

**AMENDED
AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 18, 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.** Roll Call.
- Item 4.** General Public Comments.
- Item 5.** Minutes: December 4, 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. 19-101, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License: *[Town Clerk]*

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Crystal Spring MHP, LLC	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses & Tina Marie Smith	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Order No. 19-102, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from Matthew Boulrice, d/b/a Smoothie Doctor, located at 33 Haigis Parkway. *[Town Clerk]*

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-103. First reading to authorize the following appropriations and expenditures for the Public Safety Building Project:

- \$350,000 for furniture, fixtures and equipment; and,
- \$65,000 for miscellaneous mechanical fixtures; and,
- \$99,434 for IT Equipment; and,
- \$20,000 for a reader-board sign; and,

And further, in order to fund such appropriations, approve the use of the following sources of revenue:

- \$259,000 in interest earned on the Public Safety Building unspent bond proceeds; and,
- \$275,434 from the undesignated fund balance. *[Town Manager]*

- Item 8.** Non Action Item.
- Item 9.** Standing and Special Committee Reports and Liaison Reports.

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Order No. 19-104. Act on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(c) in consultation with legal counsel relating to economic development. *[Town Manager]*

Item 12. Adjournment.

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SCARBOROUGH TOWN COUNCIL

WEDNESDAY – DECEMBER 18, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-101. Move approval on the following applicants who have applied for renewal of their Manufactured Housing Communities License: *[Town Clerk]*

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Crystal Spring MHP, LLC	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses & Tina Marie Smith	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Town Clerk

Ought to Pass

Sponsor

Recommendation

12/18/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Town of Scarborough, Maine
Town Clerk's Office
259 US ROUTE ONE
PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members
Town Manager

FROM: Yolande P. Justice, Town Clerk

DATE: December 13, 2019

**RE: Renewal Requests for Manufactured Housing Community
and/or Mobile Home Park License**

The following applicants have applied for renewal for Manufactured Housing Communities:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Crystal Spring MHP, LLC	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses & Tina Marie Smith	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Per Brian Longstaff, Zoning Administrator, all three Communities have been inspected and it is recommended that the licenses be approved for all.

The applications are kept on file in the Clerk's Office.

Planning & Code Enforcement Department

To: Scarborough Town Council
Thomas Hall
Tody Justice
Jay Chace

From: Brian Longstaff

Date: December 10, 2019

Subject: Mobile/Manufactured Home Park Annual Inspection Report

The Planning and Codes Department Staff Brian Dobson, John Lotfey, and Brian Longstaff have conducted inspections of the 3 licensed manufactured/mobile home parks in Scarborough, and our findings are as follows:

1. **Crystal Springs Route 22**, Owner Will Boyle - the park is undergoing some much needed upgrades and several mobile homes have been removed while approximately 3 units appear to be vacant, in poor condition, and possibly uninhabitable at this time. The roads are generally serviceable, and the majority of lots are relatively free of discarded materials and clutter, while a few lots need some housekeeping. Conditions are improving under new ownership and no serious violations were observed.
2. **Pinecrest Manufactured Housing Community** 126 U.S. Route One, Owner Theresa Desfosses - This older manufactured home community is well kept, clean, and in good condition. No issues were cited.
3. **Hillcrest Manufactured Housing Community** 126 U.S. Route One, Owner Theresa Desfosses - This manufactured home community is newer than Pinecrest, and has seen recent expansion. Currently a community center that will serve the residents of Hillcrest is under construction. The park is in good condition, and well maintained. No issues were cited.

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Town Clerk

Ought to Pass

Sponsor

Recommendation

12/18/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

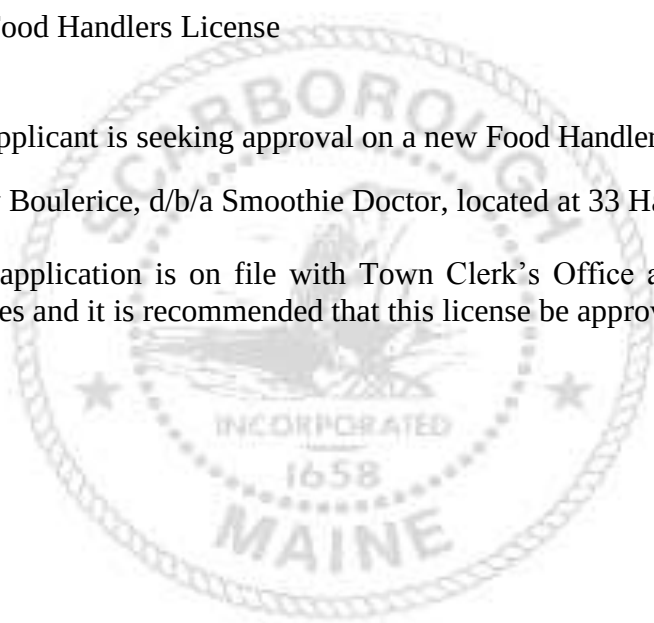
DATE: December 13, 2019

RE: Food Handlers License

The following applicant is seeking approval on a new Food Handlers License:

- Matthew Boulerice, d/b/a Smoothie Doctor, located at 33 Haigis Parkway

The completed application is on file with Town Clerk's Office and there are no outstanding issues and it is recommended that this license be approved.



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Order No. 19-103. First reading to authorize the following appropriations and expenditures for the Public Safety Building Project:

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- \$65,000 for miscellaneous mechanical fixtures; and,
- \$99,434 for IT Equipment; and,
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And further, in order to fund such appropriations, approve the use of the following sources of revenue:

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- \$275,434 from the undesignated fund balance. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

12/18/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

01/08/2020 – Vote:

Second Reading/Final Approval/Vote

Project Status Update

Public Safety Building Project



SCARBOROUGH
MAINE



Project Status Update

Progress

Public Safety Building Project

- Masonry façade nearly complete
- Communications Tower set
- Plantings, paving and striping in place
- Ceramic Tile underway
- Furniture order nearing finalization
- IT/AV equipment order placed
- Paint is drying on the walls



Project Status Update

Schedule Tracking

Public Safety Building Project

- Within days of original Substantial Completion Date
- Milestones Met
 - ✓ Concrete Foundations
 - ✓ Steel Installation/Topping Off
 - ✓ Building Dry-in/Weathertight
- Upcoming Milestones
 - ☐ Façade Complete (January)
 - ☐ Systems Commissioning Start (February)
 - ☐ Punchlist (March)

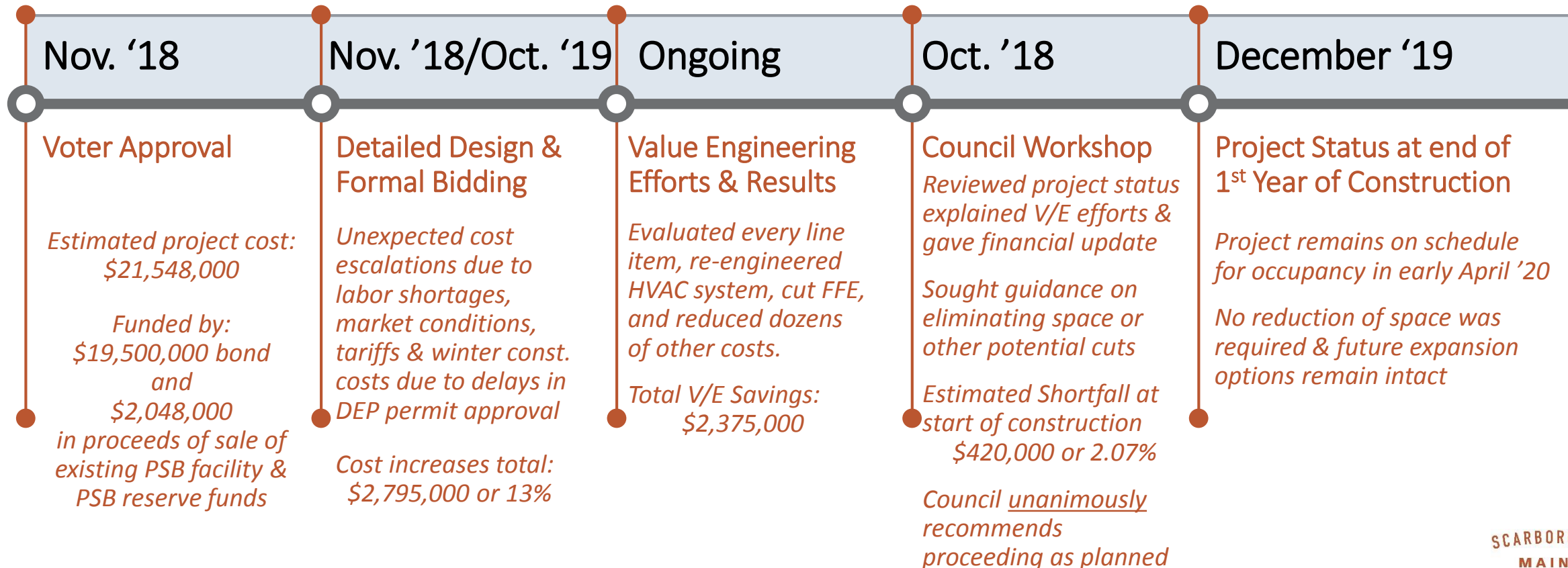


SCARBOROUGH
MAINE



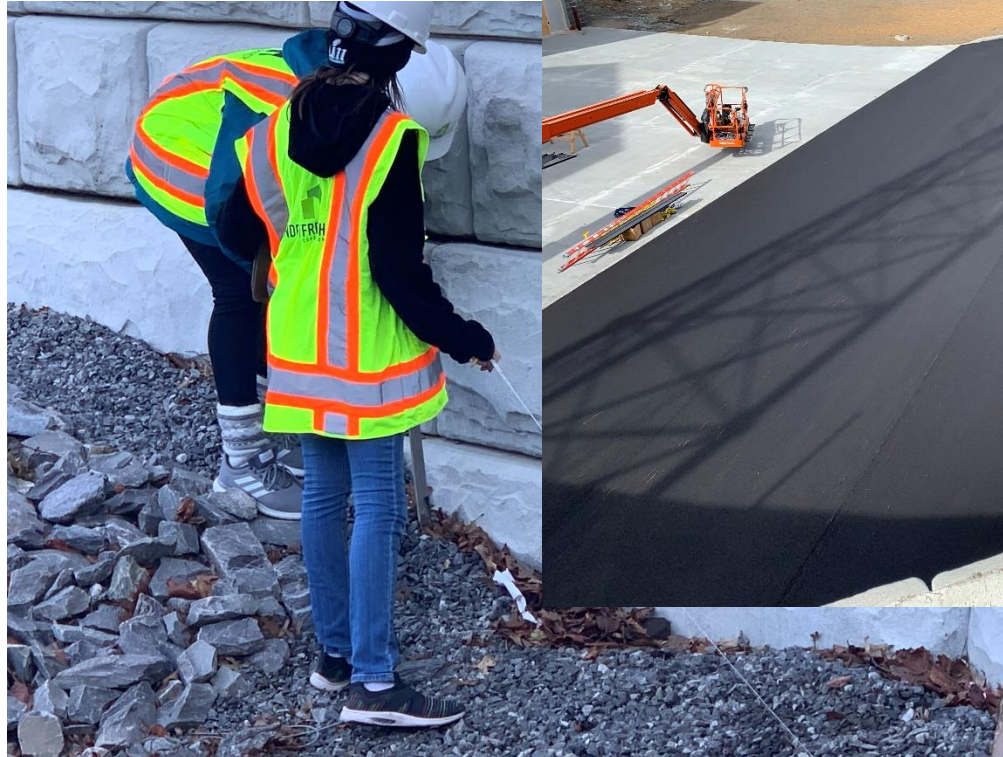
Budget Approvals Timeline

Public Safety Building Project



Project Status Update

- Project is currently within 0.5% of budget amount approved in October 2018
- Will be able to provide final reconciliation in May at project completion



Budget Update

Public Safety Building Project



Project Status Update

Action Request

Public Safety Building Project

Town Charter requires specific approval by Town Council (or public vote) to exceed project funding

Requested Town Council Action:

To allow the Town Manager to fund project shortfall through application of unspent fund allowance and interest earned on project bond





To: Scarborough Town Council
From: Thomas J. Hall, Town Manager
Subject: Order No. 19-104 – Funding for New Public Safety Building
Date: December 13, 2019

Background

On October 17, 2018 the Ad Hoc Public Safety Building Advisory Committee provided an update to the Town Council regarding the project and sought approval to move forward with the project. At the time, the Committee advised that cost reductions totaling \$2.375 M had been made to the project budget, but that despite the cost reductions, the budget remained \$420,057 over the total appropriation (\$21,548,095) approved by the voters. By consensus, the Town Council unanimously directed the Committee to proceed with the project. It may be helpful to view the [workshop](#) to listen to the discussion and the direction provided by the Town Council. During the last fourteen months of construction that amount has risen by approximately another \$100,000 (or less than 0.5%) due to a myriad of factors for a new total of \$523,309.

So, the project started \$420,057 above the voter authorization, with the clear understanding by all that additional funding would need to be identified. One of the factors that was unknown until recently is the amount of proceeds from the sale of the existing building. Now that we have the majority of the construction completed and we have some certainty regarding the sale of the existing building, time has come to identify and authorize use of the additional funds required to complete the project.

In the course of our preparation of this matter we have identified a related matter concerning Section 907.1 of the Town Charter that must be addressed by the Town Council. This matter relates to the exceedance of the total appropriation approved by the voters.

Compliance with Town Charter

The Town's Charter requires voter approval for certain bond issuances, appropriations, and expenditures over \$400,000. The relevant provision of Section 901.1 reads as follows:

The Town Council shall submit orders or resolves authorizing the issuance of general obligation securities of the Town, or the appropriation and expenditure of funds derived solely from municipal revenue sources, or a combination of both, in a principal amount greater than \$400,000 for a single capital improvement or item of capital equipment to voter referendum...

In the case of the new public safety building, the voters approved a bond issuance of \$19,500,000 with an estimated appropriation and expenditure of \$21,548,095 (including monies derived from reserve funds and the sale of the existing public safety facility)-see attached ballot question. Since that time there have been additional costs associated with the new public safety building, the

majority of which was acknowledge by the Town Council in October 2018 and agree to in good faith. After consultation with the Town Attorney regarding the funding need, it was recognized that the additional funding would exceed the voter authorized total. In order to complete the project as authorized in good faith by the Town Council while respecting the voters' total authorization, I recommend that the Town Council provide additional appropriation authority for the four project-related items listed in Order 19-104.

Consistent with my recommendation, under Section 907.1 the Council has the authority to appropriate and expend funds of \$400,000 or less for a single capital improvement or item of capital equipment. To satisfy this requirement an action item (Order No. 19-104) has been prepared to grant authorization for multiple items related to the building project.

Identification of Funding Sources

Additional funding to cover the known shortfall of \$523,309 must be identified. The bond proceeds have been invested in an interest-bearing account and as of June 30, 2019, interest earnings have accrued to \$259,000. Per IRS and SEC regulations we are extremely limited as to what interest earnings can be used for so I recommend all documented interest earnings be applied toward this effort. As a practical matter there are interest earnings in excess of this amount, but I do not have final confirmation at this time- these additional earnings can be used for a final reconciliation if additional project costs occur or applied to debt service costs in the FY21 budget.

I recommend that the remaining \$264,309 be authorized from the undesignated fund balance. The FY19 audit will be finalized over the next several days, so I will be able to report on the budget performance and the overall fund balance as it compares to policy benchmarks. As a related matter I have imposed a curtailment of all non-essential spending in the current budget in an effort to maximize year-end surplus. These actions should provide comfort that impact on the fund balance will be minimized.

**SAMPLE BALLOT
TOWN OF SCARBOROUGH, MAINE
MUNICIPAL ELECTION
NOVEMBER 7, 2017**

INSTRUCTIONS TO VOTERS

- ◆ To vote for the candidate of your choice, fill in the oval to the left, like this: ☐
- ◆ To vote for a write-in candidate, fill in the oval to the left of the write-in space and write in the person's name.
- ◆ To vote for the question, fill in the YES oval. To vote against the question, fill in the NO oval.
- ◆ To have your vote count, do not erase or cross out your choice.
- ◆ If you make a mistake, ask for a new ballot.

FOR TOWN COUNCIL MEMBER

Vote for Three (3)

- ☐ Babine, Shawn A.
- ☐ Caterina, Jean-Marie
- ☐ Downs, Timothy A.
- ☐ Hayes, Peter F.
- ☐ Howard, Benjamin T.
- ☐ St. Clair, Katherine A.

Write-in

Write-in

Write-in

**FOR BOARD OF EDUCATION
MEMBER**

Vote for Two (2)

- ☐ Douglas, Rebel L.
- ☐ Durgin, Hillory H.M.
- ☐ Kazilionis, Leanne Lewis
- ☐ McNally, Christie L.

Write-in

Write-in

**FOR TRUSTEE OF SCARBOROUGH
SANITARY DISTRICT**

Vote for Three (3)

- ☐ Andreson, Charles J.
- ☐ Cavaleiro, Judith M.
- ☐ Greenleaf, Jason A.
- ☐ McSorley, Robert A.

Write-in

Write-in

Write-in

Referendum Question No. 1:

Shall the Order entitled "ORDER AUTHORIZING ISSUANCE OF UP TO \$19,500,000 IN GENERAL OBLIGATION BONDS OF THE TOWN OF SCARBOROUGH TO FUND COSTS FOR A NEW PUBLIC SAFETY BUILDING" be approved?

☐ YES

☐ NO

EXPLANATION AND RECOMMENDATION: Approval of this Order would authorize the issuance of up to \$19,500,000 in general obligation bonds of the Town to provide funds to construct and equip a New Public Safety Building.

Total estimated cost	\$21,548,095
Less reserve funds dedicated for this purpose	\$ (625,000)
Less anticipated revenue from sale of existing Public safety facility	<u>\$ (1,423,095)</u>
Bond amount not to exceed	\$19,500,000

The Town Council recommends approval of this question.

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	\$84,460,000
B. Bonds authorized and unissued:	\$ 3,119,870
C. Bonds to be issued if this Article is approved:	\$19,500,000

2. Costs:

At an estimated maximum interest of 3.50% for a maximum thirty (30) year maturity, the estimated costs of this bond issue will be:

Principal:	\$19,500,000
Interest:	<u>\$ 9,934,750</u>
Total Debt Service:	\$29,434,750

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Town Treasurer

AMENDED

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SCARBOROUGH TOWN COUNCIL

WEDNESDAY – DECEMBER 18, 2019

REGULAR MEETING – 7:00 P.M.

Order No. 19-104. Move approval on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(c) in consultation with legal counsel relating to economic development, to open back to public session to adjourn the regular meeting.
[Town Manager]

Town Manager

Ought to Pass

Sponsor

Recommendation

12/18/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote