

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 2, 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 7:00 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. The following Town Councilors were present:

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

Item 4. General Public Comments. None at this time.

Item 5. Minutes: October 19, 2016 – Regular Meeting. Motion by Councilor Babine, seconded by Councilor St. Clair, to move approval of the minutes of the October 19, 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 16-008. Act on the request to approve Resolution 16-008 recognizing Saturday, November 26, 2016, as *Small Business Saturday*. [Chairman Donovan] Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the request to approve Resolution 16-008

Resolution 16-008

*Recognizing November 26, 2016
Small Business Saturday*

WHEREAS, the government of Scarborough, Maine, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years, and,

WHEREAS, small businesses employ over 49 percent of all businesses with employees in the United States; and,

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and,

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and,

WHEREAS, Scarborough, Maine supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and,

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, that the Scarborough Town Council proclaims November 26, 2016, *Small Business Saturday* in Scarborough, Maine and urges the resident of our community and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Signed and dated this 2nd day of November, 2016, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by William Donovan, Council Chair and attested by the Town Clerk.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 16-068. Second reading to approve the charge for the Ad Hoc Public Safety Complex Building Committee and authorize the Town Manager to expend monies from the Public Safety Building Capital Improvement Account in an amount not to exceed \$50,000.00. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this item, noting that it would be

The following individual spoke on this Order:

- Mike Turek of Bayberry Lane, spoke in support of the monies that had been put aside for this project.

Motion by Councilor Caterina, seconded by Babine, to move approval of the second reading to approve the charge for the Ad Hoc Public Safety Complex Building Committee and authorize the Town Manager to expend monies from the Public Safety Building Capital Improvement Account in an amount not to exceed \$50,000.00.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval to amend the main motion to increase the membership from 11 to 13, to have bi-weekly meetings and to approve the following names as follows:

- Fire Chief Mike Thurlow (or designee)
- Police Chief Robbie Moulton (or designee)
- Members of the Town Council:
- Councilor St. Clair and Councilor Hayes
- Eight (8) Residents- at –Large:
 - Bruce Bell Susan Hamill
 - Judy Roy Kevin Freeman
 - Roger Chabot Greg Hanscom
 - Rick Meinking Dave Libby
- Construction Expert: Rocco Risbara

Vote on amendment: 6 Yeas.

Main motion as amended:

Ad-Hoc Public Safety Complex Building Committee

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

WHEREAS, a new Public Safety Complex, combining Police and the central Fire Station, has been identified as the highest priority in the Long Range Facility Plan; and,

WHEREAS, the Town previously considered the feasibility of such a facility in 2007 and created the Public Safety Building Capital Improvement Account as a “town reserve fund for the financing of a public safety building and property and/or funding for property that would enhance existing public safety buildings”, the current value of which is in excess of \$617,000; and,

WHEREAS, The Police and Fire Departments have historically shared an unprecedented level of collaboration and this cooperation can be strengthened and encouraged through the construction of a modern combined Public Safety Building; and,

WHEREAS, the existing facility continues to fail to meet the needs of Police and Fire and the operational and maintenance costs continue to increase; and,

WHEREAS, in an effort to advance this important project , the Town Council wishes to draw upon the resources of the community and qualified consultants to prepare a plan with sufficient detail to seek voter approval.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that there is hereby an Ad Hoc Public Safety Complex Building Committee created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Building Committee is to work with staff and qualified consultants in an effort to advise the Town Manager and Town Council on the preferred site, design and probable cost estimates for a new combined Police and Fire Public Safety Building. Such recommendations shall be sufficient to serve the purpose of preparing to seek voter approval for the facility. The following is a general overview of the discussion points, expectations and deliverables the Committee should consider in arriving at its recommendations:
 - **Review of Prior Work-**The Committee shall familiarize itself with the prior work accomplished for the project. In particular, the Committee should review the Feasibility Study prepared by Gawron Turgeon Architects in 2007/2008.
 - **Deliverables-** The Committees work and final recommendations should include the following elements:
 1. **Site Selection-** The Committee shall conduct a complete site selection process that considers all reasonable options for locating the facility, including public and private property;
 2. **Space Needs Analysis-** A complete evaluation of space needs for Police and Fire that considers existing needs as well as some accommodation for future growth;
 3. **Schematic Design-** Prepare a conceptual design, including lot layout and building elevations, that will provide sufficient detail to describe the facility;

4. **Probable Cost Statement** - Prepare a probable cost estimate of the proposed facility with sufficient detail to forward to the voters for consideration.

- **Consideration of Other Town Facility Needs** - Review the Long Range Facility Plan to determine if other identified Town needs may be able to address in the facility. Combined use is encouraged to maximize value and overall cost savings.
- **Energy Efficiency-Life-Cycle Costs Considered** - Evaluate the expected life-cycle costs of proposed systems and consider energy efficiency with an evaluation of return on investment.
- **Public Involvement** - The Committee shall incorporate public input into the process, which will culminate in a public presentation of its findings and recommendations to the Town Council.
- **Best Practices** - Research and review other similar projects to determine best practices that may be incorporated into the project. Tours of similar facilities is encouraged.

The Committee's powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.

2. **Membership.** The membership intends to provide fair representation of key stakeholders and unique expertise in the construction or development field. The Committee shall be limited to Scarborough residents and comprised of thirteen (13) members as follows:

Fire Chief Mike Thurlow (or designee)
Police Chief Robbie Moulton (or designee)
Two (2) Members of the Town Council:
 Councilor St. Clair and Councilor Hayes
Eight (8) Residents- at -Large:
 Bruce Bell
 Susan Hamill
 Judy Roy
 Kevin Freeman
 Roger Chabot
 Greg Hanscom
 Rick Meinking
 Dave Libby
Construction Expert: Rocco Risbara

Although official membership is limited to thirteen (13) members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceeding as they feel appropriate.

3. **Timeframe.** The Committee shall recommend and report, including the deliverables noted above, to the Town Council by August 2017, at which time the Committee shall cease to exist unless otherwise extended by the Town Council.

4. **Staff Resources Available.** The Town Manager will serve as support to this Committee and all Town Departments will be made available as may be necessary for the Committee to complete its task. In particular, it is expected that the Committee will involve the Town Engineer, Planning Director and the Sustainability Coordinate to supplement their efforts.
5. **Financial Support** – It is understood that the Committee will require the services of qualified design professionals to conduct its work. As an initial authorization, the Town Council hereby authorizes an amount not to exceed \$50,000 from the Public Safety Building Capital Improvement Account to engage competent consulting professionals. These monies will be under the control of the Town Manager who will be responsible for consultant selection and payment for services rendered. The Committee may request additional funds as may be necessary to complete the project.
6. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.
7. **Officers.** The Committee shall elect a Chair and Recording Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
8. **Quorum and Voting.** A quorum shall consist of four (4) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
9. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the deadline set and shall strive to meet bi-weekly on a date and time specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least three (3) members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

Vote: 6 Yeas.

Order No. 16-069. Act on the request to approve the names that were posted by the Appointments Committee at the Town Council meeting of October 19, 2016. [*Appointments Committee*] Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval on the request to approve the following names that were posted at the Town Council meeting of October 19, 2016, as follows:

Planning Board -

Move the 1st Alternate, Roger Beeley, to full voting member with a term to expire in 2017 and move the 2nd Alternate, Robyn Saunders, to full voting member with a term to expire in 2018. Appoint Rachel Hendrickson as 1st Alternate with a term to expire 2019 and appoint Richard DuPerre as the 2nd Alternate with a term to expire in 2017. Changes to take effect on November 9, 2016.

Coastal Waters & Harbor Committee:

Move the 1st Alternate, Erica Downs, to full voting member with a term to expire in 2019 and move the 2nd Alternate, Moira Erickson, to 1st alternate with a term to expire in 2019.

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 16-070. Act on the request to appoint Larissa Crockett, Assistant Town Manager, to the Maine Municipal Association's Legislative Policy Committee to fill the unexpired term of Chairman Donovan, whose term expires in June of 2018. *[Town Manager]* Thomas J. Hall, Town Manager, gave a brief overview on this item.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the request to appoint Larissa Crockett, Assistant Town Manager, to the Maine Municipal Association's Legislative Policy Committee to fill the unexpired term of Chairman Donovan, whose term expires in June of 2018.

Vote: 6 Yeas.

Order No. 16-071. Act on the request to adopt a new Fund Balance Policy. *[Finance Committee]* Councilor Babine, gave a brief overview on this Order.

Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval on the request to adopt a new Fund Balance Policy, as follows:

**TOWN OF SCARBOROUGH
FUND BALANCE POLICY**

SUBJECT: Fund Balance Policy

The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget.

The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the Town of Scarborough to be in a strong fiscal position that will allow for better position to weather negative economic trends.

The Fund Balance consists of five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

- **Nonspendable** Fund Balance consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.
- **Restricted** Fund Balance consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.
- **Committed** Fund Balance consists of funds that are set aside for a specific purpose by the Council. Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- **Assigned** Fund Balance consists of funds that are set aside with the intent to be used for a specific purpose by the Council. Assigned funds cannot cause a deficit in unassigned fund balance.

• **Unassigned** Fund Balance consists of excess funds that have not be classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

Unrestricted Fund Balance is the combination of the Committed, Assigned and Unassigned fund balance.

Operating Budget

The total General Fund Budget, are all budgets, including amendments, as adopted by the Town council. The General Fund Budget shall include all budgets included in funds 1100 and 7100:

- Municipal Gross Budget
- Education Gross Budget
- Adult Learning
- Community Services- All Divisions
- Capital Equipment
- Debt Service
- County Assessment

Nonspendable and Restricted Funds

Nonspendable funds are those funds that cannot be spent because they are either:

- 1) Not in spendable form (e.g. inventories and prepaids)
- 2) Legally or contractually required to be maintained intact

It is the responsibility of the Town Manager or their designee, to report all Nonspendable Funds appropriately in the Town's Financial Statements.

Restricted funds are those funds that have constraints placed on their use either:

- 1) Externally by creditors, grantors, contributors, or laws or regulations or other governments
- 2) By law through constitutional provisions or enabling legislation.

It is the responsibility of the of the Town Manager, or their designee, to report all Restricted Funds appropriately in the Town's Financial Statements.

Classifying Fund Balance Amounts

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it. When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last; unless the Town Council has provided otherwise in its commitment or assignment actions.

Authority to Commit Funds

The Town Council has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote. The passage of such action must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

Authority to Assign Funds

Upon passage of the Fund Balance Policy, authority is given to the Town Manager to assign funds for specific purposes. Any funds set aside as Assigned Fund Balance must be reported to the Town Council. The Town Council as the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as Assigned Fund Balance requires a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Unassigned Fund Balance

Unassigned Fund Balance is the residual amount of Fund Balance in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

In the event of projected revenue shortfalls, it is the responsibility of the Town Manager to report the projections to the Town Council's Finance Committee on a quarterly basis and will include an outline of recommended Management actions to address any shortfall.

The Town has set a goal, through this Fund Balance Policy, to maintain the level of unassigned fund balance equal to 10.0% of Scarborough's Operating Budget for the prior fiscal year and to not fall below 8.33% (or 1/12) of Scarborough's Operating Budget.

Once the Town achieves an unassigned fund balance equal to 10.0% of Scarborough's Operating Budget, any excess above 12% must be assigned by any combination to one of the following:

- a) Retained in nonspendable and restricted accounts that offset unfunded liabilities, and/or
- b) retained in assigned accounts that may be used in future budget cycles as a property tax rate stabilization; available for use during a catastrophic event, and/or
- c) funding future capital expenditures and/or projects, and/or
- d) the retirement of debt, and/or
- e) a taxpayer refund.

In the event that the balance drops below the established minimum level, the Town Council will develop a plan to replenish the fund balance to the established minimum level within two years.

Reporting

Annually the Town Manager shall report to the Town Council's Finance Committee the Statement of Activity of all fund balances that will include the beginning year's balances, gross adjustments in and out of each account during the reporting period and final report period ending balances. Such report shall occur following receipt of the audited financial statements.

Repeal of Prior Town Council Fund Balance Policy.

This section repeals the Town Council Fund Balance Policy adopted by the Town Council on September 17, 1997 and as amended on January 20, 2010 and replaces it this document adopted by the Town Council on _____.

Item 8. Non Action Items. None at this time.

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

- Councilor Caterina gave an update on the Long Range Planning meeting
- Councilor Rowan gave an update on the Historic Implementation Preservation Committee.
- Councilor Babine gave an update on the Finance Committee.

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

- Update on the Law Court regarding the Prouts Neck Tax issue.
- Found out last week Wildlife Fish and Wildlife the great Fickett Wildlife Preserve would like to expand the area and the Town Manager noted that he would keep the Council informed.
- The bridge replacement project on the Pine Point Road had no sidewalk in the design, but there is an 8 foot wide section along the side of the road that could be used for biking and walking.
- There are funds in the CIP Budget for the Engineering Study for the Pine Point area with regards to pedestrian traffic and intersection of East Grand and Pine Point Road. There will be a neighborhood meeting on Tuesday, November 15th at 6:30 p.m. at the Fire House.
- New members of the Ordinance Committee will be discussing parking along side of road from bridge on Pine Point Road to the ocean.

Item 11. Council Member Comments.

- Councilor Babine suggested that the Town Council have a group picture taken at the next Town Council meeting and have this a parting gift for outgoing Councilors. He commented on the political signs and there being along the marsh on Route one and Pine Point – this might need to be a discussion on not allowing them along these areas. He reminded everyone to go vote and wished everyone a Happy Halloween.
- Councilor Rowan urged everyone to get out and vote and wished the candidate good luck. He spoke about a hand written note that his daughter received from the Police Chief and that it had meant so much to her.
- Councilor Caterina also urged everyone to get out and as every vote counts. Tomorrow is the last day to vote without a reason. She noted that her husband retired on Halloween after 25 years of service – thanks to the department.
- Councilor St. Clair spoke of the death of Devon Higgins who passed due to a drug overdose. She felt that he was brave and very strong and had made a mistake. His sister Jamie Higgins established a scholarship in his name to help other people who struggle with addiction.
- Councilor Caiazzo noted that he had been lucky to attend the gold award celebration and went on to give the background on the Gold Award. Get out and vote!
- Chairman Donovan noted that on Wednesday, November 16th the Town Council would be conducting a workshop on the fireworks issue. If you are unable to make it please email the council. He went on to mention that he had attended the Boston Post Cane Presentation to Irene Kosky.

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

Vote: 6 Yeas.

Meeting adjourned at 7:58 p.m.

Respectfully submitted:

Yolande P. Justice
Town Clerk