

**AMENDED
AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 20, 2019
REGULAR MEETING – 7:00 P.M.**

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

Item 1. Call to Order.

Item 2. Pledge of Allegiance.

Item 3. Swearing-in of newly elected officials.

Order No. 19-086. Act on the request for nominations and election of a new Town Council Chair.
[Town Clerk]

Order No. 19-087. Act on the request for nominations and election of a new Town Council Vice-Chair.
[Town Clerk]

Item 3. Roll Call.

Item 4. General Public Comments.

Item 5. Minutes: November 6, 2019 - Regular Town Council Meeting.

Item 6. Adjustment to the Agenda.

Item 7. Items to be signed: a. Treasurer's Warrants.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 19-075, 7:00 p.m. Public Hearing and second reading on the proposed amendments to the Town of Scarborough Zoning Map of the Crossroads Planned Development District. [LRPC]

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-088. Act on the request to create a Health Reimbursement Arrangement (HRA) Special Revenue Account, pursuant to the provisions of the Scarborough Professional Firefighters Associations Collective Bargaining Agreement. *[Liam Gallagher, Director of Human Resources]*

Order No. 19-089. Act on the request to amend the Town of Scarborough Financial and Fiscal Policy.
[Finance Committee]

Item 8. Non Action Item.

- a. Presentation on the proposed time-line and process regarding the Town Manager's performance evaluation and employment agreement. *[Liam Gallagher, Director of Human Resources]*

Item 9. Standing and Special Committee Reports and Liaison Reports.

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

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Order No. 19-086. Move approval on the request for nominations and election of a new Town Council Chair. [*Town Clerk*]

Town Clerk

Ought to Pass

Sponsor

Recommendation

11/20/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

AMENDED - AGENDA
SCARBOROUGH TOWN COUNCIL
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Order No. 19-087. Move approval on the request for nominations and election of a new Town Council Vice-Chair. [*Town Clerk*]

Town Clerk

Ought to Pass

Sponsor

Recommendation

11/20/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

**AMENDED - AGENDA
SCARBOROUGH TOWN COUNCIL
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Order No. 19-075, 7:00 p.m. Public Hearing and second reading on the proposed amendments to the Town of Scarborough Zoning Map of the Crossroads Planned Development District. *[LRPC]*

LRPC

Ought to Pass

Sponsor

Recommendation

*10/02/2019 – Vote: 6 Yeas
[Councilor Hamill Absent]*

First Reading/Vote

11/20/2019

Public Hearing

11/20/2019 – Vote:

Second Reading/Final Approval/Vote



September 25, 2019

Chairman Peter Hayes
Town Council
Town of Scarborough
259 Route 1
Scarborough, Maine 04070

Re: Request for a Proposed Zoning Map Amendment of the Crossroads Planned Development District (CPD) Boundary at Scarborough Downs

Dear Chairman Hayes and Town Councilors,

On behalf of Crossroads Holdings LLC and the Scarborough Downs development team, we are proposing an amendment to the Official Town of Scarborough Zoning Map to change a 15 +/- acre parcel that is currently zoned Village Residential 4 (VR4) to the Crossroads Planned Development District (CPD).

This 15 +/- acre parcel consists of undeveloped, forested uplands that directly abuts the Downs and the CPD District to the east and is otherwise landlocked with no clear access to Sawyer Road, which is the closest public street. Crossroads Holdings LLC has this parcel under contract for purchase with the intent of incorporating it into the Downs master plan for development and conservation. Given its location and relationship to the Downs, this parcel is ideally suited for CPD zoning and to be properly integrated into project's master plan, rather than being developed on the outskirts of the project in a fragmented and disconnected manner, as would result under the current VR4 Zoning.

The following provides additional details on this parcel and the zoning proposal, in accordance with the Zoning Amendment process as outlined in the Town's Zoning Ordinance:

A map showing existing and proposed zoning lines.

Attached is a map that illustrates the current (VR4) and proposed (CPD) zoning district boundaries.

Address and location of zoning map amendment.

The parcel location is shown on the attached GIS Map that illustrates the parcel and the surrounding area as per the Town's Tax Assessors Map. The parcel is a portion of the land located at 2 Elsie Way, but will not be accessible from Elsie Way.

Name and address of the applicant.



The applicant is Crossroads Holdings LLC with a mailing address of 6 Washington Avenue, Scarborough, Maine. Right, title and interest has been attached to this submission.

Overview of existing and proposed land uses.

This parcel is currently undeveloped upland that is located within the Town's growth area and is zoned VR4, which is a higher density village residential district that allows for a mix of residential uses. Under the VR4 District, this parcel would be developed in its entirety as dwellings and infrastructure as allowed for in the zone. Access to the parcel can be provided from Scarborough Downs, but if so, a thru connection to Sawyer Rd would be prohibited under the current zoning.

Under the proposed CPD District, future residential development is also allowed and planned on a portion of this parcel (mixed residential development is allowed in the CPD as well), but unlike the VR4 Zone, there is an added requirement for 100' buffer along the boundary of the CPD to any abutting residential zones. This requirement will mandate a buffer be provided to each of the abutting properties and residences to the east and south, and that development be limited to the portion of the parcel bordering the Scarborough Downs property.

With the CPD District designation, the future development of this parcel can be appropriately integrated and connected with the rest of the Downs development to the west, and a robust buffer and separation provided to neighbors and homes in the remaining VR4 District along Sawyer Rd. We believe this to be the right approach to planning, land development and conservation in this locale, and seek the Town Council's support for this map amendment.

Existing and Proposed Zoning Classifications

As noted in the sections above, the current zoning district that applies is the Village Residential 4 (VR4) District and the proposed is the Crossroads Planned Development (CPD) District.

Financial Capacity

This parcel is not planned for development by the applicant in the immediate future, but is important to their overall design, layout and land planning which has led to this acquisition and proposed zoning amendment. As required at the time of future development, the applicant will demonstrate to the Planning Board the requisite financial capacity to execute the project.

Long Range Planning Committee Review and Neighborhood Outreach

In advance of this application to the Town Council for 1st Reading on the zoning map amendment, we have met with the Long Range Planning Committee (LRPC) on September 6th to review the proposal and have since conducted a neighborhood meeting. The neighborhood meeting was positive with those attending expressing appreciation for the buffer that the CPD will enable and raising no specific concerns or objections with the change.



In conclusion, we hope this package adequately outlines the details and merits of this modest zoning map amendment and are seeking the Town Council's support for this change. We feel strongly that this amendment will enable this parcel to be thoughtfully integrated with the Downs master plan and at the same time provide appropriate separation and buffering from the site's neighbors along Sawyer Rd to the east and south, both of which wouldn't be possible under the current VR4 zone.

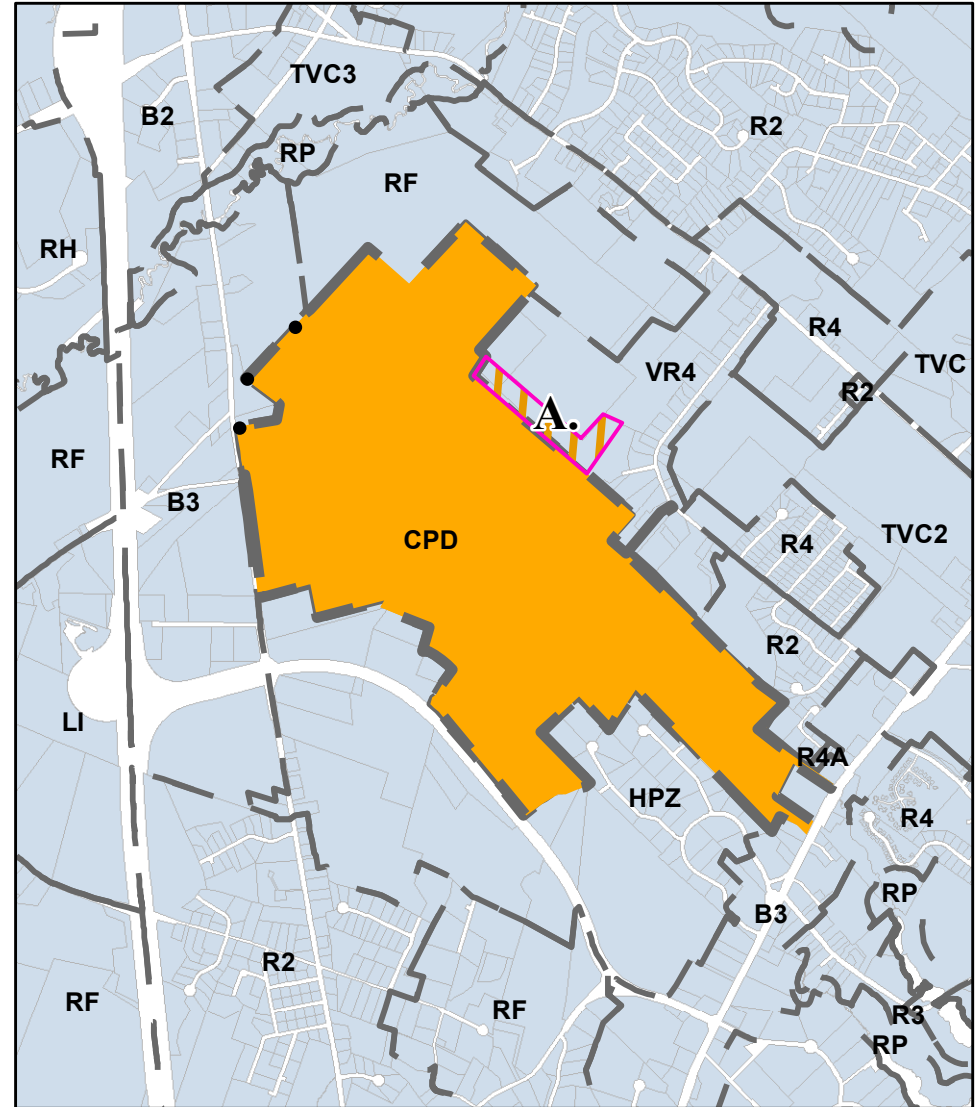
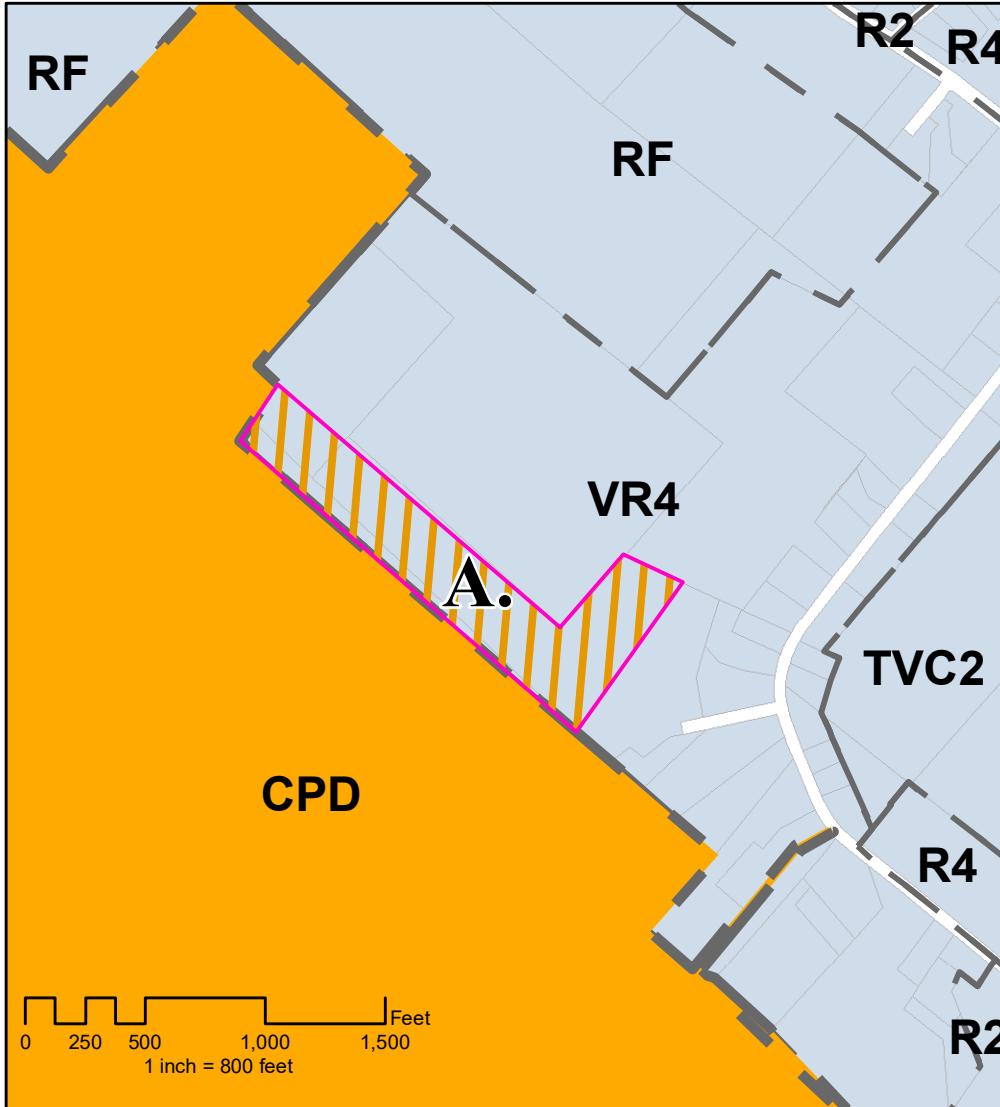
We look forward to presenting this map amendment in more detail at 1st Reading by the Town Council at your October 2nd meeting. Should you wish to discuss this proposal in advance of the Council meeting, don't hesitate to reach me at 207-232-5154.

Best regards,

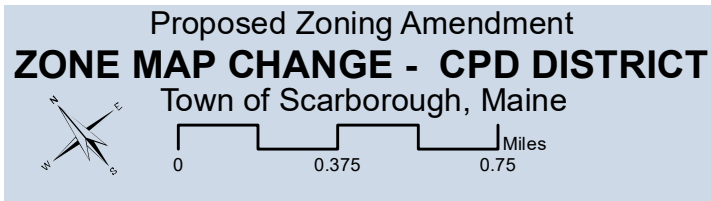
A handwritten signature in black ink, appearing to read "Dan Bacon", with a long horizontal flourish extending to the right.

Dan Bacon, Development Director
M&R Holdings

CC: Rocco Risbara
Tom Hall, Town Manager
Jay Chace, Planning Director



- A.** Area currently zoned VRF.
 Land conveyed from Carr to Crossroads Holdings LLC



Zoning District Boundaries

Current Crossroads Planned Development (CPD) District

Additions to the CPD District

NOTE: Parcel GIS data from the Town of Scarborough XX, 2018.

Gorrill Palmer - 8/16/2019 - DRAFT



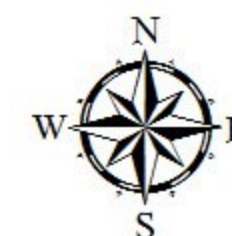
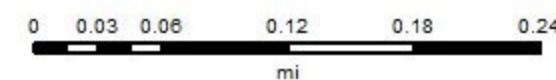
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



**Town Of
Scarborough
Maine**
<http://www.scarboroughmaine.org>

Disclaimer: The data contained within the Scarborough GIS is intended as a public resource of general information. The Town of Scarborough makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data, and shall assume no liability for the data contained, for omissions, or any decision made or action taken or not taken in reliance upon any of the data. Parcel data is intended for general map reference only and is a general representative of approximate lot configuration, and is not intended for boundary determination, legal description, delineation, or transfer. Any service utility information shown is intended for general information only. Other utilities may be present, and the appropriate utility owner should be contacted for detailed information. GIS data is not intended for engineering design. Field verification is recommended.

1 in = 752 feet



**MINUTES
PLANNING BOARD MEETING
MONDAY, NOVEMBER 4, 2019 – 6:30 P.M.**

Members Present:

Mr. Nicholas McGee - Chair
Ms. Rachel Hendrickson – Vice Chair
Mr. Roger Beeley - Secretary
Ms. Robyn Saunders (ABSENT)
Mr. Richard DuPerre – 1st Alternate
Ms. Jennifer Ladd
Mr. Rick Meinking – 2nd Alternate

Staff Present:

Mr. Jamel Torres, Assistant Town Planner
Ms. Angela Blanchette, Town Engineer
Ms. Doreen Christ, Recording Secretary

1. **Call to Order.** Nicholas McGee - Chair called the meeting to order at 6:30 p.m.
2. **Pledge of Allegiance.**
3. **Roll Call.** Roll was called by the Recording Secretary. It shall be noted that Robyn Saunders – Board Member was not present at this meeting.

In Robyn Saunders absence, Richard DuPerre was the voting member at this meeting.

4. **Approval of Minutes (October 15, 2019).** This set of meeting minutes was not available at this meeting. The following motion was made.

MOTION: *by Nicholas McGee, seconded by Rachel Hendrickson to move to table the Planning Board Meeting Minutes for October 15, 2019.*

VOTED: *5-0 (Passed).*



5. **The Planning Board will conduct a Public Hearing to receive comment on the proposed amendments to the Town of Scarborough Zoning Map for adjustments to the boundary of the Crossroads Planned Development (CPD) Zoning District.*** Jamel Torres gave an overview of the item. This is for an amendment to the Official Town of Scarborough Zoning Map to change a 15+/- acre parcel that is currently zoned Village Residential 4 (VR4) to the Crossroads Planned Development (CPD) District. This 15+/- acre parcel consists of undeveloped, forested uplands that directly abuts the CPD District to the east and is otherwise landlocked with no clear access to Sawyer Road, which is the closest public street. The parcel is a portion of the land located at 2 Elsie Way, however, is not accessible from Elsie Way. Crossroads Holdings LLC has this parcel under construction for purchase with the intent of incorporating it into The Downs Master Plan for development.

Present at this meeting was Dan Bacon, Development Director, for M&R Holdings. He said with this amendment, it will grow the Scarborough Downs project. He went on to say that there was a Neighborhood Meeting that took place at the Grand Stands. Abutters were notified beyond and including 500 feet from the parcel. There were three (3) in attendance and after the presentation of the proposal, they had no concerns with the zone change. Dan Bacon showed the board the map that illustrates the current (VR4) and proposed (CPD) zoning district boundaries. In closing, Dan Bacon said that this amendment will enable this parcel to be thoughtfully integrated with The Downs Master Plan, and at the same time, provide appropriate separation and buffering from the site's neighbors along Sawyer Road to the east and south, both of which would not be possible under the current VR4 Zone. With this zoning map change, this requires a 100 foot buffer to all residential zones that abut it.

Nicholas McGee opened the Public Hearing giving an opportunity for public comment. There was none. He then closed the public portion of this hearing.

Nicholas McGee then opened this item up to the board. Nicholas McGee asked about vehicle access to Sawyer Road. Dan Bacon said that the zoning does not allow for vehicular connections between The Downs and Sawyer Street. There being no further questions or comments from the board, Nicholas McGee said the consensus of the board is to provide a favorable response to the Town Council of the proposed amendments to the zoning map for the adjustments to the boundary of the CPD Zoning District.

6. **Maine Medical Center requests a site plan review for 92 Campus Drive, Assessor's Map R76, Lot 4A.*** Jamel Torres gave an overview of the item. Maine Medical Center has submitted a site plan application titled, "Proposed Medical Office Building". The applicant is proposing to construct a 108,000 SF, three- (3-) story medical building with associated parking, pedestrian infrastructure, utilities, and storm water management infrastructure. This

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WEDNESDAY – NOVEMBER 20, 2019
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Order No. 19-088. Move approval on the request to create a Health Reimbursement Arrangement (HRA) Special Revenue Account, pursuant to the provisions of the Scarborough Professional Firefighters Associations Collective Bargaining Agreement.
[Human Resources]

Human Resources

Ought to Pass

Sponsor

Recommendation

11/20/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

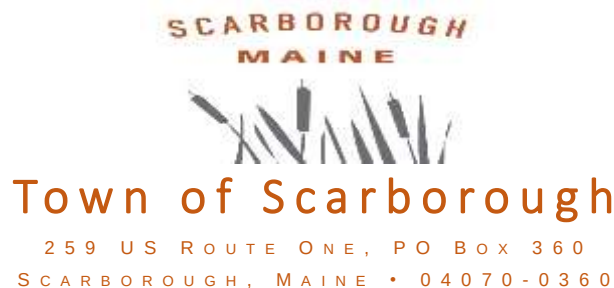
N/A

Second Reading/Final Approval/Vote

**TOWN OF SCARBOROUGH
HEALTH REIMBURSEMENT ARRANGEMENT (HRA)
SPECIAL REVENUE ACCOUNTS**

BE IT ORDERED, That under and pursuant to the provisions of the Scarborough Professional Firefighters/EMS Association's Collective Bargaining Agreement the Health Reimbursement Arrangement (HRA) Special Revenue Accounts are hereby established as interest bearing Special Revenue Accounts for the purpose of reducing appropriations in future budget years in the Town of Scarborough; and,

BE IT FURTHER ORDERED, That any unexpended funds at the end of each fiscal year and previous fiscal years [as noted in HR memo] are hereby designated to the Health Reimbursement Arrangement (HRA) Special Revenue Accounts for use in the event that budgeted monies are not sufficient to cover health reimbursement obligations. Any use of funds from these Special Revenue Accounts must be approved by the Town Council.



MEMORANDUM

DATE: November 14, 2019
TO: Thomas Hall, Town Manager
CC: Ruth Porter, Finance Director; B. Michael Thurlow, Fire Chief
FROM: Liam Gallagher, Director of Human Resources
RE: Health Reimbursement Arrangement (HRA) Reserve Account

As you know, the terms of the Fire CBA included a change in the medical insurance program effective January 1, 2018.

One of the fundamental changes to the new insurance program was the addition, and funding, of a Health Reimbursement Arrangement (HRA) in coordination with a lower cost medical insurance plan. The HRA had two components; a deductible/co-insurance fund to reimburse participant deductible/co-insurance costs (“HRA – Deductible Plan”), and a credit fund for employees to use for co-pay, prescription, dental, vision and other IRS Code Section 213(d) qualified expenses (“HRA – Credit Plan”).

Per the CBA, the Town has agreed to reimburse all in-network deductible and co-insurance expenses (“HRA -Deductible Plan”). While the possible exposure is a considerable cost, industry metrics suggest that on average, approximately 30% of the organizations total exposure is actually expended through reimbursements. Since the plan’s inception, we have budgeted for approximately 40% utilization. This component of the insurance program incorporates a level of self-insurance that allows the Town to provide lower cost coverage (less comprehensive plan) and potentially reduce future appropriation requests provided the actual utilization comes in below the budgeted amount. In FY18, we budgeted \$54,610 and expended \$28,562.83, with a remaining balance of \$26,047.17. In FY19, we budgeted \$82,800 and expended \$50,732.23, with a remaining balance of \$32,067.77. We are requesting the remaining funds from FY18 and FY19, a balance of \$58,114.94, be allocated to a special revenue account for the purpose of reducing appropriations in future budget years.

The “HRA - Credit Plan” is slightly different. These dollars are committed to the employee (plan participant) and if unused, roll from one plan year to the next until the funds are either exhausted (spent) or the employee separates employment, at which time the remaining dollars would be forfeited back to the plan. In FY18, we budgeted \$13,500 and expended \$7,858, with a remaining balance of \$5,642. In FY19, we budgeted \$29,000 and expended \$21,564 with a remaining balance of \$7,436. We are requesting the remaining funds from FY18 and FY19, a balance of \$13,078, also be allocated to a special revenue account. Please note that the lower levels of funding in FY18 compared against FY19 was related to the fact the plan was incorporated half way through FY18 whereas FY19 included a full year of funding.

Given the ongoing budgetary and financial obligations of the Collective Bargaining Agreement, by allowing unexpended funds to be retained in a reserve account will permit the Town to cover existing commitments and liabilities, as well as reduce future appropriation needs through carry forward funds.

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Order No. 19-089. Move approval on the request to amend the Town of Scarborough Financial and Fiscal Policy. [*Finance Committee*]

Finance Committee

Ought to Pass

Sponsor

Recommendation

11/20/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Town of Scarborough

Financial and Fiscal Policy

Adopted September 5, 2018

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Finance & Fiscal Policy, Appendix 1. Ratios, is amended as follows:

APPENDIX 1. RATIOS

Ratios will be calculated and reported to the Finance Committee within the first quarter of each calendar year. Ratios will also be reported annually as part of the Fiscal Health Metrics Dashboard approved by the Finance Committee.

1. Annual Debt Service as a Percentage of Government Budgeted Operating Revenues.

Debt service includes principal and interest payments on tax-backed general municipal debt obligations borrowed for capital project expenditures. Debt service payments are examined relative to general operating revenues including special revenue funds and excluding truly “self-supporting” debt or State Educational Subsidy.

As a fixed cost, debt service can reduce expenditure flexibility and can be a major part of a government’s fixed costs.

Policy statement: Debt Service as a Percentage of Annual Revenues: Debt service will be managed with an intent to not exceed 15% of annual revenues and with a goal of keeping this percentage below 12%.

2. Debt as a Percentage of State Equalized Value. This ratio is calculated by dividing the amount of direct net debt by the total equalized State Valuation of the municipality.

Comparing debt to the appraised value provides an indication of the burden that debt places on all property tax owners with our jurisdiction.

Policy statement: Total Debt as a Percentage of equalized State Valuation: Total debt will be managed to prevent the total debt from exceeding 8.5% of the most recent calculation of state equalized valuation with a commitment to keep total debt below 3% of the most recently calculated full state valuation.

3. Debt Per Capita. Total bonded debt of a municipality, divided by its most recent U.S. Census Bureau population data. A more refined version, called net per capita debt, divides the total bonded debt less applicable sinking funds by the total population.

Policy statement: Debt per capita will be assessed every 5 years, changing to every 3 years after 2020, using per capita debt as a percentage of per capita income with a goal of not having this ratio exceed 15%. On an annual basis, debt per capita will be reported as part of the annual review of fiscal health indicators. New debt issuance may be discouraged if the new debt will result in debt per capita exceeding 115%, adjusted for inflation, of base year FY18.

4. Per Capita Debt as a Percentage of Per Capita Income. Policy statement: Per Capita Debt as a Percentage of per Capita Income: Per capita General Obligation debt may be managed with the intent to not exceed 15% of the most recent computation by the US Census Bureau or the American Community Survey of Scarborough’s per capita annual personal income. In 2015 this value was \$40,139 which would limit debt per capita to \$6,021.

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Item 8. Non Action Item.

- a. Presentation on the proposed time-line and process regarding the Town Manager's performance evaluation and employment agreement. *[Liam Gallagher, Director of Human Resources]***

Appointments and Negotiations Committee

Town Manager Performance Evaluation and
Employment Agreement Renewal Timeline and Process

SCARBOROUGH
MAINE



Highlights

- Process and Timeline of Performance Evaluation
- Renewal of Town Manager's Employment Agreement
- *Any detailed discussion of Town Manager's performance or terms and conditions of a successor employment agreement will be conducted in Executive Session*

Performance Review (Process and Timeline)

- December 2019 - Each Councilor (seated prior to the November election) completes an individual evaluation.
- December 2019 - Town Manager completes self-evaluation.
- January 2020 - Evaluations are consolidated and distributed to the Council and Manager.
- January, 2020 - Current Council, and immediate past Councilors (if applicable) meet in Executive Session to discuss evaluation and Performance Bonus.
- February 2020 - Council Chair and, either past Chair, or Vice-Chair, meet with Manager to review evaluation, provide feedback and discuss general goals

Town Manager Employment Agreement Renewal (Proposed Process and Timeline)

- March, 2020 – Town Council to meet with HR to determine market data for contract negotiations.
- *March 31, 2020 (or before) – Manager to notify Council of expiration date of employment agreement.*
- May, 2020 – Council meets in executive session to consider an Employment Agreement extension, review comparable market data, as well as any other requested information.
- *June 1, 2020 – Deadline for Council to meet regarding Town Manager Employment Agreement.*
- June, 2020 – Council to meet in Executive Session to discuss extension terms and conditions.
- *June 30, 2020 – Council to notify Manager of decision to renew, or not to renew Employment Agreement. Absent notification, Employment Agreement automatically renews for a three year term.*
- July, 2020 – Council, or ANC on Council's behalf, meet with Town Manager in Executive Session to negotiate successor agreement.
- December 1, 2020 – Current Employment Agreement due to expire.

Market Data: Total Compensation and Salary Survey Review to be Prepared for Council/ANC

- The Council will be provided with market data from comparable communities
 - 18 Southern and Central Maine Municipalities
- Current agreement includes the following total compensation;
 - Base Salary
 - Performance Bonus
 - Vehicle Allowance
 - Retirement Contribution