

Dear SBAC members –

The following are a follow up to my comments made at the SBAC's Finance Subcommittee meeting yesterday, April 23. To summarize: I am disappointed that the efforts of the SBAC Finance Subcommittee appear to be focused primarily on (1) finding ways to scare voters; and (2) issues unrelated to the scope of work of a finance subcommittee (communication and evaluation of town-wide reevaluation), and even arguably, unrelated to the scope of work of the SBAC (e.g. enrollment, re-evaluation tax impact analysis).

I was grateful to hear at least passing discussion of how to present information regarding the long term costs; and the summary of Penny Jordan's town council efforts to review and bolster property tax relief programs. However, the amount of time spent on these important, and relevant, issues paled in comparison to the excessive time devoted to issues well outside the scope of the SBAC and SBAC finance subcommittee's scope of work. For example, Counselor Jordan deserved more than 3 short minutes of time to present, and have the committee discuss, the valuable analysis of property tax relief programs. Making the much needed infrastructure improvements for the schools affordable to the financially vulnerable community members in Cape Elizabeth is a *critical* part of the SBAC's charge, and necessary work. However, it got almost zero discussion.

#### 1) SBAC SCOPE OF WORK

SBAC and its members should not be authorized to discuss, strategize, and disseminate information that is outside the scope of the work of the SBAC. It puts non-elected community members in a position they were not approved for and undermines public trust and accountability. Specifically, the SBAC should not be permitted to pick apart enrollment numbers and conflate the tax implications of the tax reevaluation with the work of the SBAC and any proposed bond.

As a reminder, here is an excerpt of SBAC's Scope of Work

**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.

- o With feedback from the Town financial team and community, make a Building Plan recommendation for selection, further development, and referendum submission.

Scope of work in full: <https://www.capeelizabeth.com/SBACscopeofwork>

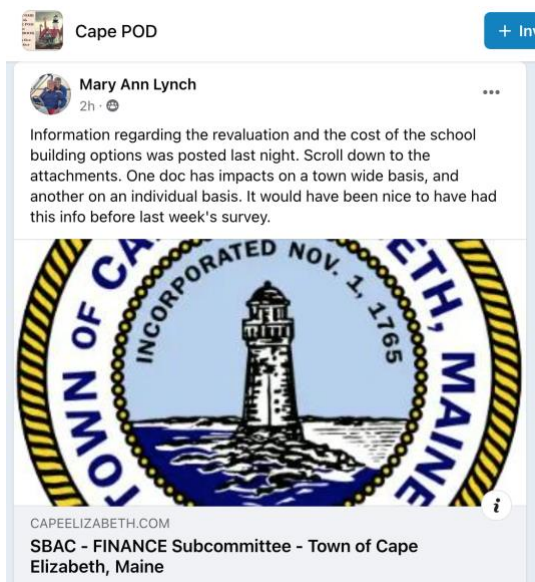
The highlighted bullets appear to be appropriate work for a finance subcommittee. However, in yesterday's meeting, Larry Benoit again insisted that the SBAC negotiate with NESDEC for updated enrollment numbers. This is not within the scope of work of the SBAC, and the relationship with NESDEC is managed by the School Board and Superintendent of Cape Elizabeth. While it might be appropriate to ask the Superintendent for any updated information that has been provided (arguably the subject of a prior SBAC finance subcommittee meeting when enrollment and NESDEC's work were discussed in great detail) it is wholly inappropriate to yet again hammer the superintendent and committee to insist NESDEC depart from its methodology just to satisfy the special interests of Larry Benoit and Tim Thompson – who both vociferously agreed with demanding new information from NESDEC. Enrollment data is never perfect in any district and it should be the purview of the Owner's Rep and Architect, both of whom have been retained and paid by Cape Elizabeth with taxpayer dollars, to advise how to build right-sized schools for the future. It should not be for members of SBAC to dispute and challenge enrollment data and IN TURN use such inappropriate and specious speculations to revise the architectural plans and square footage requirements without any of the requisite expertise or insight.

Every single member of the committee agreed at the meeting on April 23, that the final plan should ultimately be evaluated and adjusted to minimize square footage in excess of what the needs and student population require – but having enrollment analysis demands be the subject of yet another SBAC Finance Subcommittee meeting is entirely inappropriate and wastes valuable time the committee could have used to discuss tax relief program opportunities.

## 2) CONFLATING TAX IMPACTS OF THE PROJECT WITH TOWN DATA

First, it is the job of the *Town* to communicate, if and how it chooses, the impacts of the tax re-evaluation. Having a community member on the SBAC committee making spreadsheets, determinations and documents about the tax impact and analysis therefor, for dissemination to scare taxpayers is so far beyond inappropriate that I can't even believe it was a permissible agenda item for an SBAC meeting.

Last night Larry Benoit insisted that this document in particular, and this information in the document in particular, was "critical". Why? To scare people who weren't at the meeting to hear a more complete story. An exceedingly large part of the committee's work yesterday was regarding a document titled "Revaluation Tax Impacts FY 24-25" which is clearly meant to be used by either members of the committee, or members of the public on their behalf, to scare citizens. Here is an example of a member of the public amplifying and referring the very document that, if anything, should be a town communication, less than 24 hours after Mr. Benoit's presentation of it:



This post, made the morning of April 24<sup>th</sup>, implies, as does the document referenced, that the school building project is causing massive town-wide tax increases that are (obviously) scary and unacceptable. Accusing the committee of trying to “scare” the community may seem dramatic and hyperbolic. However, it appears an apt characterization because this document purports to show “Tax Impacts” but only includes *tax increases* (without the corresponding data for those receiving a neutral impact or a decrease) and is presented in a way to maximize confusion and to lead a casual reader of the document to think that the tax reevaluation only led to tax increases, and massive ones at that. Obviously this is not the case, but perhaps if you don’t understand how reevaluations work, or you weren’t listening to the meeting last night, you might think that a reevaluation means your taxes go up. In fact, many public comments in town meetings prior to yesterday’s meeting make it clear that many in people in town do think that is exactly what a reevaluation does.

Worse yet, this document then then attempts to fold in the potential school bond tax impacts – but again, only from an increase perspective and mixing them together as if both are optional. Neither are optional. If there was an attempt or desire to educate people, then SBAC would focus on ALL tax impacts – both gains and decreases across the property tax pool. Despite the fact that SBAC has no business presenting town-wide reevaluation impact information and has done so anyway, and it has done it in a way that is entirely confusing and has large tax increases of 50% shown.

The SBAC already prepared and presented information about tax impacts of the project, and went to great lengths to communicate it – but now that information is being conflated with tax reevaluation information in the vacuum of a town explanation of how this works.

### 3) SUBSTITUTION OF EXPERT OPINIONS FOR UNINFORMED JUDGMENT

One SBAC member last night stated he had reached out directly to our owner’s rep and architect because by his “back of the napkin” calculation, he felt cooling units in school

shouldn't be as expensive as quoted in the Architect's materials. Building a school is a specialized endeavor and its completely inappropriate (and frankly insufferable) that a non-architect member of the committee has wasted the time of our experts, the public and the committee, having a pet project discussion of his "back of the napkin" calculations and speculations. The details in question (HVAC/cooling) are design questions that I'm sure can be evaluated with our experts in a final design process but again, are a complete waste of time and resources in a Finance Subcommittee meeting. Please focus efforts on the charge of the committee and stop expending useless time substitution your judgements and "back of the napkin" calculations for real expert advice and best practices.

This work is too important to the current and future educational needs of our students, to continue to allow it to be confused and derailed from WITHIN the committee. The SBAC needs to identify a supportable solution, not scare citizens. The town's children, and teachers who work hard every day to impart the most valuable of skills to our students, and counting on this team to truly to the work required to solve this impending crisis of school infrastructure in our town.

Thank you,

Elizabeth Biermann  
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