

----- 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..

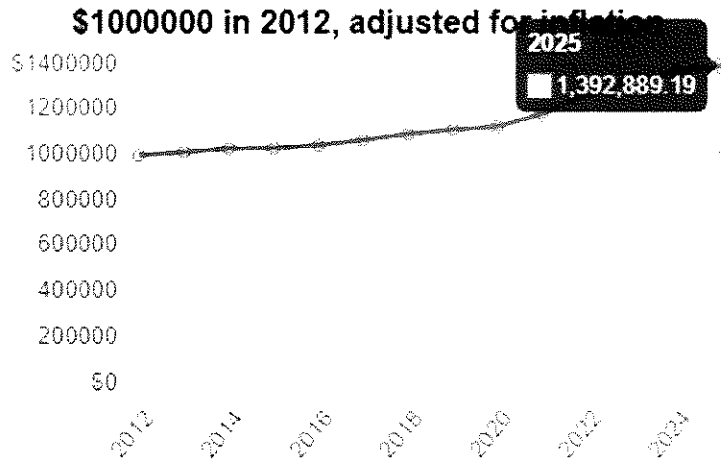
As for 2024, while the specific expenditures for Cape Courier ads and perhaps mailings from the CESD were not authorized by any of the 3 town managers in 2024, each manager had some control over expenditures pursuant to the charge to the SBAC. Indeed, I put a hold on any such expenditures between the 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

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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)

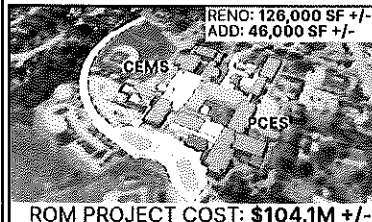
DOES NOT ADDRESS:

- 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:

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- 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

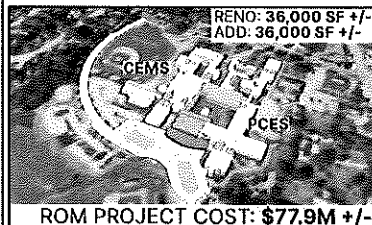
- STEM renovation next to ES Library
- Restroom renovations included
- Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

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
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DOES NOT ADDRESS:

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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			
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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	\$597	\$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.

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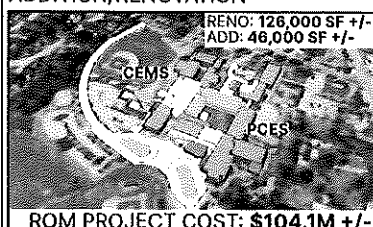
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CONCEPT "C"

ADDITION/RENOVATION



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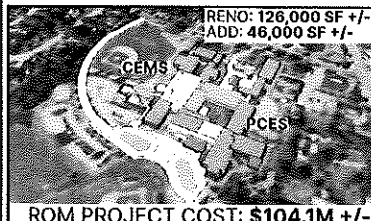
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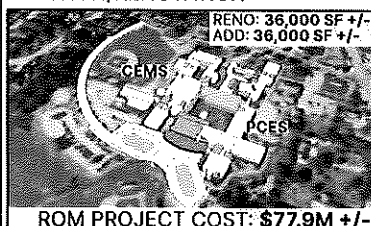
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***% Increase Over "Base Tax (Projected)" (Blue Column)*

	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



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)

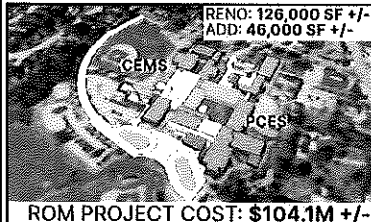
DOES NOT ADDRESS:

- 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

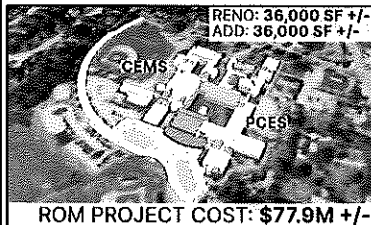
- STEM renovation next to ES Library
- Restroom renovations included
- Right-sizes undersized Kindergarten classrooms with renovation & small addition; meets overall classroom & restroom count needs; current classrooms will be renovated

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	\$597	\$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
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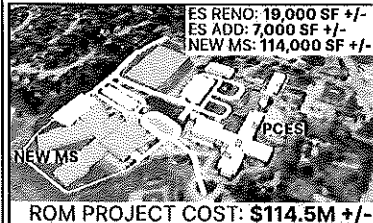
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CONCEPT "E"

NEW MIDDLE SCHOOL



HIGH SCHOOL SCOPE:

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- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

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- New ES secure entry vestibule with administrative offices and nurse area
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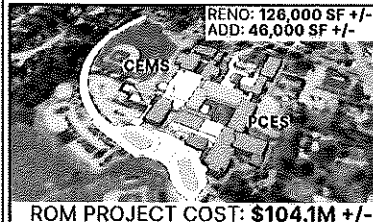
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CONCEPT "C"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

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ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

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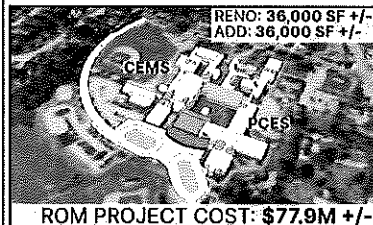
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CONCEPT "B"

ADDITION/RENOVATION



HIGH SCHOOL SCOPE:

- \$16M+/- in essential repairs included
- Locker Room Title IX Improvements

ELEMENTARY & MIDDLE SCHOOL SCOPE:

ADDRESSES:

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