

Dear SBAC –

There is a fundamental divide underlying those who are pushing for option B and those pushing for option E that needs to be named:

Those pushing for Option B (“**B Advocates**”) believe it to be a long term solution – much like the 1994 renovation has become, and expecting it to last another 30 years - and therefore will in fact be far cheaper in the long run than Option E. B Advocates know that Option E carries not only a cost now, but will require a new elementary school in the not too distant future. *On the other side*, those pushing for Option E (“**E Advocates**”) believe there are an overwhelming set of educational and programmatic needs that no amount of investment in deferred maintenance can cure and that the long term solution requires planning for replacement of our outdated and insufficient buildings, thereby making Option E more fiscally responsible because it sets the town on a sustainable course of replacing outdated infrastructure.

The central problem with believing Option B is a “long term” solution is that you must believe that our Architect team is lying to us – an Architect team that advises the Maine DOE on school construction policy and was [personally requested by influential members of the town](#). You must also believe that our Owner’s Representative is lying to us – an Owner’s Rep that works with school districts throughout New England to represent the interests of the schools in minimize costs and advocate for smart choices in construction projects. B Advocates must jump into a fantasy land to advocate for B as the “cheaper” option. While B Advocates may have convinced themselves that this is in fact the “cheaper” option, the problem is that all signs indicate that the voting public quickly no longer buying into that fantasy and they believe our hired experts. This is reflected, surprisingly in my mind, in the last survey conducted by the SBAC showing Option E to be widely preferred to any other option.

Evaluation of Long Term Costs

Our Architects presented long term costs cumulative costs of each of the seven options at the [February 1 Public Forum](#). Notably an upfront investment in Option B the “Short Term Fix” (at a rough cost of \$64.5 to \$97.5 million) would cost Cape Elizabeth approximately \$511.5 million over 40 years to meet 77% of educational goals; Option E a “Master Plan” option (at a rough cost of \$115 to \$165 million) would cost Cape Elizabeth approximately \$543.5 million over 40 years to meet 100% of educational goals, or **importantly \$519.5 million** over 40 years if Cape Elizabeth focused on replacement of the middle school. See pp. 166-67.

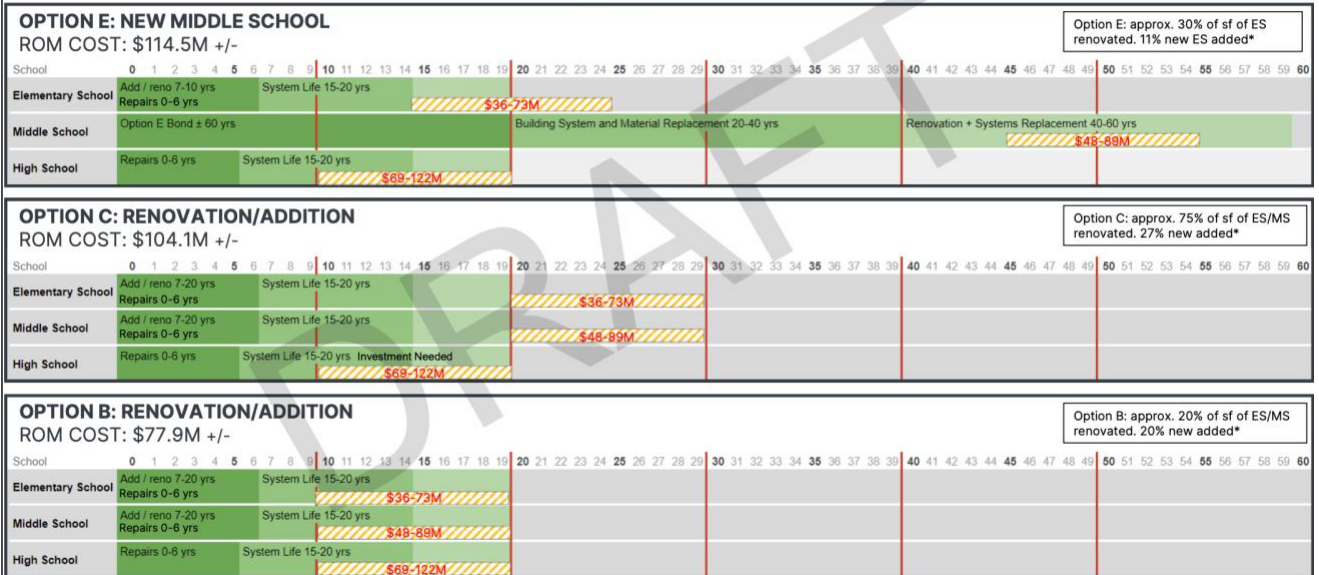
Please note that members of the SBAC immediately tried to discredit that information. Thereafter, multiple community members, including myself, asked on multiple occasions for many months, for the SBAC to prepare, consider, and share with the community – what the long term costs would be if they were going to ignore the information from the Architects. Almost exactly three months later, in a presentation at a [May 1st SBAC meeting](#), the committee got a different presentation of the long term costs from the architects (p.14):

SBAC Question Topics: Long Term Cost Figures
Lifespan of Investment in Each Option

Graph created by members of SBAC

Approximate time frame to consider major renovation or replacement based on avg. age of building and scope of work. Time frame may vary based on several factors.

Covered by 2024 Proposed Solution
 Minor Repairs Needed Over Time
 Repairs and Renovation Needed Over Time



Assumptions and Disclaimers: Existing sf used for reno and new construction. 78,830 sf for ES; 111,900 sf for MS; and 166,500sf for HS. Construction cost per sf used is \$300 for reno and \$500 for new. Site cost assumed at \$5M for reno and \$14M for new. Cost ranges represent reno cost at the low end and replacement at the high end of cost range. All cost are in 2024 dollars. Major renovation and replacement time frame is approximate based on average life of existing building and percent renovation achieved with each proposed option; This based on the options as they stand today. Repair work 0-6 years included in bond; repair work 6 years and beyond not included in bond work and will need to be budgeted for in each option.

Harriman

Again, the information from Harriman makes it clear that in fact, Option B will cost less up front, but leave taxpayers and students scrambling when expensive and needed upgrades will start to accrue in just 7-10 years, well before we are anywhere close to paying off the money we used to make the expensive repairs of Option B. I look at this data and wonder why B Advocates don't believe the Architects. Do they really feel they have more expertise? Do they trust their gut more than the dedicated experience of our Architects? What about the Owner's Rep we retained who protects and advises owners, do they think is he gleefully letting the architects lie to us? Maybe instead, B Advocates are so entrenched in their thinking and conviction that if we managed (just barely) to make the 1994 renovation last for 30 years then we will with Option B again? But that is a fantasy.

What is Different Now vs. 1993 Renovation?

In 1994 the existing middle school and Pond Cove had parts of the building constructed in 1934, 1948, 1952, 1955, 1960, and 1962. See [Harriman Presentation Feb 1, 2024 p.44](#). In 1994 there were additions plus renovations throughout. Even if you assume without any real reason, that every single legal educational requirement and safety law was addressed fully in 1994 throughout the entire building, the problem is that since 1994 the buildings have largely remained untouched. Yet, the following summary of laws and events affecting the types of spaces, services, and safety measures required to be provided from schools, which is too long to capture here, have all come into existence:

- 1) Americans with Disabilities Act passed in 1990 but is always updated, in 1999 a US Supreme Court Ruling held that the unjustified segregation of persons with disabilities is discrimination because it is not the most integrated setting;

- 2) 1997 – Individuals with Disabilities Education Act
- 3) 1999 – Columbine massacre in which 12 children and 1 teacher was killed in school. The first of many mass shootings at schools across America.
- 4) 2001 – No Child Left Behind – to ensure all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum proficiency on State academic achievement standards.
- 5) 2004 – Individuals with Disabilities Education Act – increased the focus on accountability and improved outcomes by providing an education that meets a child’s unique needs.
- 6) 2008 – ADA Amendments Act
- 7) 2015 – Every Student Success Act
- 8) 2020 - COVID

I have not listed all the numerous state and local safety regulations and code requirements, US Supreme Court Cases regarding education, the alarming frequency of active shooters in schools, and a myriad of changes to best educational practices to prepare students for a future that looks very different from what adulthood and the workforce looked like in 1994, let alone now in 2024. For example, did you know that the Maine Department of Education requires that if a district renovates an elementary or middle school [it is required to upgrade the entry way to be more secure](#) with interlocking door controller technology? What about all the challenges and safety conscious practices that came into play during COVID? What about keeping students safe in an active shooter situation? What about the educational laws and changes in education that are yet to come?

There are too many impactful changes to list – nearly none of which will be addressed by Option B. Option B doesn’t meet the educational and programmatic needs NOW, and surely won’t in 20-30 years if we can even limp the buildings along in this fantasy long enough to get there without a major renovation. In Option B – Cape Elizabeth is NOT addressing education and programmatic deficiencies, it is primarily investing in deferred maintenance (to the tune of approximately \$36.5 million see [Harriman Presentation Feb 1, 2024 \(p.166\)](#)) plus some basic renovations legally required for safety (see e.g. interlocking doors), and an additional cafeteria to relieve the terrible crunch the current situation places on the students and teachers.

Option B is not forward thinking, it is not planning for the future, it is not meeting the current educational needs of schools and it most definitely isn’t addressing the potential future educational and programmatic needs. In short, it is purely magical/wishful thinking to hold a secret hope in the back of your mind that Option B will last another 20-30 years.

Option E Provides Value

Option E minimizes student disruption. While this is a critical concern at any school in any year, it is doubly so now. With Option B, you are talking about impacting students who have already had the most significant learning disruptions in a generation, with an additional 2-3 years of disruptions. The need to minimize student disruptions for these students in particular should weight the scales heavily toward options that do not disrupt their education.

Dollar-for-dollar, Option E meets more programmatic and educational needs than any other option on the table at this point. In addition, the renovations at issue carry serious risks of: delay, increased costs, reduction of scope, displacement of students longer than anticipated, among others.

Option E also takes Cape Elizabeth off the collision course with many major expenses coming due in the next 20 years (town costs and school infrastructure costs). It is fiscally responsible, good stewardship, and morally responsible to help break the cycle of maintaining this town on operating budgets alone. Our town is anemic and infrastructure everywhere is aging faster than we will be able to pay to fix it. Please take reasonable steps maximize the value of our tax dollars.

Arrogant Advocacy

Lastly, to those members of the SBAC who find my advocacy arrogant, who find my style caustic, or do not think that I am a team player, I want you to know that every single moment of my involvement is for the betterment of our community, in my eyes. Moreover, Option E ***is in fact a compromise position*** as Option G and the last bond vote both represented the “cheapest” long term option and met 100% of educational and programmatic needs (See e.g. [Harriman Presentation Feb 1, 2024 \(p.166 – Option G\)](#)). We still live in an age when it is so easy to dismiss a woman as “shrill” or to minimize her opinion of being that of a “concerned mother”. I have faced this as a trial lawyer where both judges and juries hold me to a different standard and make wild assumptions about me because of my gender, or the style of my shoes, or my choice of jewelry. This is sadly, not new to me. Just as I have been asked to believe that everyone on this committee is acting with the best interests of the students – despite substantial email evidence to the contrary mind you – I will ask that you do your best to divorce my gender from my message.

Advocacy is part of democracy and I’m ashamed to have elected leaders of this town who openly belittle advocating for what you believe in on behalf of what you believe to be the best interests of children – who do not get to vote. I’m also shocked and amazed that asking for information (aka transparency) through a Freedom of Information request is to be mocked and derided. In this town, it is apparently an act worthy of retaliation. And for this, I am also saddened. I hope that however this process turns out, that the members of our Town Council (at a minimum) can acknowledge the value of informed and motivated citizens participating in the process of government and embrace transparency.

Please do not rest in the fantasy that Option B will last another 30 years. Our experts aren’t lying, the community is understanding the truth of it, and for only an extra \$30/month for the average Cape Elizabeth taxpayer, we can start truly meeting the needs of our students and the long term fiscally responsible planning we so desperately need. Please consider trusting our experts, and listening to the growing feedback from the community that agrees with me.

If you think Option B is going to pass a referendum, you are also underestimating how much campaigning will happen in this community to defeat such an expensive an irresponsible bandaid.

Respectfully,
Elizabeth Biermann
19 Trundy Road