrast to the staff’s determination that two ads CapeVotersBQCII ran, also more than 3 months before the election, were subject to commission jurisdiction. The staff wrote, “ For BQCs the statute contemplates prior to a question on the ballot counting towards the in excess of \$5000 activity.” Staff e-mail of March 21, 2025.

Also, the billing information provided to the Commission Staff is not sufficiently detailed - (time billed and rate) to adequately break out the cost of design and production services, as well as placement costs, for determining the \$5000 threshold. The staff was reduced to guessing about the cost of production and design. The staff reports that the amounts in question would not likely reach \$5000, despite the fact that each ad costs in excess of \$1000, and 3 or 4 ads, with design and production services very likely would exceed \$5000. We will need to submit a FOAA to the Department for more detailed hourly billing, unless the staff demands these necessary billing details from the Department. We encourage the Commission to ask the Staff to seek additional, detailed billing information.

Additionally the staff drew many subjective conclusions regarding the nature of the ads. See chart on Page 13 SM. Any objective reader would conclude these ads are intended to influence the election. Of course they are intended to influence the election, otherwise, why bother? We would like an opportunity to respond in more detail regarding the staff chart and subjective conclusions.

Staff’s conclusion, Page 14 SM, that the ads barely mention the June 10 election and do not tell readers how to vote is weakened by contemporaneous communications from the school board and in the language available to anyone who clicks on the ads’ QR code.

Staff takes the following positions:

ads without an election date and a message to vote “yes” are only informative and educational in nature and not intended to influence the voters;

the ads barely mention the November 5, 2024 and June 10, 2025 referenda; and

the ads do not tell Cape Elizabeth residents how to vote Page 2 SM.

Staff clearly did not check the QR code and the link to other material. The QR code in the May 21, 2015 Cape Courier ad leads to a web page that states clearly and unambiguously: *"On June 10th, residents will have the opportunity to vote on a bond to replace the Middle School. . . . The School Board believes passing it is crucial to ensuring safe, high-quality learning environments for our students. Why this Bond Matters: . . ."* (Boldface type in the original.) A QR code is intended to provide further information, on a web page, and must be read alongside information to which the QR code is attached. In this case, the QR code provides the date of the election and a call to action: “passing is crucial” —i.e., voting “yes” is crucial.

The text attached to the above QR code in the May 21, 2025 Cape Courier ad undercuts Staff’s conclusion that there is no specific advocacy concerning the referenda and that there is no language telling readers where or how to vote. Pages 11-12 SM. To the contrary, the web page language, linked to the ad via a QR code. “On June 10th, residents will have an opportunity to vote. . . . The School Board believes passing it is crucial. . . .”

Moreover, Staff reached the opposite conclusion about two ads CapeVotersBQCII ran earlier this year, before there was even a referendum scheduled. The ads did not contain a date of an election, nor did the ads say vote “No.” We voluntarily approached the staff with the question of whether this kind of ad, before there was a ballot question, was a covered activity that needed to be included in determining whether or when we would reach the \$5000 threshold. Staff advised that ads, even in the absence of a scheduled election, and in the absence of language telling voters how to vote, were a covered activity, and an attempt to influence a ballot question. Staff wrote, “For BQCs, the statute contemplates certain efforts *prior* to a question on the ballot counting towards the in excess of \$5000 activity- initiating a campaign.” (emphasis added). Staff email Mar 21, 2025. We followed

staff advice and reported accordingly. The School Departments's ads must be held to the same standard; otherwise we have a double standard.

New Issue. The School Superintendent has raised a new issue and has wrapped his and the Board's political advertising into the work of the School Building Advisory Committee (SBAC). This is patently untrue and we would like the opportunity to provide documents and sworn affidavits to show this is untrue. The Town Council authorized the SBAC to communicate regarding the various options. Yet the day after the SBAC recommended an option of renovation and new construction, (not, as the School Board wished, an entirely new school building,) the Superintendent and Board took steps to disband the SBAC. It turned off the members' email the very next day, and ended any further work by the SBAC by clawing back funds appropriated to the SBAC. To suggest now, that the political advertising by the Board and Superintendent "is consistent with the approach of the SBAC" (Page 2 Staff Memo of May 22, 2025, hereafter "SM") is not supported by the factual record, and the Superintendent's raising this, puts new facts in dispute. We would like an opportunity to provide additional evidence to show the falsity of this claim.

The Superintendent also claims "he was not aware there was any possibility that the SBAC's public education campaign could require the school department to register as a ballot question committee. Page 2 SM. Once again, he wraps the campaign in the work of the SBAC, when that committee was effectively disbanded in May, 2024, months before there was a ballot question. More importantly, the interim town manager wrote on August 20, 2024 to the superintendent and counseled the Superintendent that advertising activities such as were being conducting could be subject to registration, and the town manager advised the superintendent to seek advice from this commission!

The manager wrote: *Anything in print should indicate that the ad or material is funded by the Cape Elizabeth School Building Project Account. You might also wish to check with the Maine Ethics Commission to be sure to stay within the guidelines of their interpretations of expenditures which are intended to influence voters. They are quite strict and I am sure their staff can give guidance.* Michael McGovern email to Chris Record, dated August 20, 2024. We would like an opportunity to supplement the record on this issue, particularly in light of the superintendent's response that he was not aware of any possibility that the school department would need to register, and the failure of every one of their full page ads

to contain any disclaimer re source of funding. We also note, no ad placed by the School Dept. contains the legally required "Authorized and paid for by.. ." language. Not one ad contains a disclaimer! To suggest that the School logo, used by every booster group in Cape Elizabeth is an adequate disclaimer is simply absurd.

In the Superintendent's response, (we cannot determine the date) he unequivocally states, "[N]owhere does the department encourage anyone to vote yes on any question."

Response of the Superintendent, date unclear. To the contrary, each Cape Courier ad, has a QR code, which link provides the date of the election and the following information:

"On June 10th, residents will have the opportunity to vote on a bond to replace the Middle School. . . . The School Board believes passing it is crucial to ensuring safe, high-quality learning environments for our students. (Boldface in the original.) Why this Bond Matters: . . ."

We would like to augment our filing to provide this information to the staff and Commission and show the inaccuracy in the Superintendent's response. In the alternative, the Commission can request that the Staff review the QR code information linked with each ad.

This campaign is ongoing. On May 21, 2025, the School Department ran another full page color ad in the Cape Courier, at a cost of more than \$1000, with a QR Code linking to a web page with the election date and statement that the School Board believes passage is "crucial." There will be one more edition of the Cape Courier prior to the June 10 election. We would like an opportunity to supplement our filing with these ongoing and additional ads, which staff should count towards the \$5000 jurisdictional threshold. It is important, in determining the jurisdictional amount, that the Commission see and measure *all* of the political advertising activity in this campaign, and not cut off its inquiry weeks before the election. We request that the Commission require the staff to supplement its jurisdictional finding with any additional ads/mailings, etc. published before the election.

In Conclusion. On May 22, at 2:51 p.m. we received notice that the Commission was to meet on our complaint on Wednesday, May 28th at 9 a.m. At that time, the Staff

documents were not yet posted and available to us. They were posted sometime later in the day. An email with several false statements sent by Attorney Elizabeth Bierman, dated May 23, was sent to the Commission and at some point over the holiday weekend it was posted. We have been given less than one week's notice of the Staff recommendation, and with the holiday weekend, only 2 business days between receiving Staff's lengthy decision and the scheduled hearing. We have had only one business day to respond to Attorney Bierman's letter, which contains several inaccuracies.

We respectfully request a continuance so that we may update the information before the Commission, as discussed above, to show that the \$5000 threshold has been established. In addition, we request the Commission require the Staff to augment its recommendation with more detailed billing and analysis. We will be prepared to address the staff memo at a June meeting.

Finally, a continuance to June would also obviate Staff's fear that an "adverse decision" could impact the election.

Contrary to the accusation of Attorney Bierman, our complaint is not intended "to silence" the School Department. It is intended to make sure that there is only one standard applied to election speech for compliance with the disclosure requirements in Maine Election Law. We seek only a single standard, a level playing field, in which all who are seeking to influence an election are held to the same rules of disclosure and accountability and transparency.

Thank you for your thoughtful consideration.

Respectfully submitted,

Robert L. Benoit

Mary Ann Lynch

Cape Elizabeth School Building Project

The public is invited to attend a school tour Monday, June 2 at 6:00 pm



Renderings provided by Harriman Architects

May 2025

Why the School Board Recommends the Phased Three-School Building Plan

On June 10th, residents will have the opportunity to vote on a bond to replace the Middle School and make critical repairs to Pond Cove. This bond is the result of years of thoughtful planning and community input. **The School Board believes passing it is crucial to ensuring safe, high-quality learning environments for our students.**

Why This Bond Matters:

Addresses Aging Infrastructure: This plan will replace the Middle School, resetting the clock on one of our three aging buildings and addressing necessary updates and improvements to meet current and future needs—helping us avoid a looming fiscal cliff.

Immediate Action for Pond Cove and CEHS: The bond also adds a new secure entry and replaces aging mechanicals at Pond Cove. In addition, existing facilities funds will be allocated immediately upon approval to address critical needs at Pond Cove and Cape Elizabeth High School through the Capital Investment Plan.

Expert Design and Planning: The project has been carefully designed by Harriman Architects, Maine's leading education-focused architectural firm, in partnership with Turner & Townsend Heery—one of the nation's largest Owner's Project Management firms. Their expertise, alongside the input of community leaders and district staff, has shaped this plan.

Student-Centered Focus: Above all, this plan prioritizes student safety and learning, while also creating spaces that benefit the entire Cape Elizabeth community.

For the past three years, we have worked with Turner & Townsend Heery, who bring nearly 50 years of experience in K-12 building projects. Their guidance has been clear: "The replacement of the Middle School should be the first thing that you do. **The Middle School has passed its useful life. The mechanicals are not supplying the quality of services required for school buildings. You have to provide a building that offers safe educational spaces. The Cape Elizabeth Middle School can no longer do that.**"

We understand this is a significant investment. We also believe it is a necessary one. Since the initial school building project came to a vote in 2022 we have carefully refined the scope of this project, reducing costs by \$30 million.

Upcoming Events

School Tour

Monday, June 2 at 6:00 pm

Meet at the CEMS entrance

Voting

Tuesday, May 13 - Thursday, June 5

Early voting at Cape Elizabeth Town Hall

Tuesday, June 10

Election Day - Cape Elizabeth High School

[Town of Cape Elizabeth Elections & Voting website](#)



Following is the tax impact table provided by the Town of Cape Elizabeth to help you understand how the bond will affect you personally.

			Estimated Yearly Tax Impact							
Property Value	Current Mill Rate	Current Property Tax	2026	2027	2028	2029	2030	2031	2032	2033
\$ 500,000.00	\$ 11.00	\$ 5,500.00	\$ -	\$ 77.00	\$154.00	\$154.00	\$149.00	\$ 72.00	\$ 72.00	\$ -
\$ 750,000.00	\$ 11.00	\$ 8,250.00	\$ -	\$116.00	\$231.00	\$231.00	\$223.00	\$107.00	\$107.00	\$ -
\$ 1,000,000.00	\$ 11.00	\$ 11,000.00	\$ -	\$154.00	\$308.00	\$308.00	\$297.00	\$143.00	\$143.00	\$ -
\$ 1,500,000.00	\$ 11.00	\$ 16,500.00	\$ -	\$231.00	\$462.00	\$462.00	\$446.00	\$215.00	\$215.00	\$ -
\$ 2,000,000.00	\$ 11.00	\$ 22,000.00	\$ -	\$308.00	\$616.00	\$616.00	\$594.00	\$286.00	\$286.00	\$ -
			0.0%	1.4%	2.8%	2.8%	2.7%	1.3%	1.3%	0.0%

March 2025

Cape Elizabeth Owner's Representative Supports School Board's Building Plan

Phased Three-School Building Plan is 'best plan for taxpayer dollars'

At the March 10 Town Council Meeting, Cape Elizabeth's Owner's Representative Turner & Townsend Heery, represented by Chuck Adam, officially provided their professional opinion on the School Board's Phased Three-School Building Plan. Turner & Townsend Heery—one of the largest Owner's Project Management (OPM) firms in the United States—has nearly 50 years of experience advising towns on K-12 building projects.

"Since the beginning of 2021, we have agreed with all of the design professionals who have worked on this project: the replacement of the Middle School should be the first thing that you do," said Adam. "The Middle School has passed its useful life. The mechanicals are not supplying the quality of services required for school buildings. You have to provide a building that provides safe educational spaces. The Cape Elizabeth Middle School can no longer do that."

Adam emphasized the safety concerns identified by design professionals with the current Middle School. "There is no denying major security concerns with that building. The need for delivery personnel to travel in the corridors with students is frightening. The large number of exterior doors on this building because of the iterations... need constant monitoring. It's a security concern."

Adam also addressed the financial implications of the plan. "We have looked at the cost implications and have not come to this decision lightly. This is all about protecting [Cape Elizabeth] tax dollars for us. We want to make sure you are getting the best value for your money, and we believe if [the town builds] a new Middle School, that's the best value for your money."

Beyond the financial considerations, Turner & Townsend Heery agreed with the school administration and design professionals that the current buildings are limiting educational opportunities for Cape Elizabeth students. "The building is not allowing the educators to do what they want to do because of the physical constraints of the building," he said.

Adam also agreed with the School Board's plan to use the Capital Investment Plan to address needs at the High School and Pond Cove. Acknowledging that the town is currently unable to replace both the Middle School and Pond Cove, Adam stressed that the best solution is to prioritize the Middle School while allowing the facilities team to address repairs to the other schools. "This is the best option for what you've told us your budget constraints are," he said.

"Building the Middle School allows Pond Cove to breathe—Pond Cove is restricted by the age and condition of the Middle School," Adam added. "[In the current plan] a new mechanical wing is added- that will improve the

mechanicals for that building. The project will provide a new, safer entrance. All of that couldn't be done with the Middle School where it currently is."

Adam acknowledged the extensive planning and exploration that has already occurred. "You've been looking at this for seven years. You've explored all the options," he said, endorsing the School Board's Phased Three-School Building Plan.

He also supported the School Board's strategy to "reset the clock" on one of the three schools, allowing the facilities team to focus on addressing needs at Pond Cove and Cape Elizabeth High School.

As the town's Owner's Representative, Turner & Townsend Heery provided an independent review of every building condition in the Cape Elizabeth school district. They have personally evaluated each of the three buildings, from the roof to the basement and everything in between. Since being contracted by the town, the team at Turner & Townsend Heery has conducted independent reviews of every design iteration intended to address Cape Elizabeth's aging school buildings.

Adam underscored the urgency of addressing the Middle School's condition. "Those of us who drive cars with 200,000 miles on them know we are on borrowed time. You have a building that far exceeds a car with 200,000 miles on it," he said.

The Cape Elizabeth School Board unanimously approved the Phased Three-School Building Plan in a special meeting on February 24 and urged the Town Council to place the bond on the June ballot, warning that delaying the vote until November would increase project costs by at least \$1 million. Residents can share their thoughts about the project with the council at the March 24

public forum
February 2025

Community Members Give Feedback on Phased Three-School Building Plan

On February 11th, the Cape Elizabeth School Board hosted a public forum to share the latest developments on the Phased Three-School Building Plan. Harriman Architects, a leading architectural firm specializing in school design in Maine, presented the current project, which includes the creation of a new middle school and significant improvements to both Pond Cove Elementary and Cape Elizabeth High School.

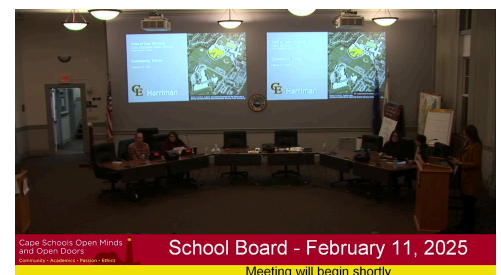
The community engaged with thoughtful questions, covering topics such as student safety, the preservation of music and athletic spaces, how the plan addresses evolving educational needs, and potential fundraising opportunities to reduce the impact of the project on taxpayers.

The School Board expressed strong support for the plan, emphasizing its importance for the future of our schools and community, including:

- **Addressing Aging Infrastructure:** This plan resets the clock on one of our three aging buildings, allowing for necessary updates and improvements to meet current and future needs.
- **Immediate Action for Pond Cove and CEHS:** Funds will be allocated to address critical needs at Pond Cove and Cape Elizabeth High School as soon as the bond is approved, using the Capital Investment Plan.
- **Expert Design and Planning:** The plan has been fully vetted by Harriman Architects, Maine's leading education-focused architectural firm, and our owner's representative at Turner & Townsend & Heery. It has been shaped by the input of key stakeholders, including Facilities Director Dave Bagdesarian, Pond Cove Principal Tiffany Karnes, Cape Elizabeth Middle School Principal Sarah Rubin and Vice Principal Jake Haugevik, Cape Elizabeth High School Principal John Springer,

Watch Now

February 11 Public Forum



Cape Schools Open Minds
and Open Doors
Curiosity • Creativity • Critical Thinking

School Board - February 11, 2025

Meeting will begin shortly

Superintendent Chris Record, Assistant Superintendent Michelle McClellan, and many dedicated staff members.

- **Student-Centered Focus:** Above all, the plan prioritizes student needs and safety, while also creating spaces that will benefit the entire Cape Elizabeth community.

Following the forum, during the School Board's regular business meeting, members discussed the timing of the bond. They weighed the importance of being responsible stewards of taxpayer money. Harriman Architects has warned that waiting until November could increase costs by at least \$1M, with no added benefit. The School Board members expressed enthusiasm about working alongside the Town Council to ensure the referendum presented to voters is the best possible version, balancing fiscal responsibility with the needs of our schools.

February 2025

School Board Moves Closer to Finalizing Phased Three-School Building Plan

Updated Proposal Retains Full Scope for Music Spaces and Gymnasium, Prioritizes Student Safety

At a School Board workshop on February 5, Harriman Architects presented the latest revisions to the Phased Three-School Building Plan, which includes refinements to the proposed new middle school.

The new middle school design continues to prioritize key spaces, including a spacious band and chorus room to support Cape Elizabeth's renowned music program, as well as a gymnasium large enough to accommodate high school-level athletic events.

Over the past six weeks, the School Board, in collaboration with Harriman Architects, has worked to scale down certain elements of the initial Middle Ground plan, ensuring that the final design meets the evolving needs of today's students while preparing for the future of Cape Elizabeth's educational community. Throughout this process, the Board has remained committed to creating a safe, welcoming environment for all students, ensuring that safety is a top priority in every aspect of the project.

The Board also heard from Superintendent Dr. Record, Facilities Director Dave Bagdesarian, Pond Cove Principal Tiffany Karnes, and Cape Elizabeth Middle School Principal Sarah Rubin, who each discussed the needs and priorities of their respective schools as reflected in the updated proposal.

The Phased Three-School Building Plan, a project more than two years in the making, aims to create a long-term solution for all three of Cape Elizabeth school buildings, while minimizing taxpayer impact.

The School Board invites the public to learn more about the refined plan, and provide feedback on the plan and the referendum timeline at a public forum on February 11th at 6:00 p.m. in the Cape Elizabeth Town Hall.

At a School Board workshop on February 5, Harriman Architects presented the latest revisions to the Phased Three-School Building Plan, which includes refinements to the proposed new middle school.

The new middle school design continues to prioritize key spaces, including a spacious band and chorus room to support Cape Elizabeth's renowned music program, as well as a gymnasium large enough to accommodate high school-level athletic events.

Watch Now

February 5 School Board Workshop



Over the past six weeks, the School Board, in collaboration with Harriman Architects, has worked to scale down certain elements of the initial Middle Ground plan, ensuring that the final design meets the evolving needs of today's students while preparing for the future of Cape Elizabeth's educational community. Throughout this process, the Board has remained committed to creating a safe, welcoming environment for all students, ensuring that safety is a top priority in every aspect of the project.

The Board also heard from Superintendent Dr. Record, Facilities Director Dave Bagdesarian, Pond Cove Principal Tiffany Karnes, and Cape Elizabeth Middle School Principal Sarah Rubin, who each discussed the needs and priorities of their respective schools as reflected in the updated proposal.

The Phased Three-School Building Plan, a project more than two years in the making, aims to create a long-term solution for all three of Cape Elizabeth school buildings, while minimizing taxpayer impact.

The School Board invites the public to learn more about the refined plan, and provide feedback on the plan and the referendum timeline at a public forum on February 11th at 6:00 p.m. in the Cape Elizabeth Town Hall.

November 2024

School Board authorizes the Superintendent to negotiate and sign a contract with Harriman architecture firm to revise "Middle Ground" building project.

At a regular business meeting on November 12, 2024, the Cape Elizabeth School Board voted unanimously to authorize the Superintendent to work with Harriman architects to revise the "Middle Ground" design, which includes a new middle school and necessary upgrades to the elementary and high schools. The bond to fund this project, combined with an undefined municipal project, was narrowly defeated in last week's referendum.

"Over all I am heartened by the extremely close vote on the Middle Ground school project design," said Superintendent Chris Record. "We came within 166 votes of building the first new school in Cape in over 50 years. It is clear we made great progress in helping Cape citizens understand the very real needs of our schools and the multiple benefits of building a new middle school for our students and staff."

School Board members were united in their desire for Dr. Record to get right back to work with Harriman, to "sharpen their pencils" and make refinements that would lead to cost reduction. Vice Chair Philip Saucier said, "Harriman has been an excellent consulting/architecture firm. They have all the resources ... and I think that they can continue to refine this in light of what we have learned." The Board was steadfast in its support of the Middle Ground as the concept to address comprehensive safety/security needs and educational barriers while minimizing disruption to students. "We're very close," added outgoing Chair Elizabeth Scifres. "Let's see what we can tweak." She went on to say, "It's about need. And the needs have not changed."

Watch Now

November 12 School Board Meeting



September 2024

Reaching Middle Ground

At a special business meeting on July 1, 2024, the Cape Elizabeth School Board voted unanimously to approve the Middle Ground design, which includes a new middle school and necessary upgrades to the elementary and high schools at a cost of \$89.9 million.

This compromise is the culmination of over [a year and a half of work](#) to gather data and input on the best way to address the ailing school buildings and the barriers to education that they present. With a price tag more than \$26 million lower than the previously proposed construction project in 2022, Harriman architect Lisa Sawin produced the Middle Ground design to address the highest priority needs of the schools at a cost the community has signaled it would support.

SBAC Presentations to School Board

After 18 months of work, the School Building Advisory Committee was split 5-4 on the best path forward. Because of this division, the School Board invited both sides to present their recommendations at a [public meeting on May 21](#). The Board heard two presentations and asked questions on both options, hearing responses from Harriman Architects.

One proposal, [Option E](#), met most of the established educational objectives and community goals with no disruption to students, but at a price point deemed too high.

One project, [Option B](#), met very few of the established educational objectives and community goals with a great deal of disruption to students, but at a price point deemed acceptable.

The School Board directed Harriman to work on a compromise solution that meets established educational objectives and community goals with little to no student disruption in and around a price point the community had signaled it will support.

School Board Direction to Harriman Architects

The School Board provided the following direction to Harriman at the May 21 public meeting:

- It is crucial to choose a plan that unites us.
- We need to work on consensus and compromise. It is not "B" and it is not "E." It's "The Solution."
- We have heard from the community that there is a palatable dollar figure in and around a 10% tax impact.
- Start with a new MS with full cooling, then include other necessary upgrades to the ES and HS.
- We will then want to work with our facilities director to see what we can do with state funding (School Revolving Renovation Funds).
- We need to look at this as a town-wide initiative.
- We cannot NOT meet the educational needs of our students. We can't compromise on what they deserve and what we have a responsibility to provide.

[Source: Harriman School Board Update, June 11, 2024, page 12](#)

Middle Ground Project Overview



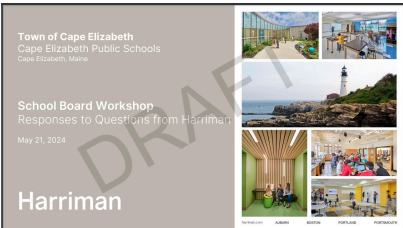
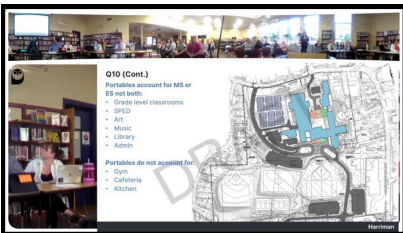
Middle Ground Public Forum

Tax Impact

BREAKDOWN OF ANNUAL TAX INCREASES INCLUDED IN FULL BOND (Tax impact provided by Town of Cape Elizabeth)			
YEAR	\$89.9M "MIDDLE GROUND" PROJECT	\$4.8M MUNICIPAL USE (RENOVATION OF 1930s BUILDING)	\$94.7M FULL BOND AMOUNT
2025/2026	0.0%	0.0%	0.0%
2026/2027	1.9%	0.1%	2.0%
2027/2028	5.8%	0.3%	6.1%
2028/2029	3.9%	0.2%	4.1%
2029/2030 and after	0.0%	0.0%	0.0%

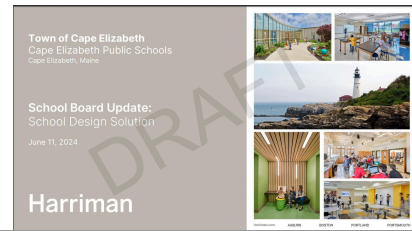
October 8, 2024 Public Forum

Click each presentation below to view.



Harriman School Design Solution

At the [June 11, 2024 School Board Meeting](#), Harriman Architects presented the school design solution that led to the Middle Ground project. This compromise solution incorporates elements from both options presented by the SBAC and considers feedback from school staff.



July 2024

Cape Elizabeth School Board votes unanimously in support of \$89.9M "Middle Ground" building project

At a special business meeting on July 1, 2024, the Cape Elizabeth School Board voted unanimously to approve the Middle Ground design, which includes a new middle school and necessary upgrades to the elementary and high schools at a cost of \$89.9 million.

A week prior to the vote, the School Board held a public forum at which the Middle Ground design was given overwhelming support by citizens of the town.

This compromise is the culmination of over a year and a half of work to gather data and input on the best way to address the ailing school buildings and the barriers to education that they present. With a price tag more than \$26 million lower than the previously proposed construction project in 2022, Harriman architect Lisa Sawin produced the Middle Ground design to address the highest priority needs of the schools at a cost the community has signaled it would support.

The School Board noted that the facilities department will continue to address issues at the high school and elementary school that are more efficiently accomplished as single projects. "We understand we can't do everything we need to do in one construction project," said School Board Chair Elizabeth Scifres. Identified jointly by Harriman, Turner & Townsend Heery, and CESD Facilities Director Dave Bagdasarian, those projects outside the bond are carefully planned to stay within the budgeted CIP and maintenance lines over the next eight years. CESD will also apply for funding from the School Revolving Renovation Fund (SRRF), an MDOE program that offers zero interest loans that are partially forgiven (part grant) for qualifying improvements to school buildings. Cape Elizabeth has had great success in the recent past in securing these resources, but is not relying on that program to fund those projects.

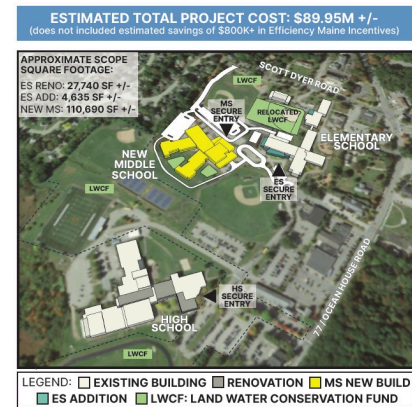
Scifres went on to say, "The Board wanted consensus and compromise, but would not compromise on education. This approach achieves exactly that. This is a major step forward for our schools and our town." In a written statement, School Board Vice Chair Phil Saucier said, "While this is a compromise plan, it really feels like a Cape Elizabeth plan".

The Town Council will consider setting a public hearing for the School Board - approved resolution on Monday July 8th. After a public hearing and if approved by the Town Council, the referendum vote will be on November 4th.

For more information about the Middle Ground:

[Harriman Presentation from the June 24 Public Forum](#)

[Video of the June 24 Public Forum](#)



The [Middle Ground Design](#) is a compromise that meets educational needs and financial parameters.



Find Us

Cape Elizabeth School Department
320 Ocean House Road
Cape Elizabeth, ME 04107
p: 207-799-2217
f: 207-799-2914

[Central Office Personnel List](#)

Schools

- Cape Elizabeth School Department
- Pond Cove Elementary School
- Cape Elizabeth Middle School
- Cape Elizabeth High School
- Athletics

Videos

[CETV](#)

Stay Connected



----- Forwarded message -----

From: **Hoefler, Heidi** <Heidi.Hoefler@maine.gov>

Date: Fri, Mar 21, 2025, 10:32 AM

Subject: RE: BQC Registration Requirements - When a Person Must Register

To: Mary Ann Lynch <maryannlynch5788@gmail.com>

Hi Mary Ann,

There is no requirement to register as a BQC until a person receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign. (See 21-A MRS §1052 (2-A) and §1052-A (1)(A-1) – words in bold and underlined are defined terms.)

A couple of things you may want to keep in mind:

- For BQCs, the statute contemplates certain efforts prior to a question being on the ballot counting toward the in excess of \$5,000 activity – initiating...a campaign.
- The statutory definition of expenditure does not include “[a]ctivity designed to encourage individuals...to vote (See 21-A MRS §1052 (4)(B)(2).
- Required disclosure on political communications exceeding \$500 – 21 MRS §1055-A applies to all “persons”, including individuals, and to communications for or against an initiative.

I hope that answers your question(s). If not, or if you have further questions, let me know!

Heidi

-----Original Message-----

From: Mary Ann Lynch <maryannlynch5788@gmail.com>

Sent: Friday, March 21, 2025 6:10 AM

To: Hoefler, Heidi <Heidi.Hoefler@maine.gov>; Currier, Martha
<Martha.Currier@maine.gov>

Subject: Re: Jurisdiction of Commission

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To be clear, the town council has a public hearing scheduled on the School Board's request. We are encouraging people to attend the public hearing and to encourage the town council to take more time and to encourage the school board to consider other alternatives. Our advertising does not say vote yes or no, as at present there is nothing on the ballot.

Thank you for your assistance.

Mary Ann

> On Mar 21, 2025, at 5:16 AM, Mary Ann Lynch
<maryannlynch5788@gmail.com> wrote:

>

> Good morning.

>

> I am writing because I am advertising to encourage our town council to NOT put a referendum (ballot Question) on the June election. We are encouraging voters to show up to ask for more time to allow the school board to enter into a lengthy process to consider other alternatives than the previously rejected bond. There is currently no ballot question. As I read the statute, in the absence of a ballot question and election warrant language approved and scheduled for a referendum election by the Town Council, there is no requirement to register. I will be unavailable all morning but can call you around 2 this afternoon.

>

> I seem to recall coming across a commission ruling on this issue last year, but can't find anything now.

>

> Thank you for your attention.

> Mary Ann

From: **Mike McGovern** <mkmcee@gmail.com>

Date: Tue, Apr 29, 2025 at 12:28 PM

Subject:

To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>

CC: Christopher Record <crecord@capeelizabethschools.org>

Dear Council Members:

I note the article in the Press Herald this morning regarding two citizens filing a complaint with the Maine Ethics Commission regarding School Department spending on the November 2024 school bond vote.

This prompted me to look at the initial report of the opposition group Cape Voters BCQII for the **2025** campaign. They had raised \$3,300 as of the report date. \$2,500 of this amount was donated by two Cape Elizabeth property owners with a Stuart, Florida address and a Bath, Maine address. Perhaps "Cape Voters" is a misnomer.

The 2024 anti school project efforts by a similarly named group raised and spent \$11,825.11. \$5,000 of this was from a single family.. They are, to my knowledge, local voters.

The reports on the Maine Ethics Commission site are revealing. Transparency is needed including by the School Department and they should file..

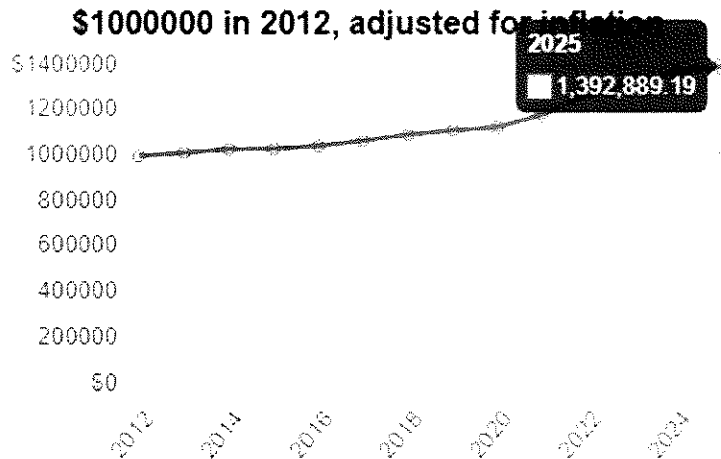
As for 2024, while the specific expenditures for Cape Courier ads and perhaps mailings from the CESD were not authorized by any of the 3 town managers in 2024, each manager had some control over expenditures pursuant to the charge to the SBAC. Indeed, I put a hold on any such expenditures between the issuance of the SBAC report and the final town council vote placing the school votes on the ballot. I did so as the original vote establishing the project itself specifically allowed spending for public information. I asked for any ads to include a notice of how the ads were funded, but this was not followed.

I am concerned as a citizen if the schools do not voluntarily file and instead pay Drummond Woodsum to fight transparency. If the schools do not voluntarily file, I think the town council should file as the town treasurers (including myself) signed the warrants which included the expenditures.

Local filing should also be required for the local town council and school board elections. While there is no way to know, I would guess that the three losing candidates in the last town council election were largely funded by the same individuals who have funded the two anti school project groups. The same folks also were likely behind the "Save the Cookie Jar" signs. A lot of money was spent. It would be helpful to know who is trying to influence local elections with hidden contributions.

On my last point, I think at some point the town council should consider setting up a charter commission. The matter of transparency in campaign financing could be one issue. Another important issue is the impact of inflation on the requirement to send to voters any cost over \$1.0 million. That provision should start with a new base and be indexed for inflation.

<https://www.in2013dollars.com/us/inflation/2012?amount=1000000>



There should also be a look at which appointees of the town manager require confirmation. The determination of who is a "department head" I found to be unclear as I set out to update the administrative code last year. The assessing position appointment process is also an outlier from other positions. This section of the charter has never been amended since the original charter adoption in 1967 and should be reviewed.

The charter has not had a complete review since 1990. There was an amendment in 2004 and one in 2012 which were single issue changes involving the municipal election date and the amount and process for a bond vote. The 1990 review was 23 years after the original charter. 35 years have elapsed since 1990.

Thank you for reading this and for the service each of you provide to our community.

Best regards

Mike

PS: These are my own opinions and I have not discussed them with any town or school official.

Michael K. McGovern
Mobile: 207-756-3425
Home: 207-767-3191

From: **Michael McGovern** <michael.mcgovern@capeelizabeth.org>
Date: Tue, Aug 20, 2024 at 11:41 AM
Subject: School Project Information
To: Record, Christopher <crecord@capeelizabethschools.org>

Dear Chris

Now that the ballot question has been set, I am revisiting the issue of expenses related to project information.

It is important for the public to receive accurate information on the school project that explains project scope, project objectives, educational benefit and tax implications.

To this end, and exercising my delegated budget authority, I authorize the project to resume spending on printed material, print advertising and social media to present facts to the community on the project. This authority extends to both the media itself and for the cost of preparation. There shall be no expenditures for purchased advertising on television or cable outlets.

I caution that any information shared should stop short of asking anyone specifically to vote yes or no on the project. Anything in print should indicate that the ad or material is funded by the Cape Elizabeth School Building Project Account.

You might also wish to check with the Maine Ethics Commission to be sure to stay within the guidelines of their interpretations of expenditures which are intended to influence voters. . They are quite strict and I am sure their staff can give guidance.

You can appreciate the sensitivity of this and I know that this authorization in its applications will be in keeping with the sensitivity.

All the best to you and others as the citizens made their decisions between now and early November.

Best regards

Mike

Statement by Robert L. Benoit, May 28, 2025,
Before the Commission on Governmental Ethics and Election Practices

The commission staff "identified with italicized comments the ads which some readers might see as more likely to influence voters." Billing documents show each of these advertisements in the Cape Elizabeth Courier cost \$1015.20 and the staff estimated design services provided by Harriman was \$300 per advertisement. Accordingly, the sum of these expenditures, which would be counted for the purposes of the \$5,000 threshold, is \$5,260 as follows:

Date	Publication	Ad Cost	Fees	Total Cost
9/4/24	Cape Courier	\$1015.20	\$300	\$1315.20
10/2/24	Cape Courier	\$1015.20	\$300	\$1315.20
4/23/25	Cape Courier	\$1015.20	\$300	\$1315.20
5/7/25	Cape Courier	\$1015.20	\$300	\$1315.20
Grand Total				\$5,260.80

Additionally, we believe that all advertisements published after the Town Council voted (August 19, 2024) to place the middle school bond on the Nov. 5, 2024, referendum ballot are on their face intended to influence an election in support of the referendum question.

ABOUT THE 3 SCHOOL DESIGN CONCEPTS

Visit the School Building Advisory Committee (SBAC) website to learn more about the schools' needs, the process for developing one concept for referendum, and how you can provide feedback at: www.CapeElizabethSBAC.com

SITE PLAN LEGEND: ☐ EXISTING BUILDING ☐ DEMOLITION ☐ RENOVATION ☐ MS ADDITION ☐ ES ADDITION

CONCEPT "E"

NEW MIDDLE SCHOOL



HIGH SCHOOL SCOPE:

- \$16M+/- In essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$10M+/- in essential ES repairs included
- New ES secure entry vestibule with administrative offices and nurse area
- New Middle School: Demolition of existing MS & construction of new MS on current soccer field (field relocated on site). New MS 'resets the clock' on 1 of 3 schools, provides comprehensive approach to safety & security, energy efficient building, and complies with existing energy codes. Includes secure entry vestibule, HS-sized gym 300 bleachers seats, cafeteria, stage fits 100 band members, library/STEM space, and (2) two-story classroom wings with right-sized/flexible educational spaces
- Minor ES interior improvements for wayfinding/

collaboration hubs; and limited ES renovation to add missing program spaces

- Addresses MS sprawl; decreases ES sprawl
- New MS performing arts spaces meet required sizes; plan includes areas for potential future classroom & performing arts additions; existing cafeteria remains as ES cafeteria
- STEM addition next to ES Library
- Least impact to learning of 3 concepts (36-42 months of construction; when new MS is built, existing MS serves as ES; minimal to no cost to relocate 1/3 of students in existing school)

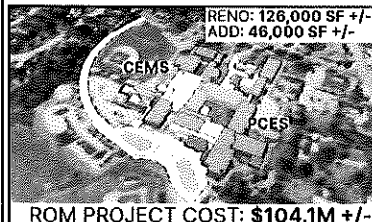
DOES NOT ADDRESS:

- Does not include ES restroom renovations
- Does not right-size Kindergarten classrooms; other ES classrooms will not be renovated
- Full building cooling not included at this time

NOTE: If new MS and repairs at ES (\$10M+/-) & HS (\$16M+/-) are prioritized, ROM cost would be \$100M+/-

CONCEPT "C"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- In essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$16M+/- In essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area (ES near existing ES main entry; MS separated from ES entry and more integrated into MS population)
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Most of existing ES/MS to be reconfigured to accommodate wayfinding/collaboration hubs, and missing or inadequate program spaces
- Existing shared cafeteria converted to 370+/- seat multipurpose/performance space; heavy renovation/addition adjacent to performance space to house music programs that are cur-

rently undersized; demolishes old music wing

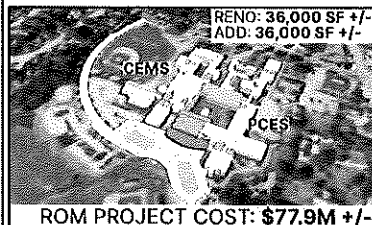
- STEM renovation next to ES Library
- Restroom renovations included
- Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

DOES NOT ADDRESS:

- Does not address most of sprawling layout, but improves with central MS entry & cafeteria
- Does not address underlying layout and classroom size issues
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 36-48 months of construction

CONCEPT "B"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- In essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$20M+/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area, in approximately same location as existing main entries
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Minor interior improvements for wayfinding/collaboration hubs
- Existing shared cafeteria converted to a 370+/- seat multipurpose/performance space
- STEM renovation next to ES Library
- Restroom renovations included

DOES NOT ADDRESS:

- Does not address most of sprawling layout of schools, but is improved by central cafeteria
- Does not address underlying layout and classroom size issues
- Does not right-size Kindergarten classrooms that are currently 20% undersized; limited renovations to accommodate some missing program needs; current classrooms will not be renovated; deficit of classrooms, restrooms, and program spaces remains
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 30-33 months of construction

ESTIMATED PROPERTY TAX IMPACT

Median Home Valued at \$700,000 | FY '25 Property Tax: \$7,700

*Projected Base Tax

**% Increase Over "Base Tax (Projected)" (Blue Column)

	BASE TAX*	CONCEPT E: NEW MIDDLE SCHOOL				CONCEPT C: ADDITION/RENOVATION				CONCEPT B: ADDITION/RENOVATION			
		TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL
FY '25	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700
FY '26	\$8,008	\$587	\$49	7.33%	\$8,595	\$534	\$45	6.67%	\$8,542	\$399	\$33	4.99%	\$8,407
FY '27	\$8,328	\$1,220	\$102	14.65%	\$9,548	\$1,111	\$93	13.34%	\$9,439	\$830	\$69	9.97%	\$9,158
FY '28	\$8,662	\$1,220	\$102	14.09%	\$9,882	\$1,111	\$93	12.83%	\$9,773	\$830	\$69	9.59%	\$9,492
FY '29	\$9,008	\$1,220	\$102	13.54%	\$10,228	\$1,111	\$93	12.33%	\$10,119	\$830	\$69	9.22%	\$9,838
FY '30	\$9,368	\$1,220	\$102	13.02%	\$10,588	\$1,111	\$93	11.86%	\$10,479	\$830	\$69	8.86%	\$10,198

TAX IMPACT NOTES (Tax Impact Provided By Town Of Cape Elizabeth):

- Based on projected total taxable value of real estate and personal property.
- Two tranches of bonds, one in FY '26, one in FY '27.
- Includes lease payments for "swing space" in FY '26 and FY '27 for Concepts B&C (little-to-no cost for "swing space" in Concept E due to use of existing MS).

- Assumes 4% annual increase in town budget.

- Assumes retirement of existing town debts.

- Assumes .5% (one half of one percent) annual increase in town's tax base.

- Assumptions are based on 30-year bonds at 3.5% interest and level payments and interest.

ABOUT THE 3 SCHOOL DESIGN CONCEPTS

Visit the School Building Advisory Committee (SBAC) website to learn more about the schools' needs, the process for developing one concept for referendum, and how you can provide feedback at: www.CapeElizabethSBAC.com

SITE PLAN LEGEND: ☐ EXISTING BUILDING ☐ DEMOLITION ☒ RENOVATION ☒ MS ADDITION ☒ ES ADDITION

CONCEPT "E"

NEW MIDDLE SCHOOL



ROM PROJECT COST: \$114.5M +/-

HIGH SCHOOL SCOPE:

- \$16M +/- in essential repairs included
- Locker Room Title IX improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$10M +/- in essential ES repairs included
- New ES secure entry vestibule with administrative offices and nurse area
- New Middle School: Demolition of existing MS & construction of new MS on current soccer field (field relocated on site). New MS 'resets the clock' on 1 of 3 schools, provides comprehensive approach to safety & security, energy efficient building, and complies with existing energy codes. Includes secure entry vestibule, HS-sized gym 300 bleachers seats, cafeteria, stage fits 100 band members, library/STEM space, and (2) two-story classroom wings with right-sized/flexible educational spaces
- Minor ES interior improvements for wayfinding/

collaboration hubs; and limited ES renovation to add missing program spaces

- Addresses MS sprawl; decreases ES sprawl
- New MS performing arts spaces meet required sizes; plan includes areas for potential future classroom & performing arts additions; existing cafeteria remains as ES cafeteria
- STEM addition next to ES Library
- Least impact to learning of 3 concepts (36-42 months of construction; when new MS is built, existing MS serves as ES; minimal to no cost to relocate 1/3 of students in existing school)

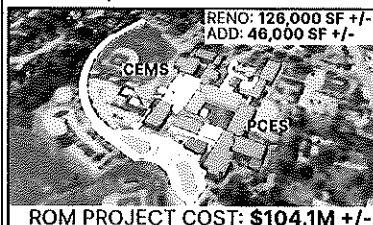
DOES NOT ADDRESS:

- Does not include ES restroom renovations
- Does not right-size Kindergarten classrooms; other ES classrooms will not be renovated
- Full building cooling not included at this time

NOTE: If new MS and repairs at ES (\$10M +/-) & HS (\$16M +/-) are prioritized, ROM cost would be \$100M +/-

CONCEPT "C"

ADDITION/RENOVATION



ROM PROJECT COST: \$104.1M +/-

HIGH SCHOOL SCOPE:

- \$16M +/- in essential repairs included
- Locker Room Title IX improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$16M +/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area (ES near existing ES main entry; MS separated from ES entry and more integrated into MS population)
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Most of existing ES/MS to be reconfigured to accommodate wayfinding/collaboration hubs, and missing or inadequate program spaces
- Existing shared cafeteria converted to 370 +/- seat multipurpose/performance space; heavy renovation/addition adjacent to performance space to house music programs that are currently

undersized; demolishes old music wing

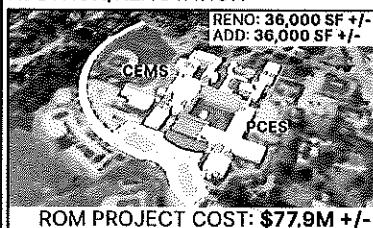
- STEM renovation next to ES Library
- Restroom renovations included
- Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

DOES NOT ADDRESS:

- Does not address most of sprawling layout, but improves with central MS entry & cafeteria
- Does not address underlying layout and classroom size issues
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 36-48 months of construction

CONCEPT "B"

ADDITION/RENOVATION



ROM PROJECT COST: \$77.9M +/-

HIGH SCHOOL SCOPE:

- \$16M +/- in essential repairs included
- Locker Room Title IX improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$20M +/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area, in approximately same location as existing main entries
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Minor interior improvements for wayfinding/collaboration hubs
- Existing shared cafeteria converted to a 370 +/- seat multipurpose/performance space
- STEM renovation next to ES Library
- Restroom renovations included

DOES NOT ADDRESS:

- Does not address most of sprawling layout of schools, but is improved by central cafeteria
- Does not address underlying layout and classroom size issues
- Does not right-size Kindergarten classrooms that are currently 20% undersized; limited renovations to accommodate some missing program needs; current classrooms will not be renovated; deficit of classrooms, restrooms, and program spaces remains
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 30-33 months of construction

ESTIMATED PROPERTY TAX IMPACT

Median Home Valued at \$700,000 | FY '25 Property Tax: \$7,700

*Projected Base Tax

**% Increase Over "Base Tax (Projected)" (Blue Column)

	BASE TAX*	CONCEPT E: NEW MIDDLE SCHOOL				CONCEPT C: ADDITION/RENOVATION				CONCEPT B: ADDITION/RENOVATION			
		TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL
FY '25	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700
FY '26	\$8,008	\$567	\$49	7.33%	\$8,595	\$534	\$45	6.67%	\$8,542	\$399	\$33	4.99%	\$8,407
FY '27	\$8,328	\$1,220	\$102	14.65%	\$9,548	\$1,111	\$93	13.34%	\$9,439	\$830	\$69	9.97%	\$9,158
FY '28	\$8,662	\$1,220	\$102	14.09%	\$9,882	\$1,111	\$93	12.83%	\$9,773	\$830	\$69	9.59%	\$9,492
FY '29	\$9,008	\$1,220	\$102	13.54%	\$10,228	\$1,111	\$93	12.33%	\$10,119	\$830	\$69	9.22%	\$9,838
FY '30	\$9,368	\$1,220	\$102	13.02%	\$10,588	\$1,111	\$93	11.86%	\$10,479	\$830	\$69	8.86%	\$10,198

TAX IMPACT NOTES (Tax Impact Provided By Town Of Cape Elizabeth):

- Based on projected total taxable value of real estate and personal property.
- Two tranches of bonds, one in FY '26, one in FY '27.
- Includes lease payments for "swing space" in FY '26 and FY '27 for Concepts B&C (little-to-no cost for "swing space" in Concept E due to use of existing MS).
- Assumes 4% annual increase in town budget.
- Assumes retirement of existing town debts.
- Assumes .5% (one half of one percent) annual increase in town's tax base.
- Assumptions are based on 30-year bonds at 3.5% interest and level payments and interest.

ABOUT THE 3 SCHOOL DESIGN CONCEPTS

Visit the School Building Advisory Committee (SBAC) website to learn more about the schools' needs, the process for developing one concept for referendum, and how you can provide feedback at: www.CapeElizabethSBAC.com

SITE PLAN LEGEND: ☐ EXISTING BUILDING ☐ DEMOLITION ☐ RENOVATION ☐ MS ADDITION ☐ ES ADDITION

CONCEPT "E"

NEW MIDDLE SCHOOL



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$10M+/- in essential ES repairs included
- New ES secure entry vestibule with administrative offices and nurse area
- New Middle School: Demolition of existing MS & construction of new MS on current soccer field (field relocated on site). New MS 'resets the clock' on 1 of 3 schools, provides comprehensive approach to safety & security, energy efficient building, and complies with existing energy codes. Includes secure entry vestibule, HS-sized gym 300 bleachers seats, cafeteria, stage fits 100 band members, library/STEM space, and (2) two-story classroom wings with right-sized/flexible educational spaces
- Minor ES interior improvements for wayfinding/

collaboration hubs; and limited ES renovation to add missing program spaces

- Addresses MS sprawl; decreases ES sprawl
- New MS performing arts spaces meet required sizes; plan includes areas for potential future classroom & performing arts additions; existing cafeteria remains as ES cafeteria
- STEM addition next to ES Library
- Least impact to learning of 3 concepts (36-42 months of construction; when new MS is built, existing MS serves as ES; minimal to no cost to relocate 1/3 of students in existing school)

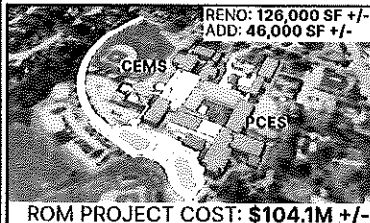
DOES NOT ADDRESS:

- Does not include ES restroom renovations
- Does not right-size Kindergarten classrooms; other ES classrooms will not be renovated
- Full building cooling not included at this time

NOTE: If new MS and repairs at ES (\$10M+/-) & HS (\$16M+/-) are prioritized, ROM cost would be \$100M+/-

CONCEPT "C"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$16M+/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area (ES near existing ES main entry; MS separated from ES entry and more integrated into MS population)
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Most of existing ES/MS to be reconfigured to accommodate wayfinding/collaboration hubs, and missing or inadequate program spaces
- Existing shared cafeteria converted to 370+/- seat multipurpose/performance space; heavy renovation/addition adjacent to performance space to house music programs that are currently

undersized; demolishes old music wing

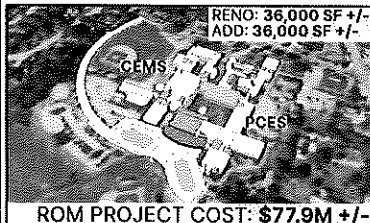
- STEM renovation next to ES Library
- Restroom renovations included
- Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

DOES NOT ADDRESS:

- Does not address most of sprawling layout, but improves with central MS entry & cafeteria
- Does not address underlying layout and classroom size issues
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 36-48 months of construction

CONCEPT "B"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$20M+/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area, in approximately same location as existing main entries
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Minor interior improvements for wayfinding/collaboration hubs
- Existing shared cafeteria converted to a 370+/- seat multipurpose/performance space
- STEM renovation next to ES Library
- Restroom renovations included

DOES NOT ADDRESS:

- Does not address most of sprawling layout of schools, but is improved by central cafeteria
- Does not address underlying layout and classroom size issues
- Does not right-size Kindergarten classrooms that are currently 20% undersized; limited renovations to accommodate some missing program needs; current classrooms will not be renovated; deficit of classrooms, restrooms, and program spaces remains
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 30-33 months of construction

ESTIMATED PROPERTY TAX IMPACT

Median Home Valued at \$700,000 | FY '25 Property Tax: \$7,700

**Projected Base Tax*

***% Increase Over "Base Tax (Projected)" (Blue Column)*

	BASE TAX*	CONCEPT E: NEW MIDDLE SCHOOL				CONCEPT C: ADDITION/RENOVATION				CONCEPT B: ADDITION/RENOVATION			
		TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL
FY '25	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700
FY '26	\$8,008	\$987	\$83	7.33%	\$8,995	\$534	\$45	6.67%	\$8,542	\$399	\$33	4.99%	\$8,407
FY '27	\$8,328	\$1,220	\$102	14.65%	\$9,548	\$1,111	\$93	13.34%	\$9,439	\$830	\$69	9.97%	\$9,158
FY '28	\$8,662	\$1,220	\$102	14.09%	\$9,882	\$1,111	\$93	12.83%	\$9,773	\$830	\$69	9.59%	\$9,492
FY '29	\$9,008	\$1,220	\$102	13.54%	\$10,228	\$1,111	\$93	12.33%	\$10,119	\$830	\$69	9.22%	\$9,838
FY '30	\$9,368	\$1,220	\$102	13.02%	\$10,588	\$1,111	\$93	11.86%	\$10,479	\$830	\$69	8.86%	\$10,198

TAX IMPACT NOTES (Tax Impact Provided By Town Of Cape Elizabeth):

- Based on projected total taxable value of real estate and personal property.
- Two tranches of bonds, one in FY '26, one in FY '27.
- Includes lease payments for "swing space" in FY '26 and FY '27 for Concepts B&C (little-to-no cost for "swing space" in Concept E due to use of existing MS).
- Assumes 4% annual increase in town budget.
- Assumes retirement of existing town debts.
- Assumes .5% (one half of one percent) annual increase in town's tax base.
- Assumptions are based on 30-year bonds at 3.5% interest and level payments and interest.

ABOUT THE 3 SCHOOL DESIGN CONCEPTS

Visit the School Building Advisory Committee (SBAC) website to learn more about the schools' needs, the process for developing one concept for referendum, and how you can provide feedback at: www.CapeElizabethSBAC.com

SITE PLAN LEGEND: ☐ EXISTING BUILDING ☐ DEMOLITION ☒ RENOVATION ☒ MS ADDITION ☒ ES ADDITION

CONCEPT "E"

NEW MIDDLE SCHOOL



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$10M+/- in essential ES repairs included
- New ES secure entry vestibule with administrative offices and nurse area
- New Middle School: Demolition of existing MS & construction of new MS on current soccer field (field relocated on site). New MS 'resets the clock' on 1 of 3 schools, provides comprehensive approach to safety & security, energy efficient building, and complies with existing energy codes. Includes secure entry vestibule, HS-sized gym 300 bleachers seats, cafeteria, stage fits 100 band members, library/STEM space, and (2) two-story classroom wings with right-sized/flexible educational spaces
- Minor ES interior improvements for wayfinding/

collaboration hubs; and limited ES renovation to add missing program spaces

- Addresses MS sprawl; decreases ES sprawl
- New MS performing arts spaces meet required sizes; plan includes areas for potential future classroom & performing arts additions; existing cafeteria remains as ES cafeteria
- STEM addition next to ES Library
- Least impact to learning of 3 concepts (36-42 months of construction; when new MS is built, existing MS serves as ES; minimal to no cost to relocate 1/3 of students in existing school)

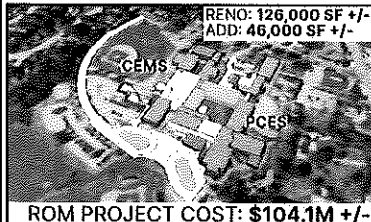
DOES NOT ADDRESS:

- Does not include ES restroom renovations
- Does not right-size Kindergarten classrooms; other ES classrooms will not be renovated
- Full building cooling not included at this time

NOTE: If new MS and repairs at ES (\$10M+/-) & HS (\$16M+/-) are prioritized, ROM cost would be \$100M+/-

CONCEPT "C"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$16M+/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area (ES near existing ES main entry; MS separated from ES entry and more integrated into MS population)
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Most of existing ES/MS to be reconfigured to accommodate wayfinding/collaboration hubs, and missing or inadequate program spaces
- Existing shared cafeteria converted to 370+/- seat multipurpose/performance space; heavy renovation/addition adjacent to performance space to house music programs that are currently undersized; demolishes old music wing

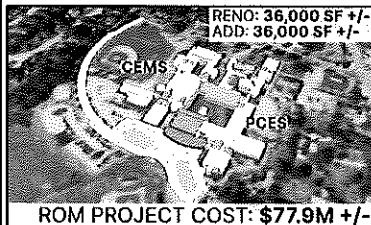
- STEM renovation next to ES Library
- Restroom renovations included
- Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

DOES NOT ADDRESS:

- Does not address most of sprawling layout, but improves with central MS entry & cafeteria
- Does not address underlying layout and classroom size issues
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 36-48 months of construction

CONCEPT "B"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- \$20M+/- in essential ES/MS repairs included
- New secure entry vestibules with adjacent administrative offices & nurse area, in approximately same location as existing main entries
- New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- Minor interior improvements for wayfinding/collaboration hubs
- Existing shared cafeteria converted to a 370+/- seat multipurpose/performance space
- STEM renovation next to ES Library
- Restroom renovations included

DOES NOT ADDRESS:

- Does not address most of sprawling layout of schools, but is improved by central cafeteria
- Does not address underlying layout and classroom size issues
- Does not right-size Kindergarten classrooms that are currently 20% undersized; limited renovations to accommodate some missing program needs; current classrooms will not be renovated; deficit of classrooms, restrooms, and program spaces remains
- Full building cooling not included at this time
- Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 30-33 months of construction

ESTIMATED PROPERTY TAX IMPACT

Median Home Valued at \$700,000 | FY '25 Property Tax: \$7,700

*Projected Base Tax

**% Increase Over "Base Tax (Projected)" (Blue Column)

	BASE TAX*	CONCEPT E: NEW MIDDLE SCHOOL				CONCEPT C: ADDITION/RENOVATION				CONCEPT B: ADDITION/RENOVATION			
		TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL
FY '25	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700
FY '26	\$8,008	\$587	\$49	7.33%	\$8,595	\$534	\$45	6.67%	\$8,542	\$399	\$33	4.99%	\$8,407
FY '27	\$8,328	\$1,220	\$102	14.65%	\$9,548	\$1,111	\$93	13.34%	\$9,439	\$830	\$69	9.97%	\$9,158
FY '28	\$8,662	\$1,220	\$102	14.09%	\$9,882	\$1,111	\$93	12.83%	\$9,773	\$830	\$69	9.59%	\$9,492
FY '29	\$9,008	\$1,220	\$102	13.54%	\$10,228	\$1,111	\$93	12.33%	\$10,119	\$830	\$69	9.22%	\$9,838
FY '30	\$9,368	\$1,220	\$102	13.02%	\$10,588	\$1,111	\$93	11.86%	\$10,479	\$830	\$69	8.86%	\$10,198

TAX IMPACT NOTES (Tax Impact Provided By Town Of Cape Elizabeth):

- Based on projected total taxable value of real estate and personal property.
- Two tranches of bonds, one in FY '26, one in FY '27.
- Includes lease payments for "swing space" in FY '26 and FY '27 for Concepts B&C (little-to-no cost for "swing space" in Concept E due to use of existing MS).

- Assumes 4% annual increase in town budget.
- Assumes retirement of existing town debts.
- Assumes .5% (one half of one percent) annual increase in town's tax base.
- Assumptions are based on 30-year bonds at 3.5% interest and level payments and interest.

ABOUT THE 3 SCHOOL DESIGN CONCEPTS

Visit the School Building Advisory Committee (SBAC) website to learn more about the schools' needs, the process for developing one concept for referendum, and how you can provide feedback at: www.CapeElizabethSBAC.com

SITE PLAN LEGEND: EXISTING BUILDING DEMOLITION RENOVATION MS ADDITION ES ADDITION

CONCEPT "E"

NEW MIDDLE SCHOOL



HIGH SCHOOL SCOPE:

- o \$16M+/- in essential repairs included
- o Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- o \$10M+/- in essential ES repairs included
- o New ES secure entry vestibule with administrative offices and nurse area
- o New Middle School: Demolition of existing MS & construction of new MS on current soccer field (field relocated on site). New MS 'resets the clock' on 1 of 3 schools, provides comprehensive approach to safety & security, energy efficient building, and complies with existing energy codes. Includes secure entry vestibule, HS-sized gym 300 bleachers seats, cafeteria, stage fits 100 band members, library/STEM space, and (2) two-story classroom wings with right-sized/flexible educational spaces
- o Minor ES interior improvements for wayfinding/

collaboration hubs; and limited ES renovation to add missing program spaces

- o Addresses MS sprawl; decreases ES sprawl
- o New MS performing arts spaces meet required sizes; plan includes areas for potential future classroom & performing arts additions; existing cafeteria remains as ES cafeteria
- o STEM addition next to ES Library
- o Least impact to learning of 3 concepts (36-42 months of construction; when new MS is built, existing MS serves as ES; minimal to no cost to relocate 1/3 of students in existing school)

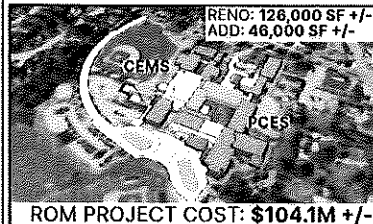
DOES NOT ADDRESS:

- o Does not include ES restroom renovations
- o Does not right-size Kindergarten classrooms; other ES classrooms will not be renovated
- o Full building cooling not included at this time

NOTE: If new MS and repairs at ES (\$10M+/-) & HS (\$16M+/-) are prioritized, ROM cost would be \$100M+/-

CONCEPT "C"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- o \$16M+/- in essential repairs included
- o Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- o \$16M+/- in essential ES/MS repairs included
- o New secure entry vestibules with adjacent administrative offices & nurse area (ES near existing ES main entry; MS separated from ES entry and more integrated into MS population)
- o New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- o Most of existing ES/MS to be reconfigured to accommodate wayfinding/collaboration hubs, and missing or inadequate program spaces
- o Existing shared cafeteria converted to 370+/- seat multipurpose/performance space; heavy renovation/addition adjacent to performance space to house music programs that are currently undersized; demolishes old music wing

STEM renovation next to ES Library

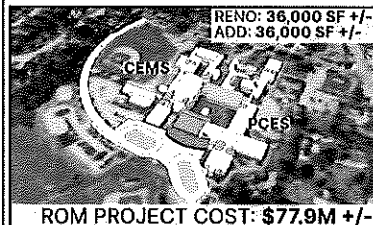
- o Restroom renovations included
- o Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

DOES NOT ADDRESS:

- o Does not address most of sprawling layout, but improves with central MS entry & cafeteria
- o Does not address underlying layout and classroom size issues
- o Full building cooling not included at this time
- o Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 36-48 months of construction

CONCEPT "B"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- o \$16M+/- in essential repairs included
- o Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

- o \$20M+/- in essential ES/MS repairs included
- o New secure entry vestibules with adjacent administrative offices & nurse area, in approximately same location as existing main entries
- o New 2-story addition with separate ES/MS cafeterias and a shared kitchen, with classrooms/offices on 2nd floor for currently missing program spaces, including special education
- o Minor interior improvements for wayfinding/collaboration hubs
- o Existing shared cafeteria converted to a 370+/- seat multipurpose/performance space
- o STEM renovation next to ES Library
- o Restroom renovations included

DOES NOT ADDRESS:

- o Does not address most of sprawling layout of schools, but is improved by central cafeteria
- o Does not address underlying layout and classroom size issues
- o Does not right-size Kindergarten classrooms that are currently 20% undersized; limited renovations to accommodate some missing program needs; current classrooms will not be renovated; deficit of classrooms, restrooms, and program spaces remains
- o Full building cooling not included at this time
- o Impacts learning due to extent of renovations and additions; ROM Cost includes \$3.6M to relocate 2/3 of students during 30-33 months of construction

ESTIMATED PROPERTY TAX IMPACT

Median Home Valued at \$700,000 | FY '25 Property Tax: \$7,700

*Projected Base Tax

**% Increase Over "Base Tax (Projected)" (Blue Column)

	BASE TAX*	CONCEPT E: NEW MIDDLE SCHOOL				CONCEPT C: ADDITION/RENOVATION				CONCEPT B: ADDITION/RENOVATION			
		TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL	TAX IMPACT (PER YR)	TAX IMPACT (PER MO)	TAX % CHANGE **	TOTAL TAX BILL
FY '25	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700	\$0	\$0	0.00%	\$7,700
FY '26	\$8,008	\$897	\$49	7.33%	\$8,595	\$534	\$45	6.67%	\$8,542	\$399	\$33	4.99%	\$8,407
FY '27	\$8,328	\$1,220	\$102	14.65%	\$9,548	\$1,111	\$93	13.34%	\$9,439	\$830	\$69	9.97%	\$9,158
FY '28	\$8,662	\$1,220	\$102	14.09%	\$9,882	\$1,111	\$93	12.83%	\$9,773	\$830	\$69	9.59%	\$9,492
FY '29	\$9,008	\$1,220	\$102	13.54%	\$10,228	\$1,111	\$93	12.33%	\$10,119	\$830	\$69	9.22%	\$9,838
FY '30	\$9,368	\$1,220	\$102	13.02%	\$10,588	\$1,111	\$93	11.86%	\$10,479	\$830	\$69	8.86%	\$10,198

TAX IMPACT NOTES (Tax Impact Provided By Town Of Cape Elizabeth):

- o Based on projected total taxable value of real estate and personal property.
- o Two tranches of bonds, one in FY '26, one in FY '27.
- o Includes lease payments for "swing space" in FY '26 and FY '27 for Concepts B&C (little-to-no cost for "swing space" in Concept E due to use of existing MS).

- o Assumes 4% annual increase in town budget.

- o Assumes retirement of existing town debts.

- o Assumes .5% (one half of one percent) annual increase in town's tax base.

- o Assumptions are based on 30-year bonds at 3.5% interest and level payments and interest.

May 23, 2025

Maine Ethics Commission & Staff

45 Memorial Cir
Augusta, ME 04333

Re: Municipal Education Efforts and Ballot Question Committee (BQC) Requirements

Dear Members of the Ethics Commission and Mr. Wayne

In regards to the complaint filed by Mary Ann Lynch and Larry Benoit against the Cape Elizabeth School District and its Superintendent, I wanted write to urge the Commission to refrain from finding that a public entity such as a school district or municipality must register as a Ballot Question Committee (BQC) especially when its role has been clearly to attempt educating the public about the factual background, identified municipal needs, proposed solutions, and financial implications of a project placed before local voters.

The laws which require registration and reporting for BQCs were written for the specific state ballot referendum process but more recently imposed on towns under 15,000 residents without regard to the nuance of what that might mean both for individuals engaging in actual advocacy, nor municipalities.

It is governance not advocacy - to inform the public of public projects

Municipalities have a legal and civic obligation to communicate factual information to their residents, especially when those residents are asked to vote on significant public matters such as school construction bonds or other capital improvements. Without this communication, how else can taxpayers reasonably know:

- The amount of the proposed bond;
- What specific problems or deficiencies the proposal addresses;
- Why this solution was chosen over other alternatives;
- The projected tax impact on households;
- And the full scope and timeline of the proposed project?

Providing this information is not advocacy—it is governance.

If municipalities are required to register as BQCs simply for fulfilling their duty to inform the public, it imposes an unnecessary burden and fundamentally alters the nature of local democratic accountability. Such a requirement would:

1. **Strip discretion from locally elected leaders**, placing judgment about what communication is "educational" vs. "advocacy" in the hands of a state-level commission, made up of non-local, unelected officials.
2. **Disincentivize transparent communication**, as school boards and town councils may become wary of potential penalties or bureaucratic hurdles, leading to an under-informed public. As the the Executive Director's own recommendation to the Commission (dated May 22, 2025) points out it, a Commission decision at this moment, just weeks before a vote, very likely could influence the election if there is a find by an Ethics Commission

that the School Board acting "inappropriately" which sounds to a layperson like "unethical" conduct - or would read that way in a news headline.

Beyond the erosion of local control, **the practical implications are unworkable**. Taken to its logical conclusion, this interpretation would suggest that *every* school district or municipality that brings a measure to a local vote must register as a BQC if it spends over \$5,000 educating the public. This would make routine, good-faith communication efforts subject to burdensome state filing and reporting requirements designed for statewide political campaigns, not local governance.

Moreover, the statute itself appears misaligned with such an application. The law defines a Ballot Question Committee as one that "*receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of **initiating** or influencing a campaign.*" (emphasis added). The statute is plainly written with the state ballot initiative process in mind, not local school board or municipality communication.

An interpretation that a municipality can have BQC status due to educational outreach for a current ballot issue, by the language of the law, would also mean municipalities might have BQC status for any municipal efforts to communicate factual, pre-ballot information about community needs, and even long-term projects — such as those costs and activities Cape Elizabeth's School Board has engaged in since 2017 regarding deteriorating school infrastructure. Since any expenditure over \$1 million must go to the voters in Cape Elizabeth, **any public-facing expenditure regarding any future capital needs could be seen activities undertake to "initiate" a ballot campaign**. This would create a highly problematic and unsustainable standard for BQC filing and reporting rendering many municipalities in Maine subject to the BQC laws.

Further, it is a far stretch to think the legislature intended such laws to apply to municipalities even if they engaged in political advocacy for a referendum or ballot measure. For example:

- The rules require a BQC to have its own treasurer and separate bank accounts. 21-A MRSA 1054-A(1) and (2). Such a requirement can be waived by special approval from the Ethics Commission. 21-A MRSA 1054-A(3). It seems unlikely the State was intending to require municipalities to register with the State, and then open up separate bank accounts for public funds OR seek an exception through the commission.
- The "dissolution" rules of the BQC state that "[w]hensoever any committee determines that it will not longer accept any contributions or many any expenditures, the committee shall file a termination report that includes all the financial activity from the end date of the previous reporting period through the date of termination with the commission." 21-A MRSA 1061. Further, "the committee shall dispose of any surplus prior to termination. In the termination report, the commission shall report any outstanding loan, debt or obligation in the manner prescribed by the commission." *Id.* This makes little sense when applied to a municipality. A municipal entity never "accepts contributions" and how would it know what it was done with "expenditures" because the municipality will forever be in a position of placing issues on the ballot in the public interest. Further, what assets should it "dispose of", what debts or obligations should it be reporting?
- Any fines imposed on a BQC are required to be joint and several together with the principal officer and treasurer of the BQC. 21-A MRSA 1054-A(4). It seems unlikely that the legislature intended to, in this unique instance and so casually, to allow the State

to impose liability on government employees when they are acting within their role and discretion of their official job duties. *See e.g.* 14 MRSA 8111.

Intent of the Complainants

Finally, I would like to emphasize that I believe the ambiguity in the application of a series of laws designed to facilitate transparency in the state referendum process is being intentionally exploited for politically motivated reasons by the complainants. One complainant, Larry Benoit, was on the the committee charged with outreach communications that he has now turned around and claims are "advocacy". If he felt it was undue advocacy, he had an opportunity to say something as a stakeholder and participant in the SBAC. The other complainant is a former lobbyist who has been vocally advocating in town since at least 2017 against any School Board proposal that involves new construction.

The timing of the complaint, is explicitly meant to influence voters to vote against this bond by generating headlines that the Cape Elizabeth School Department had an "ethics complaint" filed against for its "activities" related to the bond. Further, it was meant to silence any further education of the School Department. This isn't just idle speculation but rather, the complainants clearly took their their complaint to the Portland Press Herald and other news outlets the same day they filed in order to generate and immediately share in local facebook groups salacious headlines like "School Board referred to ethics commission over referendum ads" and "Cape Elizabeth residents file ethics complaint over School District's ads on bond referendum".

The timing and nature of the complaint clearly isn't meant to address the intent behind the law, transparency, it is about using whatever clever plausible argument may exist to undermine our local public officials. Building on their prior efforts to silence the School Department from making factual communications about the conditions of the schools, the complainants are attempting now turn state officials into one more of their tools to silence factual communications from the local government.

Conclusion

The intent of the BQC statute is to ensure transparency in political campaigning—not to hamstring municipalities from conducting their ordinary, expected, and necessary communications with the people they serve. I urge the Commission to issue guidance or make clear that providing factual, neutral information about a municipal bond or initiative does not in itself require a municipality to register as a BQC, and that such communication remains within the legitimate and protected scope of local governance.

Thank you for your careful consideration of this important issue and for your continued service to the people of Maine.

Sincerely,



Elizabeth Biermann
19 Trundy Road,
Cape Elizabeth ME