



Cape Elizabeth Town Council Special Meeting

Minutes Monday, April 7, 2025

7:00 p.m.

Town Hall Council Chambers

Penelope A. Jordan, Chair
Stephanie P. Anderson
Caitlin J. Harriman
Jonathan T. Sahrbeck
Elizabeth K. Scifres
Andrew B. Swayze
Timothy L. Thompson

Chair Penelope A. Jordan convened the meeting at 7:04 p.m.

Workshop preceded the special meeting.

Pledge of Allegiance

Roll Call by the Town Clerk

All members of the Town Council were present.

Kristie D. Bradbury, Finance Director
Patrick W. Fox, Town Manager
Angela S. Frawley, Town Clerk
Debra M. Lane, Assistant Town Clerk
Dr. Christopher Record, Superintendent
James Saffin, Bond Counsel
Marcia Weeks, Business Manager

Item #46-2025 Consider Scheduling Town Center Amendments to Referendum

Public Comment

None

Moved by Caitlin J. Harriman and Seconded by Jonathan T. Sahrbeck

ORDERED, the Cape Elizabeth Town Council schedules the referendum vote resulting from the Citizens Petition entitled Cape Elizabeth Citizen Petition to Send Town Center Zoning Amendments to Referendum for June 10, 2025.

(7 yes) (0 no)

Item #47A-2025 Consider Scheduling the School Construction Referendum School Construction Bond Order

Public Comment

None

Present –

Lisa Sawin, Harriman

Chuck Adam, Turner & Townsend Heery

**Page 2 Special Town Council Minutes
April 7, 2025**

Moved by Elizabeth K. Scifres and Seconded by Jonathan T. Sahrbeck

Vote Authorizing Expenditures of up to \$86,499,993 (Plus Bond Premium and Investment Earnings) for a Critically Needed New Middle School and for Other Critically Needed Building Repairs and Renovations and Safety Upgrades to Pond Cove Elementary School and Authorizing Issuance of the Town's General Obligation Bonds Therefor.

Moved by Stephanie P. Anderson and Seconded by Timothy L. Thompson

ORDERED, the Cape Elizabeth Town Council amends the motion to strike ~~Critically~~-Needed New Middle School to read as:

Vote Authorizing Expenditures of up to \$86,499,993 (Plus Bond Premium and Investment Earnings) for a ~~Critically-Needed~~ New Middle School and for Other Critically Needed Building Repairs and Renovations and Safety Upgrades to Pond Cove Elementary School and Authorizing Issuance of the Town's General Obligation Bonds Therefor.

(2 yes) (5 no Councilors Harriman, Jordan, Sahrbeck, Scifres, Swayze)

Original Motion: (4 yes) (3 no Councilors Anderson, Jordan, Thompson)

**Item #47B-2025 Consider Scheduling the School Construction Referendum
Resolution & Recommendation School Construction Project Referendum**

Moved by Caitlin J. Harriman and Seconded by Elizabeth K. Scifres

Order Regarding School Construction Project Referendum

**TOWN OF CAPE ELIZABETH
Order Regarding School Construction Project Referendum**

WHEREAS, following a public hearing on March 24, 2025, on April 7, 2025, the Cape Elizabeth Town Council adopted certain votes (the "Votes") that authorized expenditures of up to \$86,499,993, and issuance of the Town's general obligation bonds therefor, to construct and equip a critically needed new middle school to replace the current Cape Elizabeth Middle School, and to make other critically needed building repairs and renovations and safety upgrades to Pond Cove Elementary School (the "School Construction Project");

WHEREAS, the Town Council now desires to submit the School Construction Project and the Votes to a referendum vote pursuant to Article VIII, Section 2 of the Town Charter;

NOW THEREFORE, be it hereby Ordered and Resolved by the Town of Cape Elizabeth Town Council as follows:

1. That the School Construction Project and the Votes be submitted to a referendum vote on June 10, 2025.

Page 3 Special Town Council Minutes
April 7, 2025

2. That pursuant to Title 20-A, §15905-A and Title 30-A, §2528(5)(B) of the Maine Revised Statutes, as amended:

~~a. The Town Council, as the municipal officers of the Town, recommend that the foregoing referendum question [be] [not be] approved;~~

b. The election warrant / notice and ballot be accompanied by a statement reflecting the foregoing Town Council recommendation.

c. The election warrant / notice and ballot be accompanied by a statement reflecting the Cape Elizabeth School Board recommendation with respect to the foregoing referendum question.

3. That the question be accompanied by a financial statement signed by the Town Treasurer, as required by Title 30-A, §5772(2-A) of the Maine Revised Statutes, as amended.

4. That the Town Manager, Clerk and other appropriate Town official or employee be authorized to take any and all additional actions as may be reasonably necessary to schedule, hold and conduct said referendum.

5. That this Order shall take effect immediately upon adoption.

(5 yes) (2 no Councilors Anderson, Thompson)

Moved by Caitlin J. Harriman and Seconded by Elizabeth K. Scifres
Order Regarding School Construction Project Referendum

2. That pursuant to Title 20-A, §15905-A and Title 30-A, §2528(5)(B) of the Maine Revised Statutes, as amended:

a. The Town Council, as the municipal officers of the Town, recommend that the foregoing referendum question be approved;

Moved by Stephanie P. Anderson and Timothy L. Thompson

ORDERED, the Cape Elizabeth Town Council amends the motion to include the vote of the Town Council in section 2. a.

(2 yes) (5 no Councilors Harriman, Jordan, Sahrbeck, Scifres, Swayze)

Original Motion: (4 yes) (3 no Councilors Anderson, Jordan, Thompson)

**Page 4 Special Town Council Minutes
April 7, 2025**

Public Comment

Tom Dunham, 11 Beckys Cove Lane
Cynthia Troiano, 8 Charles Road
David Andrews, 15 Grover Road
Larry Benoit, 26 Cross Hill Road, former SBAC member
Gayle Schmidt, 9 Great Pond Terrace
Vio Connelly Voltz, 33 Philip Road
Polly Wilcox, 17 Cape Woods Drive
Eliza Matheson, 270 Fowler Road

Item #48A-2025 Consider Scheduling the Solar Panel Project for School Construction to Referendum

Public Comment
None

Moved by Jonathan T. Sahrbeck and Seconded by Caitlin J. Harriman
Vote Authorizing Expenditures of up to \$1,725,000 in the form of Gifts and Grants to pay for Solar Panels to Enhance the New Cape Elizabeth Middle School
(7 yes) (0 no)

Item #48B-2025 Consider Scheduling the Solar Panel Project for School Construction to Referendum

Moved by Caitlin J. Harriman and Seconded by Elizabeth K. Scifres
Order Regarding Solar Project Referendum

**TOWN OF CAPE ELIZABETH
Order Regarding Solar Project Referendum**

WHEREAS, following a public hearing on March 24, 2025, on April 7, 2025, the Cape Elizabeth Town Council adopted certain votes (the “Votes”) that authorized expenditures of up to \$1,725,000 in the form of gifts and grants to pay for Solar Panels to enhance the new Cape Elizabeth Middle School (the “Solar Project”);

WHEREAS, the Town Council now desires to submit the Solar Project and the Votes to a referendum vote pursuant to Article VIII, Section 2 of the Town Charter;

NOW THEREFORE, be it hereby Ordered and Resolved by the Town of Cape Elizabeth Town Council as follows:

Page 5 Special Town Council Minutes
April 7, 2025

1. That the Solar Project and the Votes be submitted to a referendum vote on June 10, 2025.
 2. That pursuant to Title 20-A, §15905-A and Title 30-A, §2528(5)(B) of the Maine Revised Statutes, as amended:
 - a. The Town Council, as the municipal officers of the Town, recommend that the foregoing referendum question be approved;
 - b. The election warrant / notice and ballot be accompanied by a statement reflecting the foregoing Town Council recommendation.
 - c. The election warrant / notice and ballot be accompanied by a statement reflecting the Cape Elizabeth School Board recommendation with respect to the foregoing referendum question.
 3. That the question be accompanied by a financial statement signed by the Town Treasurer, as required by Title 30-A, §5772(2-A) of the Maine Revised Statutes, as amended.
 4. That the Town Manager, Clerk and other appropriate Town official or employee be authorized to take any and all additional actions as may be reasonably necessary to schedule, hold and conduct said referendum.
 5. That this Order shall take effect immediately upon adoption.
- (7 yes) (0 no)

Item #49-2025 Election Warrant – June 10, 2025

Public Comment
None

Moved by Caitlin J. Harriman and Seconded by Elizabeth K. Scifres

ORDERED, the Cape Elizabeth Town Council approves the School Budget Validation Referendum Warrant & Referendum Election Warrant for Tuesday, June 10, 2025. Said election will be held at the Cape Elizabeth High School. Polls open 7:00 a.m. and close at 8:00 p.m. Said warrant to include the school construction project as voted on Item #47B-2025 and Item #48B-2025 and the Town Center amendments as voted on Item #46-2025 with the following addition:

Page 6 Special Town Council Minutes
April 7, 2025

Town Center Zoning Amendments

Shall amendments to Section 19-6-4 (Town Center District) of the Zoning Ordinance, approved by the Town Council on February 10, 2025, be enacted, to allow:

h. Multifamily housing located 125' or more from a public road right-of way. The addition of multifamily housing in the Town Center supports village vitality and town center businesses by encouraging workforce housing and a customer base in close proximity to local businesses. This section shall apply to a building located at least one hundred twenty-five feet (125') from a public road right-of-way. Multifamily housing subject to review under this section may substitute the applicable provisions in Sec. 19-6-4(D) Standards with the following:

1. Maximum Number of dwelling units per area: 1 unit per 1,500 sq. ft
2. Maximum Building Footprint: 12,000 sq. ft.
3. Maximum Building Height: 50 ft.
4. The multifamily building shall not be required to include non residential uses.
5. Minimum roof pitch: 4:12
6. Openings: When the first floor use is residential, the first floor openings to wall space ratio shall be a minimum twenty-five percent (25%) openings to wall space ratio.
7. One or more residential units on a property with a non-residential use operating in a separate building on the same lot may be considered a multifamily building?

☐

Yes

☐

No

(7 yes) (0 no)
See attachment.

Adjournment

Moved by Caitlin J. Harriman and Seconded by Stephanie P. Anderson
ORDERED, the Cape Elizabeth Town Council adjourns at 9:15 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Assistant Town Clerk

**TOWN OF CAPE ELIZABETH
SCHOOL BUDGET VALIDATION REFERENDUM WARRANT
& REFERENDUM ELECTION
Tuesday, June 10, 2025**

County of Cumberland, ss.

To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

SCHOOL BUDGET QUESTIONS

School Budget Referendum

Do you favor approving the Town of Cape Elizabeth school budget for the upcoming school year that was adopted at the latest school budget meeting of the Town Council?

☐

Yes

☐

No

The following is a non-binding expression of opinion for the consideration of the School Board and Town Council.

I find the school budget adopted at the May 12, 2025 Town Council meeting to be:

☐

Too High

☐

Acceptable

☐

Too Low

School Budget Referendum Validation Process

Do you wish to continue the budget validation referendum process in Cape Elizabeth for an additional three years?

☐

Yes

☐

No

Informational Note

A "YES" vote will require Cape Elizabeth to continue to conduct a referendum to validate its annual school budget for the next three years.

A "NO" vote will discontinue the budget validation referendum for at least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the Town Council.

Town Center Zoning Amendments

Shall amendments to Section 19-6-4 (Town Center District) of the Zoning Ordinance, approved by the Town Council on February 10, 2025, be enacted, to allow:

h. Multifamily housing located 125' or more from a public road right-of way. The addition of multifamily housing in the Town Center supports village vitality and town center businesses by encouraging workforce housing and a customer base in close proximity to local businesses. This section shall apply to a building located at least one hundred twenty-five feet (125') from a public road right-of-way. Multifamily housing subject to review under this section may substitute the applicable provisions in Sec. 19-6-4(D) Standards with the following:

1. Maximum Number of dwelling units per area: 1 unit per 1,500 sq. ft
2. Maximum Building Footprint: 12,000 sq. ft.
3. Maximum Building Height: 50 ft.
4. The multifamily building shall not be required to include non residential uses.
5. Minimum roof pitch: 4:12
6. Openings: When the first floor use is residential, the first floor openings to wall space ratio shall be a minimum twenty-five percent (25%) openings to wall space ratio.
7. One or more residential units on a property with a non-residential use operating in a separate building on the same lot may be considered a multifamily building?

☐

Yes

☐

No

School Projects

1. Shall the Town Council Vote Authorizing Expenditures of up to \$86,499,993 (Plus Bond Premium and Investment Earnings) for a Critically Needed New Middle School and for Other Critically Needed Building Repairs and Renovations and Safety Upgrades to Pond Cove Elementary School and Authorizing Issuance of the Town's General Obligation Bonds Therefor be Approved?

The Town Council recommends that the question be approved.

The School Board recommends that the question be approved.

☐

Yes

☐

No

Solar Panel Project

2. Shall the Town Council Vote Authorizing Expenditures of up to \$1,725,000 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 the question be approved.

The School Board recommends that the question be approved.

☐

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:

1. Bonds outstanding: \$4,535,000
2. Bonds authorized but unissued: \$0
3. Bonds to be issued if Question 1 is approved: \$86,499,993

B. Costs:

Assuming an average annual interest rate of 4.00%, and a 30-year term, the estimated cost of the new bonds will be:

Bond Principal: \$86,499,993

Estimated Interest Cost: \$65,959,287

Total Estimated Debt Service: \$152,409,208

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.

s/ _____

Patrick W. Fox

Treasurer, Town of Cape Elizabeth

Election to be held on Tuesday, June 10, 2025 at the Cape Elizabeth High School.
Polls open at 7:00 a.m. and close at 8:00 p.m.

Absentee Ballot Processing:

Pursuant to Title 21-A M.R.S. §760-B 1, a municipality may opt to process absentee ballots beginning on the 7th day immediately prior to election day at the times designated by the clerk between the hours of 9:00 a.m. and 9:00 p.m. except that if an inspection is requested pursuant to Title 21-A M.R.S. §760-B 3. It is the intent of the Town Clerk to process absentee ballots prior to Election Day as allowed by law. Please contact the Town Clerk at 207-799-7665 for the schedule.

Absentee ballots will be processed at the polls on Election Day, on the hour every hour until close, beginning at 7:00 a.m. The Cape Elizabeth Democratic Town Committee, the Cape Elizabeth Republican Town Committee, the State Libertarian Party, and the State Green Independent Party have been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list on Election Day at the polls and prior to Election Day at the Town Clerk's Office. Questions should be directed to the Registrar of Voters at 207-799-7665. Proof of identity and Cape Elizabeth residency and proof of corrections (if applicable) is required.

_____	_____	_____
_____	_____	_____

Municipal Officers of Cape Elizabeth, Maine
Dated at Cape Elizabeth this 7th day of April 2025

A true copy.

Attest: _____
Constable

Attest: _____
Town Clerk

The warrant and specimen ballots shall be posted at least 7 days prior to the election.