

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 21, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman McGee called the regular meeting of the Scarborough Town Council to order at 7:06 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 and Liam Gallagher, Assistant Town Manager, were also present. Councilors present:

Councilor April V. Sither - Vice Chair	Councilor Jean-Marie Caterina - Absent
Councilor Donald W. Cushing, Jr.	Councilor Donald R. Hamill
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson
Chairman Nicholas S. McGee	

Item 4. General Public Comments.

- Alyson Bristol of Bayview Avenue, spoke on the presentation on the Community Center that had been presented at the workshop prior to the Town Council meeting. She then commented on the possibility of a pool here in Scarborough
- Karen Lothrop of Pine Point, spoke on the parking in the Pine Point area, commented on parking on her private property and received a letter from the Code Office indicating that she was not allowed to do this. It was recommended that she write a letter to the Council to be allowed to park cars on her property. How can we work this out?
- Stanis Moody-Roberts of County Road, reviewed handouts [See attachment] the he had presented to the Town Council relating to Average Annual Daily Traffic counts on Route 114 and Route 22 from 1996 to 2022; a map that indicated crash sites and what happens when a road is widen.
- A.M.K of Gorham Road, spoke on the presentation on the Community Center that had been presented and asked several questions related to the presentation. [On-Line]
- Susan Hamill of Bay Street, spoke on the Community Center and having a pool. She then asked, Why not have it in the schools?
- Cindi Ingersoll of Jones Creek Drive, spoke on losing animals in the area due to the traffic. She would like to see more of a police presence to assist with the speeding on the narrow roads in the area. It was recommended that issue be brought before the Town Council to see what could be done. She also commented on the parking on private property.

Item 5. Minutes: July 17, 2024 - Town Council Meeting and August 7, 2024 – Special Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Sither, to move approval of the minutes from the July 17, 2024 - regular Town Council Meeting and August 7, 2024 – special Town Council Meeting.

Vote: 6 Yeas. Motion Passes.

Item 6. Adjustment to the Agenda. Motion by Chairman McGee, seconded by Councilor Cushing, to move Orders 24-076, 24-077 and 24-078 to the top of the agenda o after the Proclamation.

Vote: 6 Yeas. Motion Passes.

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

Item 8. Town Manager's Report. Thomas J. Hall, Town Manager, gave the following update:

- **Collective Bargaining Agreements** -
 - 3 Tentative Agreements - Ratification scheduled for August 21, 2024
 - Public Works still in progress - presumed ratification September 4, 2024
- **Plan Updates** -
 - Open Space Plan- July 25, 2024, public meeting
 - Vulnerability Plan - August 7, 2024, public meeting
 - Transportation Plan - draft report in process - fall public meeting expected
- **Maple Avenue Traffic Calming** -
 - Temporary speed table installed
 - Speed studies conducted - before and after
 - Notable speed reduction
 - Traffic Calming Committee meeting this week
 - Majority of neighborhood required for permanent installation
- **Eastern Trail - Close The Gap** -
 - Agreement with CSX on Aerial Easement and Construction Agreement
 - legal description submitted for review and approval
 - Discussion regarding monetary compensation
 - Application Fees paid to MDEP and Army Corps of Engineers
- **Gorham Connector** -
 - Resolution considered on September 21, 2024
 - Town Committees to identify questions to be answered
- **New Deputy Public Works Director** - Brett Frank
- **GFOA Award** - Certificate of Achievement for Excellence in Financial Reporting
- **Insurance Dividend** - Self-Funded Trusts - Total Dividend: \$36,714
 - Workers Compensation - \$25,535
 - Property & Casualty - \$11,179
- **Election Update**
 - Nomination papers due September 4, 2024
 - Absentee Ballot Requests available
- **Tax Commitment** -
 - Tax Rate set at \$10.93
 - Tax bills to be mailed early September
 - Assessor to present on Results of the Revaluation Process and Tax
- **PFAS Testing** - Town-owned property off Tibbetts Road
 - Former Septage Sludge site
 - MDEP to conduct soil and water testing

- **Eastern Trail Closure** - 9:00 PM 8/25 to 3:00 PM 8/26
 - Location: Pine Point across the marsh to the wood line
 - Trail Renovations
- **Route One Traffic Signal Connectivity** -
 - Trouble-shooting problems - grounding and controllers
 - Rhythm system to be activated
- **Downs Town Center** - Site Walk - September 9, 4-6 PM

Proclamation 24-004. Act on the request to support Proclamation 24-004, recognizing the Scarborough Community Chamber and Art Dillon, for 25 Years of Concerts in the Park. [Town Manager] Chairman McGee introduced Art Dillon and presented Proclamation to Mr. Dillon. Mr. Dillon thanked the Council and Community.

Motion by Chairman McGee, seconded by Councilor Sither, to move approval on the request to support Proclamation 24-004, recognizing the Scarborough Community Chamber and Art Dillon, for 25 Years of Concerts in the Park, as follows:

PROCLAMATION 24-004

SCARBOROUGH COMMUNITY CHAMBER AND ART DILLON

25TH ANNIVERSARY OF CONCERTS IN THE PARK

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

WHEREAS, the Scarborough Community Chamber was created over 40 years ago; and,

WHEREAS, the Scarborough Community Chamber celebrates 25 years of hosting *Concerts in the Park* supporting efforts that make its community a better place in which to do live and play; and,

WHEREAS, since the beginning and now Art Dillon has been the driving force behind *Concerts in the Park*; and,

WHEREAS, the *Concerts in the Park* have been enjoyed by thousands of residents and visitors from near and far; and,

WHEREAS, in recognition of the 25th Anniversary of *Concerts in the Park*, the Scarborough Community Chamber has presented 10 different Community organization in the Town of Scarborough with \$2,500 grants totally \$25,000; and,

WHEREAS, the Scarborough Community Chamber does support the Town of Scarborough in many different ways. The Town of Scarborough thanks the Scarborough Community Chamber for assisting in making Scarborough a better place in which to both to live, and do business.

NOW, THEREFORE, BE IT RESOLVED, that the Scarborough Town Council and Town Manager, does hereby congratulate the Scarborough Community Chamber and recognizes Art Dillon for his unselfish contributions to the community on the 25th Anniversary of *Concerts in the Park* and look forward to future events for all citizens to enjoy.

Signed and sealed this the 21st day of August, 2024, on behalf of the Scarborough Town Council and Town Manager of Scarborough, Maine. Signed by Nicholas S. McGee, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 6 Yeas. Motion Passes.

Order No. 24-076. Act on the request from the Coastal Waters and Harbor Committee to dedicate the Pier by naming it after former Marine Resource Officer David Corbeau. [*Coastal Waters and Harbor Committee*] Daryen Granata, MRO, spoke on this Order. Councilor Hamill added comments and read a portion of a letter that spoke highly of Dave. The following individuals spoke on this Order:

- Patsy Gotz of Seven Avenue Two, spoke in high favor of Dave and what he had accomplished over his tenure as Harbor Master.
- Susan Clough, representing the Pine Point Association and Business owner – also spoke of Dave in high esteem and supported this Order.

Motion by Councilor Cushing, seconded by Councilor Sither, to move approval on the request from the Coastal Waters and Harbor Committee to dedicate the Pier by naming it after former Marine Resource Officer David Corbeau.

Vote:6 Yeas. Motion Passes

Order No. 24-077. Act on the request from the Marine Resource Officer to accept a grant from the Submerged Lands Program of the Bureau of Parks and Lands, in the amount of \$15,000 and direct the funds to the Working Waterfront Reserve Fund. [*Daryen Granata, MRO*] Daryen Granata, Marine Resource Officer, gave an overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Sither, to move approval on the request from the Marine Resource Officer to accept a grant from the Submerged Lands Program of the Bureau of Parks and Lands, in the amount of \$15,000 and direct the funds to the Working Waterfront Reserve Fund.

Vote: 6 Yeas. Motion Passes.

Order No. 24-078. Act on the request from the Chief of Police to accept a charitable gift for the Explorer Program from the Estate of Harold “Pete” V. Bickmore, in the amount of \$5,000. [*Police Chief*] Police Chief Holmquist, gave an overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Sither, to move approval on the request from the Chief of Police to accept a charitable gift for the Explorer Program from the Estate of Harold “Pete” V. Bickmore, in the amount of \$5,000.

Vote: 6 Yeas. Motion Passes.

Order No. 24-058, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405B Site Plan Review, IV Performance and Design Standards, A. Site Utilization and Layout; B. Site Access; C. Internal Vehicular Circulation; D. Parking Areas; E. Pedestrian Ways, Space and Alternative Transportation; I. Architecture and Signage; and repeal in its entirety Chapter 405B-1 Design Standards for Commercial Districts. [*Planning Director*] Autumn Speer, Planning Director, gave a brief overview on this Order. Chairman McGee opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:01 p.m. The second reading on this Order will be scheduled for Wednesday, September 4, 2024.

Order No. 24-059, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 Zoning Ordinance, XII Sign Regulations to add a maximum sign size waiver process for buildings 20,000 sq. ft. or greater. [*Planning Director*] Autumn Speer, Planning Director, gave a brief overview on this Order. Chairman McGee opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:02 p.m. The second reading on this Order will be scheduled for Wednesday, September 4, 2024.

Order No. 24-060, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 Zoning Ordinance, regarding a 1,000 ft setback for Cannabis Establishments. *[Assistant Town Manager]* Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order. Chairman McGee opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:03 p.m. The second reading on this Order will be scheduled for Wednesday, September 4, 2024.

It was noted that Order No. 24-060 and Order No. 24-061, were not in correct order; however, the information that had been posted on-line was correct.

Order No. 24-060, 7:00 p.m. Public hearing on the order authorizing issuance of up to \$1,000,000 in bonds of the town to fund the cost of replacing the Fire Pumper Truck and to place the following question on the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$1,000,000 IN BONDS OF THE TOWN TO FUND THE REPLACEMENT OF THE FIRE PUMPER TRUCK” be approved? *[Town Council]* Chairman McGee opened the public hearing. No comments were made either for or against, the hearing was closed at 8:05 p.m. The second reading will be scheduled for Wednesday, September 4, 2024.

Order No. 24-061, 7:00 p.m. Public hearing on the order authorizing issuance of up to \$996,707 in bonds of the town to fund the cost of Body Worn and Cruiser Cameras for the Police Department and to place the following question on the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$996,707 IN BONDS OF THE TOWN TO FUND THE COST OF BODY WORN AND CRUISER CAMERAS FOR THE POLICE DEPARTMENT” be approved? *[Town Council]* Chairman McGee opened the public hearing. No comments either for or against, the hearing was closed at 8:07 p.m. The second reading will be scheduled for Wednesday, September 4, 2024.

Order No. 24-063, 7:00 p.m. Public hearing on the order authorizing issuance of up to \$6,000,000 bonds of the town to fund purchase of land and interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat and scenic or environmentally sensitive areas and to place the following question the November 5, 2024, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$6,000,000 IN BONDS OF THE TOWN TO FUND THE PURCHASE OF LAND THROUGHOUT THE TOWN FOR FUTURE PURCHASES OF PROPERTIES OR RIGHTS TO PROPERTIES FOR THE FOLLOWING PURPOSES:

- **TO PROVIDE OR MAINTAIN PUBLIC ACCESS; AND,**
- **TO ALLOW PASSIVE OR ACTIVE RECREATION; AND,**
- **TO CONSERVE WATER QUALITY, NATURAL RESOURCES, OR OTHER NATURAL AREAS; AND,**
- **TO PROVIDE EASEMENTS FOR WALKING OR BIKING TRAILS; AND,**
- **TO PRESERVE SIGNIFICANT HISTORIC SITES; AND,**
- **TO PRESERVE SITES WHICH CAN BE CONSIDERED PART OF THE CHARACTER TO THE COMMUNITY; AND,**
- **TO ADD TO EXISTING CONSERVATION AND PUBLIC AREAS” be approved?**

[Parks and Conservation Land Board] Chairman McGee opened the public hearing. The following comments were made:

- Alyson Bristol of Bayview Avenue, voiced her concerns on this.
- Susan Hamill of Bay Street, voiced her concerns on this Order.
- Andrew Mackie, Executive Director of the Scarborough Land Trust and spoke in favor of this Order and asked those presence who supported this to please stand.
- Ann Hancock of Old Neck Road, spoke in favor of this Order.

There being no further comments either for or against, the hearing was closed at 8:23 p.m. The second reading will be scheduled for Wednesday, September 4, 2024.

Order No. 24-070, 7:00 p.m. Public hearing and action on the renewal request from Joanna Russell, d/b/a Norumbega Provisions, located at 15 Holly Street, Suite 106, for a Medical Marijuana Products Manufacturing Facility. *[Assistant Town Manager]* Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order. Chairman McGee opened the public hearing. There being no comments either for or against, the hearing was closed at 8:25 p.m.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval on the on the renewal request from Joanna Russell, d/b/a Norumbega Provisions, located at 15 Holly Street, Suite 106, for a Medical Marijuana Products Manufacturing Facility, without conditions.

Vote:6 Yeas. Motion Passes.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 24-071. First reading and schedule a public hearing and second reading on the new request for a Cannabis Establishment License from Phuong Lac d/b/a Diamond Smoke, LLC, located at 3 Commercial Road, Unit 201, for a Medical Cannabis Cultivation Facility. *[Assistant Town Manager]* Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order. The following individuals spoke on this Order:

- Paula Corbeau-O'Brien of Pondview Drive, spoke on this Order and voiced her concerns.
- David Rabideau of Bickford Street, voiced his support of the 1,000 foot setback and this location is not a proper location for this business.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval of the first reading on the new request for a Cannabis Establishment License from Phuong Lac d/b/a Diamond Smoke, LLC, located at 3 Commercial Road, Unit 201 for a Medical Cannabis Cultivation Facility and the public hearing and second reading would be scheduled for Wednesday, September 4, 2024.

Vote:5 Yeas. 1 Nay [Councilor Hamill]. Motion Passes.

Order No. 24-072. First reading and schedule a public hearing and second reading amending Chapter 311 Schedule of Fees, to add applicable impact fee sections. *[Planning Director, Town Engineer]* Autumn Speer, Planning Director, gave an update on this Order.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval of the first reading to amend Chapter 311 – Schedule of Fess to add applicable impact fee sections; as follows:

**CHAPTER 311 – TOWN OF SCARBOROUGH SCHEDULE OF
LICENSES, PERMITS AND FEES**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 311 the Schedule of Licenses, Permits and Fees, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

Chapter 410 – Road Impact Fee Ordinance And Designating Approved Projects

The following fees and charges are established for development and the following projects are designated as eligible for funding from the Highway Impact Fee Trust Fund:

<u>Fees</u>	<u>Peak Hour Trips</u>		<u>Cost of Trip</u>
A. District 1	N	X	\$149.43
B. District 2	N	X	\$292.42
C. District 3	N	X	\$499.05
D. District 5	N	X	\$1,024.52

Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in the most recent addition of the Institute of Transportation Engineers (ITE) “Trip Generation” handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only “new” trips to the system roadways should be assessed a development fee. (amended 05/03/2023)

The total Impact Fee for a project shall be the sum of the fees for each district affected.

Projects eligible for funding from the Road Impact Fee Trust Funds are those projects depicted on the 100 scale aerial photographs titled “Long Range Transportation Improvement Program” (April 1989), prepared by Vanasse Hangen Brustling, Inc. as part of the 1988 Maine Mall/Jetport Area Traffic Study conducted for the Portland Area Comprehensive Transportation Study (PACTS) and the Maine Department of Transportation.

Chapter 415 – Impact Fee Ordinance – School Impact Fees 2024 Amounts

Prior to the issuance of a building permit for any new dwelling unit, the Code Enforcement Officer shall collect a school impact fee according to the following schedule

<u>Type of Dwelling</u>	<u>Fee Amount</u>
<u>Single family dwelling</u>	<u>\$5,390 per unit</u>
<u>Two-family dwelling</u>	<u>\$2,060 per unit</u>
<u>Multiplex</u>	<u>\$1,360 per unit</u>
<u>Mobile home in a mobile home park</u>	<u>\$1,360 per unit</u>
<u>Affordable housing unit</u>	<u>\$2,710 per unit</u>

School Impact Fee Exemptions

A school impact fee is not required for a dwelling unit within a development consisting of three or more dwelling units all of which are permanently restricted by recorded deed restriction or covenant and/or regulatory restriction to occupancy by elderly households only. For this purpose, “elderly household” means a household which includes at least one person aged 55 or older and no occupant less than 55 years of age other than a full-time caregiver to or a spouse or companion of the elderly person(s).

Chapter 415 – Impact Fee Ordinance – Recreation Impact Fees 2024 Amounts

Prior to the issuance of a building permit for any new dwelling unit, the Code Enforcement Officer shall collect a recreation impact fee according to the following schedule:

<u>Type of Dwelling</u>	<u>Fee Amount</u>		
<u>Single Family Dwelling</u>	<u>\$400 per bedroom, not to exceed \$1,600</u>		
<u>Two-Family Dwelling</u>	<u>\$400 per bedroom, per unit</u>		
<u>Multifamily</u>	<u>\$400 per bedroom</u>		
<u>Senior Housing Unit</u>	<u>\$400 per bedroom</u>		
<u>Affordable Housing Unit</u>	<u>\$400 per bedroom</u>		
<u>The School and Recreation impact fees established by the Town Council shall be adjusted annually by the Town Treasurer to account for inflation on February 1st. The Treasurer shall increase each impact fee by the dollar amount (rounded to the nearest ten dollar increment) obtained by multiplying the amount of the fee then-in-effect by the inflation rate. The adjusted impact fees shall apply to all building permits issued on or after February 1st of each calendar, whether or not the applications for building permits were filed prior to such dates.</u>			
<u>Chapter 415 – Impact Fee Ordinance – Roadway Impact Fees</u>			
<u>Any person who seeks a permit or approval for any development, activity or use described in Section V(A) of Chapter 415 is required to pay a road impact fee in the manner and amount set forth in Chapter 415.</u>			
<u>Roadway Impact Fee District</u>	<u>Peak Hour Trips</u>		<u>Fee Per Trip</u>
<u>Dunstan Corner District</u>	<u>N</u>	<u>X</u>	<u>\$1,402.00</u>
<u>Haigis Parkway / Route One District</u>	<u>N</u>	<u>X</u>	<u>\$990.00</u>
<u>Payne Road District 5</u>	<u>N</u>	<u>X</u>	<u>\$1,024.52</u>
<u>Payne Road / Ginn Road District</u>	<u>N</u>	<u>X</u>	<u>\$2,227.00</u>
<u>Payne Road / Nonesuch River District</u>	<u>N</u>	<u>X</u>	<u>\$2,866.00</u>
<u>Oak Hill</u>	<u>N</u>	<u>X</u>	<u>\$755.00</u>
<u>Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in the most recent addition of the Institute of Transportation Engineers (ITE) “Trip Generation” handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only “new” trips to the system roadways should be assessed a development fee.</u>			

Vote: 6 Yeas. Motion Passes

Order No. 24-073. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 302A – the Town of Scarborough Town Committees/Boards Manual. [Rules and Policies Committee] Councilor Hamill gave a brief overview on this Order.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval of the first reading on the proposed amendments to Chapter 302A – the Town of Scarborough Town Committees/Boards Manual and scheduled the public hearing and second reading for Wednesday, September 4, 2024; 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 the following changes to Chapter 302A – Town of Scarborough Town Committees/Boards Manual, for the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

First Amendment to Article – Procedures:

ARTICLE I – PROCEDURES

Appointment/Re-Appointment

Once an application for a committee/board is received in the Town Clerk’s Office, it is then copied and sent to the Appointments and Negotiations Committee for review. The Appointments and Negotiations Committee will then refer its recommendation(s) to the Council. Pursuant to Section 201.00 of Chapter 302 – the Rules and Policies Manual for the Scarborough Town Council: “Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments and Negotiations Committee and certified by the Council.”

Once names are posted, notices are sent notifying the individuals their names have been posted and that upon approval by the Town Council another notice will be sent notifying the individuals that they have been appointed, when their term expires and they must be sworn in before they can participate at the committee/board meetings.

New members will receive a copy of the members and the charge for the committee/board they are serving on.

Starting on January 1, 2025, committee/board members shall serve not more than three (3) consecutive full terms of office and until your vacancy is filled on all committees/boards with one (1) year off before they can apply to the same committee/board.

Agenda

Those who are elected as Chair for each committee/board are responsible for conducting the meeting, preparing the agendas and making sure there is a record of each meeting. In order to be consistent with Council guidelines, it is required that any meeting agendas, whether it is a regular or special meeting, and any supporting documentation must be filed in the Town Clerk’s Office by 2:00 p.m. seven days prior to the next scheduled meeting. Attached you will find Exhibit A – page 29 – an example on how to structure an Agenda

Notice of any special meetings must be posted at least 24 hours before the meeting. Such notice will state the time and place of such meeting and business to be transacted.

Broadcasting of Board and Committee Meetings [Adopted 10/20/2021]

All meetings of any Committees and/or Boards, appointed by the Town Council the Planning Board, Zoning Board of Appeals and the Long Range Planning Committee, whenever possible, shall be broadcast live and recorded for rebroadcast at a later date.

Second Amendment to Article II – Committee/Boards Listing:

ARTICLE II – COMMITTEES/BOARDS LISTING

CONSERVATION COMMISSION

[Established 08/04/1979; Adopted 08/02/2000, Amended 07/18/2001; Amended 09/03/2008; Amended 04/06/2022]

Established

Pursuant to the provisions of the Town Charter and Title 30-A M.R.S.A. §3261, Conservation Commissions, and Title 30-A M.R.S.A. §3001, Ordinance Power, there is hereby established the Conservation Commission of the Town of Scarborough. (Amended July 18, 2001)

Organization and/or Membership

The Conservation Commission shall consist of seven (7) members and two (2) alternate members appointed by the Town Council for three-year terms. Members whose terms expire shall continue to serve until their successors are appointed and qualified. ~~The Town Council may appoint one of its members to serve as a Council liaison to the commission~~ A representative from the Town Council and a representative from the Planning Board shall serve as Liaison and are non-voting members. The Town Manager or his/her designee shall serve as staff liaison to the Commission. Neither the Town Council liaison nor the Town Manager or his/her designee shall be a voting member of the Commission.

The Commission may also recommend to the Town Council that associate members be appointed to assist the commission, as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, two or three years.

Four (4) members of the Commission constitute a quorum. The alternate members of the Commission shall have voting authority if a quorum is lacking. The Commission shall select one (1) member to service as chair and one (1) member to serve as vice chair. The Commission shall set its own meeting schedule, which will be open to the public.

Vote: 6 Yeas. Motion Passes.

Order No. 24-074. First reading and schedule a public hearing and second reading on the request to approve the charge for the Ad Hoc School Building Committee – Phase 2. *[Chairman McGee]* Shannon Lindstrom, Chair of the Board of Education, gave a brief update on this Order.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval of the first reading on the request to approve the charge for the Ad-Hoc School Building Committee – Phase 2, as presented in the packet and schedule the public hearing and second reading for Wednesday, September 4, 2024, as follows:

AD-Hoc Building Committee – Phase 2 Charge

BE IT RESOLVED, by the Town Council (Council) and Board of Education (BoE) of the Town of Scarborough, Maine (hereinafter “the Parties”), that,

WHEREAS, Scarborough schools currently have thirty (30) portables classrooms in operation and the physical condition of the three (3) primary schools is deteriorating; and,

WHEREAS, the Board of Education recommended a K-8 school solution that was derived from a citizen-lead effort; and,

WHEREAS, in November 2023, the voters soundly defeated the proposed school solution; and,

WHEREAS, the Council and the BoE jointly created the School Building Advisory Committee (SBAC) in January 2024 which was originally comprised of over 70 residents who were charged with considering the need, validating the prior work and recommending a school solution that could garner voter support; and,

WHEREAS, the SBAC considered the results of a statistically valid community survey and recommended that four school building options be considered further; and,

WHEREAS, in an effort to advance this important project, the Parties wishes to draw upon the resources of the community and qualified consultants to consider the work of the SBAC and recommend a single solution to meet school needs with sufficient detail to seek voter approval.

NOW, THEREFORE, BE IT RESOLVED, by the Parties, that there is hereby an Ad Hoc School Building Advisory Committee – Phase 2 (SBAC2) created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the SBAC2 is to continue the fine work of the SBAC by collaborating with staff and qualified consultants in an effort to advise the Council and BoE on the preferred site, design and probable cost estimates for a school solution that will meet the needs of students and staff that can be supported by the voters. Such recommendation 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 SBAC2 should consider in arriving at its recommendations:
 - **Review of Prior Work**-The SBAC2 shall familiarize itself with all prior work accomplished for the project. Specifically, the SBAC2 should review the four options identified by the SBAC and rely on consultants and school staff input.
 - **Consultant Selection** – The SBAC2 shall be involved in the review and selection of qualified consultants to support the work. The SBAC2 Leadership Team is responsible for establishing a workflow process and communicating with the Consultant.
 - **Deliverables**- The work and final recommendations should include the following elements:
 1. **Site Selection**- 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 removal of all portable classrooms and related support facilities and consider pace required to accommodate expected growth in student enrolment.
 3. **Construction Modes**~~Semi-Permanent Modularity~~: Assess the pros and cons of various construction modes like off-site or on-site construction options ~~Assess the pros and cons of pursuing a prefab modular solution vs. permanent construction~~;
 4. **Schematic Design**- Prepare a conceptual design, including lot layout and building elevations, that will provide sufficient detail to describe the facility;

5. **Probable Cost Statement** - Prepare a probable cost estimate of the proposed facility with sufficient detail to forward to the voters for consideration.
 - a. The SBAC2 shall commit to a solution that fits within the acceptable range of potential tax impact, which translates to a solution in the range of \$70-130 million, as indicated in the community wide survey conducted in 2024;
6. **Operating Costs**- Evaluate the expected long-term and annual operating costs of the proposed solution.

- **Public Involvement** – The SBAC2 shall incorporate public input into the process, which will culminate in a public presentation of its findings and recommendations to the Council and BoE.

Public involvement is the expectation that formal reporting will occur at progress checkpoints, outlined below.

- **Scarborough Public Schools Employees (SPS)**- The SBAC2 shall incorporate the expertise of SPS employees into the process.
- **Best Practices** - Research and review other similar projects to determine best practices that may be incorporated into the project. Tours of similar facilities are encouraged.

The SBAC2’s powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council or Board of Education Rules or Policies and the Charter of the Town of Scarborough.

2. **Membership.** The membership intends to capitalize on the expertise of the SBAC process and 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 as many as [twenty-three nineteen \(2319\)](#) members as follows:

- Five (5) members from the SBAC – Phase 1 Subcommittee Chairs (or designee)
- Four (4) members of the SBAC-Phase 1 Building Leadership Team
- [Four \(4\) members of the SBAC-Phase 1 Solution Subcommittee Chairs \(or designee\)](#)
- Three (3) Residents At-Large
- Three (3) Alternate Members- Residents
- Two (2) Members of the Town Council
- Two (2) Members of the Board of Education

Although official membership is limited to [twenty-three nineteen \(2319\)](#) members, the SBAC2 is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceedings as they feel appropriate, particularly in the area of communication.

Subcommittee Chairs are identified as the Enrollment, Benchmarking, Finance, Infrastructure and Communication subcommittee Chairs from SBAC Phase 1.

Alternate members are expected to attend meetings, are privy to all information but shall not vote except in the event of absence or vacancy.

Establishment of an Application Process and Appointment Committee - Membership to the SBAC2 will be determined by an application and appointment process conducted by 2

members of the BOE, 2 members of the Council, the Town Manager, The Superintendent and the Chair of the SBAC Phase 1 Committee (herein designated as the Appointment Committee). The appointment committee will base selections on the qualifications of applicants in accordance with the desired composition outlined in Section 2. The application committee has full flexibility to deviate from the desired composition, understanding that time constraints or other external factors may not allow certain community members to participate in the SBAC2. The Appointment Committee will develop an application, process and criteria for selection which will be distributed to the entire community no later than September 13, 2024 with appointments to be recommended and approved by the BOE and Town Council no later than October 18, 2024. In the event of timeline delays, public communication of any changes to the process will be made with a minimum of 2 weeks notice. Once the SBAC2 is seated, the Appointment Committee may be reconvened during the process as needed to fill vacancies.

3. **Referendum Timeframe** - In order to be prepared for a November 2025 referendum, SBAC2 shall have a final recommendation for a solution by June 30, 2025.
4. **Process Checkpoints** - In order to keep the community and governing bodies well informed, the SBAC2 Leadership Team shall report on their progress at a joint workshops with the Parties on the following dates:
 - November 20, 2024
 - January 16, 2025
 - March 19, 2025
 - May 1, 2025
5. **Staff Resources Available** -School and Town staff will be made available to the SBAC2. Such involvement shall be coordinated by the Phase II Building Leadership Team through the Superintendent of Schools and the Town Manager.
6. **Consulting and Financial Support** – It is understood that the Committee will require the services of qualified design professionals to conduct its work. Sufficient resources have been allocated for this purpose. Staff will initiate and oversee the selection process; however, the SBAC2 will be involved in the review and selection of qualified consultants to support the work. These monies will be under the control of the School Department who will be responsible for management of the consultant(s) and payment for services rendered.
7. **Vacancies and Removal**. Any vacancies shall be filled by action of the Parties. The Parties may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.
8. **Officers**. The Committee shall elect a Chair, Vice-Chair and Recording Secretary from among its members. The Chair and Vice-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. The officers will be part of the SBAC2 Leadership Team along with two (2) at large members selected from the SBAC2 membership, two (2) members of the Town Council and two (2) members of the Board of Education.
9. **Quorum and Voting**. A quorum shall consist of ~~eleventen~~ (11) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
10. **Meeting and Records**. The Committee shall meet often enough to complete its responsibilities within the deadline set. The Committee shall televise and record all

proceedings and allow for [in-person or](#) remote participation. It is expected that the SBAC2 will follow Roberts Rules to conduct meetings and proceedings, [including public comment](#).

Vote: 6 Yeas. Motion Passes.

Order No. 24-075. Act on the request from Black Diamond Consultants, Inc to authorize the Town Manager, to sign paperwork, on behalf of the Town, that would relinquish its interest in the turnaround easement on Ward Street, Tax Map U43, Lot 38. [Planning Director] Autumn Speer, Planning Director, gave an update on this Order. The following individuals spoke on this Order:

- Mike Pulire of Ward Street, spoke in opposition of this Order.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval on the request from Black Diamond Consultants, Inc to authorize the Town Manager, to sign paperwork, on behalf of the Town, that would relinquish its interest in the turnaround easement on Ward Street, Tax Map U43, Lot 38.

Vote: 6 Yeas. Motion Passes.

Order No. 24-079. Act on the request to ratify the collective bargaining agreements between the Town of Scarborough and the Scarborough Police Benevolent Association; the Scarborough Professional Dispatchers Unit of Scarborough Firefighter Association - IAFF #3894 and the Scarborough Professional Firefighter Association IAFF Local #3894 and authorize the Town Manager to sign said contracts. [Assistant Town Manager] Liam Gallagher, Human Resource Director and Assistant Town Manager, gave an overview on this Order.

Motion by Councilor Sither, seconded by Councilor Anderson, to move approval on the request to ratify the collective bargaining agreements between the Town of Scarborough and the Scarborough Police Benevolent Association; the Scarborough Professional Dispatchers Unit of Scarborough Firefighter Association - IAFF #3894 and the Scarborough Professional Firefighter Association IAFF Local #3894 and authorize the Town Manager to sign said contracts.

Vote: 6 Yeas. Motion Passes.

Item 9. Non-Action Item. None at this time.

Item 10. Standing and Special Committee Reports and Liaison Reports and Item 11. Council Member Comments.

- Councilor Anderson gave an update on the next Finance Committee meeting. He further commented on Summerfest and how our community makes him proud.
- Councilor Sither thanked Councilor Anderson for running the table at Summerfest, as well as Councilor Shupe. She went on to praise the last Councilor Corner live on the Land Bond. The Communications had been canceled and asked that for the September 1st Article – Councilor Anderson write it and the for September 15th – Councilor Cushing. Both Councilors Caterina and Hamill will also have a spot in Councilor Corner Article prior to their last meeting.
- Councilor Cushing commented on new upcoming election and asked that there be an orientation for newly elected officials.
- Councilor Hamill sent kudos to Community Services. He commented on the Coastal Waters and Harbor Committee on parking and would like to see this come to the Council, so there would be something in place by spring.
- Chairman McGee thanked the Council for all they do.

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

Vote: 6 Yeas. Motion Passes.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk

Average Annual Daily Traffic (AADT) counts on Rt 114 and Rt 22, 1996-2022

Location	1996	1997	1998	2000	2002	2004	2005	2007	2010	2013	2016	2019	2022	2024	Peak Year	% Change from Peak
Route 22 -Near Smiling Hill Farm (MDOT 00307)									9,930	9,450	9,540	9,680	8,314		2010	-16.3%
Route 22 East of Overlap - West side of Saco St Intersection (MDOT 05007)	8,640		9,640	10,090	10,580	9,720	9,550		10,050		9,830	9,940	8,780		2002	-17.0%
Route 114 - Nonesuch Golf Course (MDOT 03608)										13,090	12,300	12,510	11,630		2013	-11.2%
Route 114 - South side of Running Hill Intersection (MDOT 04704)										12,340		12,310	11,360		2013	-7.9%
Route 114 South of Overlap - Just north of Beech Ridge Intersection (MDOT 04808)	13,810	14,170	15,310	14,230	17,890	15,980	14,020	15,040	14,040	14,880	12,740	14,480	14,050		2002	-21.5%
Running Hill Rd - East of 114 Intersection (MDOT 04702)					6,200		5,920		6,350	5,820	5,070	5,520	5,700		2010	-10.2%
Route 22/114 Overlap - Scarborough Side (MDOT 05500)	22,320	22,060	24,420						23,390	25,040	23,880	24,050	22,010	23,214 (est.)	2013	-7.3%
Route 22/114 Overlap - Gorham Side (MDOT 03303)		20,710			22,860		24,280		22,600	23,310	21,650	21,200	21,070		2005	-13.2%
Route 22 West of 22/114 Overlap (MDOT 03307)		10,310		11,060	13,460		11,530	11,010	10,380	11,463	9,940	9,770	10,320		2002	-23.3%
Route 114 North of 22/114 Overlap (MDOT 03308)	11,790	12,830	13,530		12,640	12,520	12,770			13,750	13,270	13,140	12,730		2013	-7.4%
Comparison:																
Black Point Rd - South of Rt 1 Intersection (MDOT 00105)	11,240	14,160			15,480	14,120	15,160	13,740	13,250		14,650		16,220		2022	0%
Black Point Rd - West of Highland Ave intersection (MDOT 02907)					11,320		12,750	12,520		12,410	14,080		13,420		2016	-4.7%
Payne Rd South of Gorham Rd (MDOT 04206 + 04216)	11,910		13,210	11,090	12,730	11,590	13,320	13,240	14,540	13,650	13,050	14,230	15,700		2022	0%

All data from the following sources:

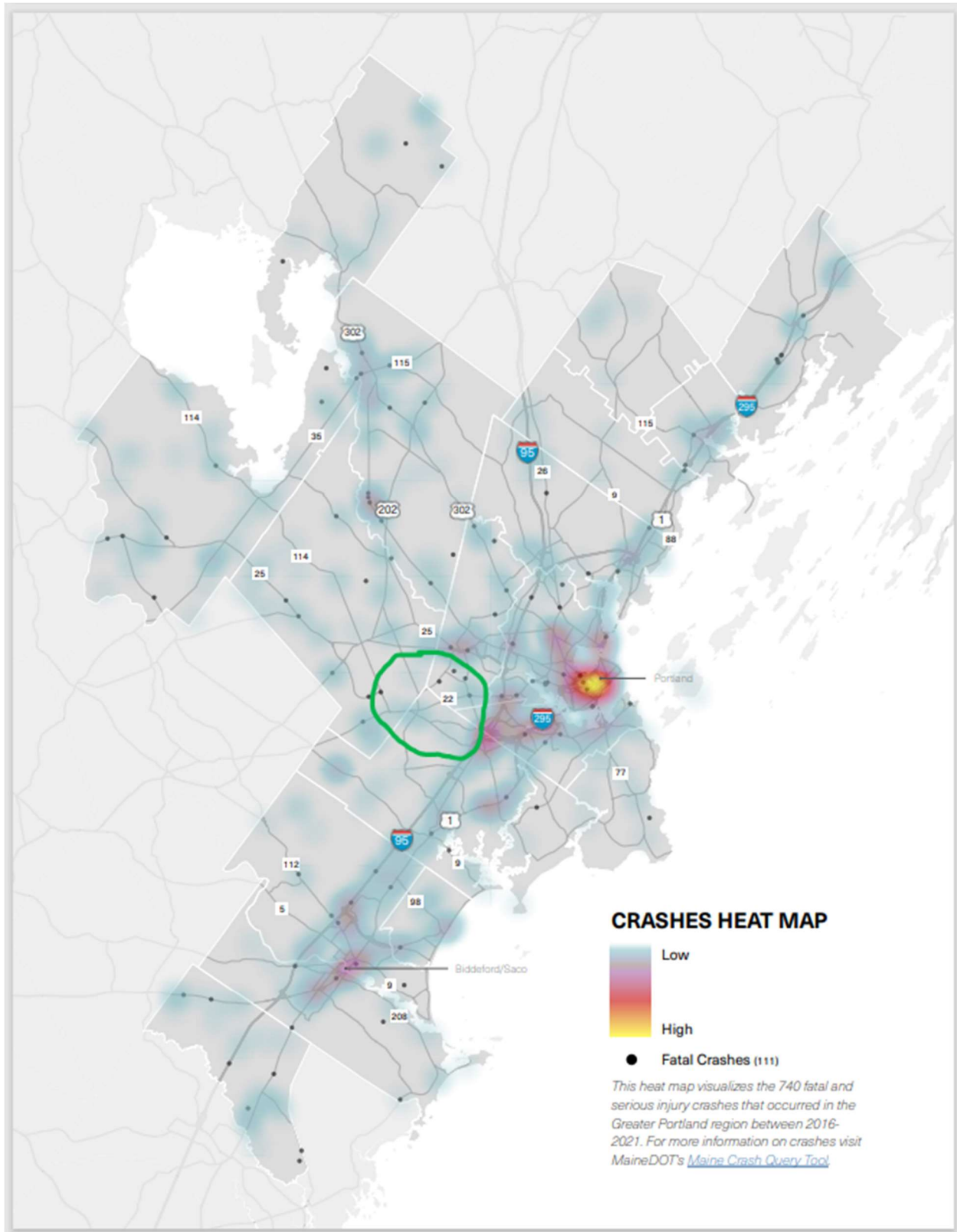
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<https://www.maine.gov/mdot/traffic/docs/yt/2016/fullreport.pdf>

There's a common assumption by proponents of the new turnpike that traffic along Rt 22 and Rt 114 here in North Scarborough / South Gorham "is only getting worse" and that we have to build extra capacity for all this future growth. While congestion felt pretty bad at times this summer with the construction going on, Maine DOT data shows that overall traffic volumes along this corridor actually peaked between 10-20 years ago and are down on average around 15% from that peak. Maine DOT performs periodic traffic counts at different sites across the state, and then uses those counts to calculate the AADT (Average Annual Daily Traffic) values for each site by adjusting for seasonal fluctuations. I've compiled the historical AADT values from Maine DOT records along the Rt 114 / Rt 22 corridor going back to 1996 (the earliest I could find online) above. Since 2007 Maine DOT has been conducting counts on a three year rotating basis, meaning the last counts were done in 2022 and the next counts will be done in 2025. But the trend is pretty clear that even without Covid, traffic is down throughout this corridor compared to its peak.

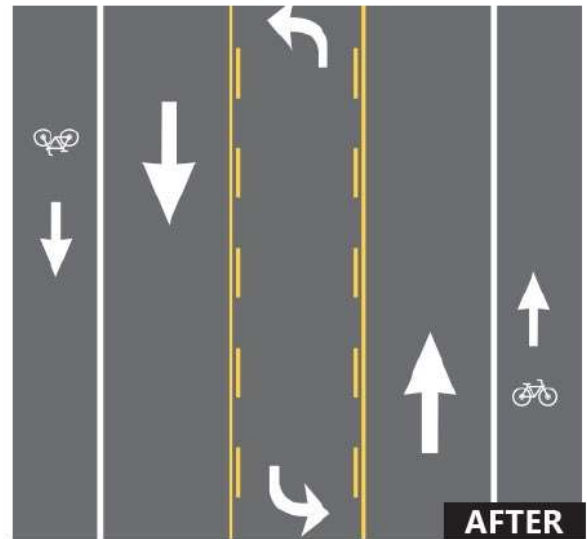
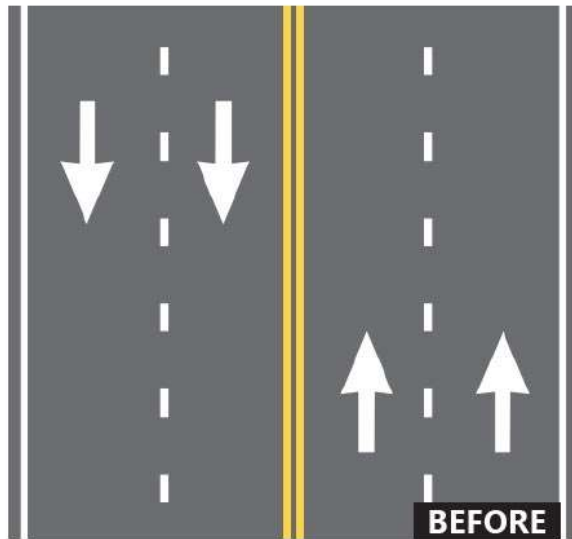
Why might this be? Looking at data available on the state website <https://mainestatehousingdata.org/>, between 2010 and 2020 the towns that mostly use this commuter corridor (Gorham, Standish, Buxton) grew by 7.8%, and one would thus expect a similar increase in traffic over this time. However a closer look at demographic changes in these three towns show that the population aged 18-64 only increased by 422 total, while those aged 65+ increased by 2,013. So there was actually very little growth in the working aged population of these towns that would potentially be commuting daily. That fact, coupled with increased employment opportunities and shopping/entertainment options outside of Portland, has contributed to a reduction in travel along Rt 22 and Rt 114 even outside of the office worker post-Covid work from home phenomenon.

Will this trend continue in the future? There are a lot of variables - will the rate of in-migration to the area increase even more than it is now, will the towns encourage more sprawl, will a new turnpike be built that facilitates that explosion of sprawl? Using current data and trends however, the office of the Maine state economist (<https://www.maine.gov/dafs/economist>) published population forecasts for every town in Maine last year. They project the growth rate of Gorham+Standish+Buxton to fall to 4.1% for 2020-2030 and to 1.9% for 2030-2040 under current conditions. Maine's birth rate is currently at 1.47 and falling (population replacement level is 2.1), and we're only growing now because of high levels of in-migration and longer lifespans (which have plateaued). Outside of Portland, our state's population is still aging rapidly.

Getting past hyperbole and emotional response and just looking at the hard data, all indications are that traffic along the corridor will continue to decline or at the minimum stay stable. The baseline assumption should thus not be that traffic is just going to always get worse and that we have to build a new highway for that future growth, when all the data and long term trends are actually showing the opposite here. The baseline assumption should be how are we going to care and pay for our existing roads and infrastructure in a not too distant future with a decreasing and further aging population and already a trend of decreasing traffic along this 114 / 22 corridor.



Despite being a high-volume area for commuter traffic, the Rt 114 / Rt 22 corridor (circled in green) that the Gorham Connector proposal would be addressing has comparatively few accidents (no red areas) and is quite similar to all the other exurban state highways throughout the region. One of the major reasons that the MTA gives for the necessity of building the Gorham Connector is the dangerousness of the existing routes – however the data does not support this claim.



The major argument made for why building the new turnpike is preferable to making improvements to the existing road, is that widening the road would require knocking down houses and would not be conducive to future village style growth in North Scarborough and South Gorham. Based on AADTs, the only stretch of road that might need widening is the Rt 22 / Rt 114 overlap, which has a most recent AADT of 22,010 (according to the 2012 East-West Corridor Study, AADTs over 18,000 are considered high for two lane roads). Widening this stretch to a four lane road - which in general supports AADTs up to 35,000 – is absolutely possible within the existing ROW with no need for any eminent domain, much less taking anyone’s house. Four 11-foot lanes, plus two four foot shoulders, equals a 52-foot wide roadway, and the ROW along this stretch is 66 feet. However, according to the Federal Highway Administration, a three lane road (one lane each direction and a turning lane in the middle) is recommended for roadways with an AADT of 25,000 or less. The picture above is of a typical three lane roadway in a village setting with bike lanes and a sidewalk. Including the sidewalk, the total width edge to edge is about 54 feet. This is what the Rt 22 / Rt 114 overlap stretch could look like, improved to meet design recommendations for its volume.