

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**TOWN COUNCIL WORKSHOP ON COMPLETE STREETS**  
**WEDNESDAY – JANUARY 6, 2016**  
**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 16, 2015 – Regular 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. 16-001, 7:00 p.m. Public hearing** and action on the new request for an Innkeepers License and a Food Handlers from Salt Pump Climbing Center d/b/a Salt Pump Climbing Co., located at 36 Haigis Parkway.

**OLD BUSINESS:**

**Order No. 16-002.** Act on the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee.

**NEW BUSINESS:**

**Order No. 16-003.** Act on the request to approve the Findings and Order Pursuant to Title 17 M.R.S.A. §§2851-2859 (Dangerous Buildings) on property owned by Douglas S. Brown, located at 9 Partridge Lane – Scarborough.

**Order No. 16-004.** Act on the request to authorize the Town Manager to sign any and all documents relating to a Confirmatory Recreational Easement on property located at Higgins Beach, relating to the handicapped access path.

**Order No. 16-005.** Act to approve the Resolve to accept donations for the Fuel Assistance Program.

- Item 8.** Non Action Items.
- Item 9.** Standing and Special Committee Reports and Liaison Reports.
- Item 10.** Town Manager Report.
- Item 11.** Council Member Comments.
- Item 12.** Adjournment.

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 6, 2016**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 16-001.** Move approval on the new request for an Innkeepers License and a Food Handlers from Salt Pump Climbing Center d/b/a Salt Pump Climbing Co., located at 36 Haigis Parkway.

*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 23, 2015

**RE:** **Request for a Food Handlers License and Liquor License**

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

- a. Salt Pump Climbing Center, d/b/a Salt Pump Climbing Co., located at 36 Haigis Parkway.

The completed applications are on file with Town Clerk's Office and there are no outstanding issues. It is recommended that the licenses be approved.

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 6, 2016**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 16-002.** Move approval on the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee, as follows:

**Board of Assessment Review:**

Kathy Fuente and Matthew Chamberlain – full voting members, terms to expire in 2018.

**Coastal Waters & Harbor Advisory Board:**

Timothy Downs and Robert Willette – full voting members, terms to expire in 2018.

**Community Services & Recreation Advisory Board:**

Richard Murphy – full voting member, term to expire in 2018; move Roger Chabot from 1<sup>st</sup> Alternate to a full voting member, term to expire in 2016 and move Liam Somers from 2<sup>nd</sup> Alternate to 1<sup>st</sup>, term to expire in 2016 and appoint Donnamarie Collins as 2<sup>nd</sup> Alternate for three years, term to expire in 2018.

**Conservation Commission:**

J. Anton Bodor and Rachel Hendrickson – full voting members, terms to expire in 2018.

**Employee Incentive Committee:**

Edward Blaise – full voting member, term to expire in 2018.

**Energy Committee:**

Rick Meinking David Kirstein and Ronald Allen – full voting members, terms to expire in 2018.

**Housing Alliance:**

Suzanne Foley-Ferguson and Robert Porter – full voting members, terms to expire in 2018.

**Parks and Conservation Land Board:**

Paul Austin and Rachel Hendrickson – full voting members, terms to expire in 2018.

**Personnel Appeals Board:**

J. Anton Bodor and Sandra Ahlquist – full voting members, terms to expire in 2018.

**Planning Board:**

Corey Fellows – full voting member, term to expire in 2018; move Susan Auglis from 1<sup>st</sup> Alternate to a full voting member, term to expire in 2016 and move Roger Beeley from 2<sup>nd</sup> Alternate to 1<sup>st</sup> Alternate and Robyn Saunders as 2<sup>nd</sup> Alternate, term to expire in 2018.

**Pest Management Advisory Board:**

Tim Lindsay and Marla Zando – full voting members, terms to expire in 2018.

**Senior Advisory Board:**

Troy Hendrickson and Penny Boles – full voting member, term to expire in 2018.

**Zoning Board of Appeals:**

Leroy Crockett – full voting member, term to expire in 2018; move James Herbert to full voting member, term to expire in 2016 and Ed Blaise to 1<sup>st</sup> Alternate, term to expire in 2018.

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 6, 2016**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 16-003.** Move approval on the request to approve the Findings and Order Pursuant to Title 17 M.R.S.A. §§2851-2859 (Dangerous Buildings) on property owned by Douglas S. Brown, located at 9 Partridge Lane – Scarborough.

## **FINDINGS AND ORDER**

Pursuant to Title 17 M.R.S.A. §§ 2851-2859

(Dangerous Buildings)

TO: Douglas S. Brown  
9 Partridge Lane – Scarborough, ME 04074

On Wednesday, December 16, 2015, at 7:00 p.m. at Town Hall, the Municipal Officers of the Town of Scarborough, Maine held a hearing to determine whether the building owned by you and located on land at 9 Partridge Lane and shown on Map U008, Lot 087, of the current Tax maps of the Town of Scarborough, Maine, is dangerous and a nuisance within the meaning of Title 17 M.R.S.A. § 2851. Notice of this hearing was duly served on you as the owner and on all parties in interest.

The following persons were present and testified:

Brian Longstaff, Zoning Administrator – Town of Scarborough; Officer Brian McNeice, Scarborough Police Department; and Douglas S. Brown, Property Owner. Additionally, a letter from Dr. Stephen Kirsch, Scarborough Local Health Officer was read into the record. Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

- a) Douglas Brown (Brown) is the current owner of the property at 9 Partridge Lane (the Property), but has not resided there for nearly 18 months.
- b) Brown allowed the Property to fall into a state of neglect and disrepair to the extent that an inspection of the property was necessary to determine if it was habitable.
- c) Beginning in March 2015, the Zoning Administrator made several written requests to the owner to allow the codes department access to the property for inspection. The owner Mr. Brown did not respond to the requests.
- d) On July 7, 2015, the Scarborough Police Department was called to investigate a possible unattended death due to conditions observed at the premises, including odor and fly infestation, which was ultimately caused by a large amount of spoiled meat. Guns and ammunition were among the belongings observed during the investigation. Affidavits from responding officers are on file in the Codes Office.
- e) As Brown was unresponsive to repeated requests from Scarborough Code Enforcement for permission to inspect the premises, an administrative warrant to inspect the premises was granted by the Maine District Court on August 5, 2015, and an inspection was carried out on August 13, 2015. The inspection team included the Zoning Administrator, Fire Inspector, Code Enforcement Officer, Health Officer, and Animal Control Officer. Inspection reports by the Local Health Officer and the Zoning Administrator are on file in the Codes Office, and are a part of the record.
- f) Following the execution and inspection of the premises, violations of 17 M.R.S. § 2851; 22 M.R.S. §§ 461, 1561 and other related statutes were found, including:
  - i) Failing floor framing adjacent to second story sliding door;

- ii) Collapsed second story deck;
  - iii) Water damaged ceiling in danger of collapse;
  - iv) Non-functioning plumbing;
  - v) Non-weather tight building shell;
  - vi) Filth, insect, rodent, and animal infestation;
  - vii) Unsanitary conditions; and
  - viii) Stored human waste.
- g) The Property was posted as uninhabitable on August 13, 2015.
  - h) A return of warrant was filed by the Town on August 18, 2015.
  - i) Brown testified that his job has kept him from giving the structure the necessary attention to repair and maintain it. He stated that the time constraints imposed by his employment will be resolved through restructuring.
  - j) Brown testified that he agreed that the building was in a dangerous condition but desires the opportunity to rehabilitate the structure rather than demolish it if Council will allow it.
  - k) Based on the testimony of Zoning Administrator/Code Enforcement Officer Brian Longstaff, the current condition of the structure will make rehabilitation extremely difficult, though not impossible. In his opinion, demolition would appear to be a more feasible option.

Based on the foregoing findings, the Municipal Officers conclude that the building/structure is dangerous and/or a nuisance because it is structurally unsafe, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put, constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, and abandonment. The Municipal Officers recognize the right of Brown to attempt to rehabilitate the structure and correct the dangerous conditions, but could only approve a rehabilitation effort under specific conditions that mandate Brown's adherence to certain benchmarks and timetables.

THEREFORE IT IS ORDERED that said building be secured by Brown within 24 hours of the public hearing, and that within 30 days from the date of service of this Order all rubbish, debris, unsalvageable contents, household/human/hazardous waste, and dangerous materials be removed from the dwelling and properly disposed. Brown will then have 120 days from the date of service of this Order to abate all other dangerous conditions and bring the property back to a habitable state. To accomplish this, Brown must work with the Town Manager and Codes Department to create an agreement setting forth a series of reasonable milestones to be met by Brown in order to demonstrate forward progress toward correcting the dangerous conditions, and that when completed, will be acceptable to the Codes Department for issuance of a Certificate of Occupancy. Additionally, Brown must take steps to ensure that the dwelling and the grounds of the property are maintained to a healthy and safe condition, including but not limited to the mowing of grass and removal of all accumulations of rubbish, harborage for rodents or other pests; and that any further use of the property shall conform to all local and state regulations as

applicable. This corrective action shall be completed within 120 days from the date of service of this order.

AND BE IT FURTHER ORDERED that the Town Clerk record this Order and cause attested copies of this Order to be served upon the persons as required by law.

AND BE IT FURTHER ORDERED that, if this Order is not complied with, the Town Manager is hereby authorized and directed to ask for bids for the abatement or demolition of said dangerous building.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: \_\_\_\_\_

MUNICIPAL OFFICERS OF THE  
TOWN OF SCARBOROUGH

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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

STATE OF MAINE  
Cumberland County, ss.

Dated: \_\_\_\_\_

Personally appeared before me the above-named Scarborough Town Council and each acknowledged the foregoing instrument to be his/her free act and deed.

\_\_\_\_\_  
Notary Public / Attorney at Law



**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 6, 2016**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 16-004.** Move approval on the request to authorize the Town Manager to sign any and all documents relating to a Confirmatory Recreational Easement on property located at Higgins Beach, relating to the handicapped access path.

# Town of Scarborough

## Manager's Office Memorandum

To: Scarborough Town Council  
From: Thomas J. Hall, Town Manager  
Re: Order No. 16-003 - Confirmatory Recreation Easement  
Date: December 23, 2015

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In response to a complaint filed with the Department of Justice alleging violations of the Americans with Disabilities Act (ADA) relating to lack of handicapped parking at Higgins Beach, the Town acquired an easement from Joan Kelly (the former Silver Sands lot) and constructed a ramp and access path (see the attached map). It has recently come to our attention by the current owner, James Riechel, that the Recreational Easement (executed in February 2001) was never recorded in the Registry.

Since we are unable to locate the original easement, the Town Attorney has prepared a Confirmatory Recreational Easement that makes the original easement an exhibit, but is updated to reflect the new ownership. This Order provides for a broad grant of authority to execute any and all documents related to this matter, which may also include clarification to the abutting property owner, currently or formerly owned by Preston and Ann Leavitt.

I recommend approval to rectify this oversight and make certain that the Town's interests in the easement are preserved and properly recorded.

Attachment: Map



# Scarborough WebGIS



1: 1,021

123 Feet



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Town of Scarborough, Maine

123

### Disclaimer

This map is a user generated static output from the Town of Scarborough internet mapping site (WebGIS), and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



### Legend

- Stream
  - 334
  - 336
  - 420
  - 460
  - 566
- Streams\_
- Address Points
- Parcels with Owner Informatik
- Roads
  - MTA
  - MTA
  - MDOT
  - PUBLIC
  - PENDING PUBLIC; PRIVATE; PF
  - CEMETERY; NOT YET BUILT; P.
- Railroad
- Building Footprints

### Notes

12/22/2015

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 6, 2016**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 16-005.** Move approval on the Resolve to accept donations for the Fuel Assistance Program.

*Town of Scarborough, Maine*

U S R O U T E O N E , P O B O X 3 6 0  
S C A R B O R O U G H , M A I N E • 0 4 0 7 0 - 0 3 6 0

**TOWN OF SCARBOROUGH  
IN TOWN COUNCIL ASSEMBLED**

December 23, 2015

**RESOLVE** Accepting Donations for the Fuel Assistance Program.

**BE IT HEREBY RESOLVED BY THE TOWN COUNCIL AS FOLLOWS:**

**THAT THE** Town of Scarborough gratefully accepts the donations from the following business and/or persons, that have been collected to date, to be used for the Fuel Assistance Program:

**Mr. & Mrs. Robert W. Beal**

**AND**, be it further Resolved that each business, organization and/or person be recognized for their generous donations as a token of the Town's appreciation.

Sponsor: Town Council  
Originator: Town Council