

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 3, 2016
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 7:03 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Shawn A. Babine, Vice-Chair	Katherine A. St. Clair [Absent]
Robert W. Rowan	Peter F. Hayes
Jean-Marie Caterina	Christopher J. Caiazzo
William J. Donovan, Chairman	

Chairman Donovan asked for a moment of silence in honor of former Town Councilor James Benedict who passed away on Sunday afternoon.

Item 4. General Public Comments.

- Susan Hamill of Bay Street spoke of her concerns with the discontinuance of Avenue Two noting that public access already limited at Pine Point and asked the Town Council to move slowly on this.
- Chris Lyford of Hunter Point Drive and his wife is a member of the Board of Education. He voiced his concerns with the Budget Goals that had been established at the last meeting. There is a need for everyone to come together during this and have a spirited conversation around this issue.
- Moira Erickson of Pine Point Road stated to leave Pine Point alone, just put in a new sidewalk, that is all we need – nothing else. Please notify us when there are changes being proposed.
- Hillary Durgin of Sequoia Lane also spoke on the Budget Goal and asked that if the Budget needs to be increase, then please consider it.

Item 5. Minutes: January 20, 2016 – Regular Meeting. Motion by Councilor Babine, seconded by Councilor Rowan, to move approval of the minutes of the January 20, 2016, regular Town Council meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Resolution 16-001. Requesting the Town Council's support on the Transportation Improvement Program Projects to PACTS. Dan Bacon, Town Planner, gave a brief overview on this Resolution.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of Resolution 16-001, requesting the Town Council's support on the Transportation Improvement Program Projects to PACTS, as follows:

**RESOLUTION 16-001
TRANSPORTATION IMPROVEMENT
PROGRAM PROJECT LIST**

BE IT RESOLVED by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

WHEREAS, the Town of Scarborough does hereby support the 2017 Municipal Partnership Initiative and 2019 Road Rebuild and Intersection Transportation Improvement Program Projects; and,

WHEREAS, the submission of the road and intersection improvement projects referred to in Exhibit A, Town of Scarborough, Transportation Improvement Program Projects, have been made to PACTS for review and consideration for inclusion in the 2017 Municipal Partnership Initiative and the 2019 Transportation Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council, in Town Council assembled, that we do hereby support the submission of these road and intersection improvement projects as referred to in Exhibit A.

Signed and sealed this the 3rd day of February 2016, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Sign by the William Donovan and attested by the Town Clerk.

EXHIBIT A

ROAD AND INTERSECTION IMPROVEMENT PROJECT LIST

January 28, 2016

Municipal Partnership Initiative (2017)

Gorham Road Complete Streets Project – This is a multi-phase road reconstruction and complete streets project for Gorham Road (Route 114) to improve the roadway, drainage, and bicycle and pedestrian accommodations from Wentworth Drive to Ridgeway (and ultimately Payne Road). This MPI request is for \$200,000 from PACTS for the first phase in 2017 of this multi-phase project.

Road Rebuild Improvement Project (2019)

East Grand Avenue Road Rebuild and Complete Streets Project – This is a road rebuild and complete streets project for East Grand Avenue in Pine Point to reconstruct the roadway, fix drainage issues, add bike lanes, and update and enhance the sidewalk infrastructure between the East Grand Avenue / Pine Point Road intersection and the municipal boundary with Old Orchard Beach.

Intersection Improvement Project (2019)

Pine Point Road / East Grand Avenue / Jones Creek Drive Intersection Project – This project is intended to update, modernize and simplify the Pine Point / East Grand / Jones Creek intersection and make it safer and more efficient for vehicular, bicycle and pedestrian use as well as integrate the intersection with the repaving, road reconstruction and complete streets planned for the area.

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 16-011. First Reading and schedule a Planning Board public hearing on the proposed amendment to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Maine – Section III. Nonconformance Subsection C. to allow non-conforming structures to be elevated to meet Floodplain requirements. Dan Bacon, Town Planner, gave a brief overview on this order and responded to questions from the Town Council.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the first reading and schedule a Planning Board public hearing on the proposed amendment to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Maine – Section III. Nonconformance Subsection C. to allow non-conforming structures to be elevated to meet Floodplain requirements and schedule the Town Council public hearing after the filing of the Planning Board’s recommendations:

**Proposed Amendment to the Zoning Ordinance
Regarding Modifying Nonconforming Structures to
Meet Flood Zone Requirements**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend SECTION III. NONCONFORMANCE subsection C. as follows (additions are underlined; deletions are struck through):

Section III. NONCONFORMANCE

...

C. NON-CONFORMING BUILDINGS OR STRUCTURES

1. No building or structure which is non-conforming with respect to the Space and Bulk requirements of this Ordinance may be expanded, enlarged or increased in height unless such expanded or enlarged portion complies with the Space and Bulk requirements of this ordinance or the Board of Appeals grants relief from such requirements by a variance under Section V, B, 3 or Section V.B.6. or by limited reduction of yard size under Section V, B, 5 of this Ordinance, except that:

- a) The installation of one or more dormers on a dwelling shall not be considered an expansion, enlargement or increase in height provided that (1) dormer or dormers are set in a minimum of 12 inches from each end of the roof and from the exterior face of the story immediately below the roof, (2) the aggregate length of all dormers, measured along their faces, does not exceed the total length of the ridge of roof less 24 inches, and (3) the height of the ridge is not increased.
- b) The elevation of an existing structure required for the purpose of meeting the minimum elevation standards in the Scarborough Floodplain Management Ordinance or Maine Department of Environmental Protection Chapter 355 – Coastal Sand Dune Rules, shall not be considered an expansion, enlargement or increase in height. ...

Vote: 6 Yeas.

Order No. 16-012. Act on the request to amend Chapter 302A – the Town Committees/Boards Manual relating to the Scarborough Housing Alliance. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to amend Chapter 302A – the Town Committees/Boards Manual relating to the Scarborough Housing Alliance, as follows:

**CHAPTER 302A
TOWN OF SCARBOROUGH
TOWN COMMITTEES/BOARDS MANUAL**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302A, the Town Committees/Boards Manual of the Town of Scarborough, Maine is amended by deleting the text shown in strikeover type, as shown below:

SCARBOROUGH HOUSING ALLIANCE

[Adopted May 15, 1991, Amended October 15, 2003, Amended February 18, 2004, Amended April 6, 2005]

Established

The Scarborough Housing Alliance is hereby established.

Purpose

The purpose of the Council in establishing the Alliance is to create a broadly-based community group to:

- Work together to develop and recommend a local affordable housing agenda to the Town Council.
- Implement a local affordable housing program under the guidance of the Town Council.
- Perform such other duties as may be assigned by the Town Council from time to time.

State Recognition - It is the intent of the Scarborough Town Council that the Scarborough Housing Alliance shall constitute the “Local Housing Alliance” of the Town of Scarborough for purposes of State law and regulations. [amended 10/15/03]

Organization and/or Membership

Members of the Alliance shall be comprised of seven (7) residents of the Town who shall be appointed by the Town Council for staggered three-year terms. Members shall be appointed from both the public and private sectors and may include such individuals as town councillors, bankers, business people, clergy, housing activists, real estate brokers, builders, comprehensive planning committee members, interested citizens, and representatives from community action programs, human service organizations, and other non-profit organizations. Of the seven (7) members first appointed, one (1) member shall be appointed for a term of one year, three (3) members for a term of two years, and three (3) members for a term of three years. Thereafter, replacement appointments shall be for a term of three years. A Council Liaison will be appointed as a ~~non~~ voting member. [amended 10/15/03] [amended 02/18/04]

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Vote: 5 Yeas. 1 Nay [Councilor Hayes].

Item 8. Non Action Items. Non at this time.

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

- Councilor Caterina noted that the Long Range Planning Committee would be meeting next week and also gave an update on the Conservation Commission.
- Councilor Rowan gave an update on the Housing Alliance and added that the committee would be looking for new members that have experience in building and development. He went on to give an update on the Historic Preservation Committee.
- Councilor Hayes gave an update on the Senior Advisory Board and commented on the Senior Recreation Area being proposed at the old water tower site.
- Councilor Caiazzo gave an update on the School Board and the search for a new Superintendent. He noted that on Thursday, February 25th the School Board would be meeting with legislative liaisons and encouraged Councilors to attend.
- Chairman Donovan gave an update on the Energy Committee and the Composting Report that the Committee had been working on, adding that this would be presented at an upcoming Town Council meeting. He went on to give an update on the Library Board of Trustees.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Civic Engagement Survey would be conducted to see how the Town could better communicate with the residents. This survey would be available on the Town's website starting tomorrow.
- The tax bills had been sent out today Wednesday, February 3rd.
- Prior to the next three Town Council meetings the following workshops would be held: on February 17th the Energy Committee would be presenting its Composting Report; on March 2nd the Long Range Facility Plan would be presented and on March 16th there would be a stormwater presentation.
- He would be giving his Annual Chamber Address on Thursday, February 11th at 7:30 a.m. and the meeting is scheduled to be held at the new Town and Country Business office and then on the following Friday he would be presenting to the Kiwanis.
- In closing he commented on the passing of former Town Councilor Jim Benedict adding that he was better for knowing Mr. Benedict.

Item 11. Council Member Comments.

- Councilor Caiazzo shared his comments on former Councilor Benedict, he was always a gentleman. He commented on the proposed composting report adding that the Garbage to Garden was currently at the schools and that both options would be very good for the town. He commented on the preliminary budget information that had been sent out by the State and asked everyone to be calm as the process as a whole needed to be followed.
- Councilor Hayes sent thoughts and prayers to the Benedict family. He went on to comment about the upcoming budget. We are all in this together and we should work together as well as be respectful of one another.
- Councilor Babine sent condolence to the family of Mr. Benedict; God speed and God Bless and thank you for your service and as well as to his family. He went on to comment on the preliminary news on the state funding for education; he too agreed that we provide due diligent in the process. We need to remain calm and let the legislative delegation know that the formula is off. With regards to the Pine Point comments – there needs to be a vision and positive impact for this area.

- Councilor Rowan sent condolences to the Benedict Family on their loss. He too commented on the preliminary numbers from the State – \$1.6 million loss to Scarborough. He reminded everyone that Kindness Week starts on Sunday, February 14th. The Fuel Assistance Program Fund Raiser would be held on Saturday, February 6th from 10:00 a.m. to Noon and the Library is currently collecting clothing, which can be dropped off at the Library. The Backpack Program is looking for the food donations which can be dropped off at any school office.
- Councilor Caterina mentioned the Civic Engagement Survey which would be on the Town’s Web starting tomorrow. Let us know how we can communicate with residents. She went on to mention that there would be is a Town Facebook page coming soon. She too went on to comment about the Pine Point Area and noted that a process that had been followed at Higgins Beach would also be followed at Pine Point. Operation HOPE is up to 110 individuals that have been assisted. She too mentioned the Fuel Assistance Fund Raiser that would be held this Saturday from 10:00 a.m. to noon at the Oak Hill fire House. She went on to comment about the School Funding from the State and the loss of revenue to Scarborough. She stated that she had the pleasure of serving with former Councilor Jim Benedict, she loved him to pieces and he will be missed.
- Chairman Donovan commented on the Goals that had been set by the Council and he went on to mention the communications goal. There has been an active effort to communicate with the public. God bless to Jim Benedict, he was very kind and welcoming and had his own viewpoint, but was always friendly.

Item 12. Adjournment. Motion by Councilor Rowan, seconded by Councilor Caterina, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk