

MINUTES
Rules and Policies Committee
Wednesday, January 29, 2025 – 4:00pm

Item 1. Call to Order. Councilor Fellows, called the meeting to order at 4:17pm

Item 2. Roll Call. Committee members Councilor Cory Fellows (Chair), Councilor Don Cushing, and Councilor Scott Doherty were present. Liam Gallagher, Assistant Town Manager and Kristen Barth, Town Clerk was also present.

Item 3. Public Comment. None at this time.

Item 4. Approval of Minutes: July 24, 2024. Motion by Councilor Cushing, seconded by Councilor Fellows, to move approval of the July 24, 2024 meeting minutes as written.

Vote: 3 Yeas. Motion Passes.

Item 5. Future of Non-Active Committees.

- **ADA Advisory Board**
- **Historic Preservation Implementation Committee**
- **Seniors Program Advisory Board**

Discussion ensued between Committee members, Liam Gallagher, and Kristen Barth. The Committee recommends staff obtain more information on the history of each committee. Staff will also promote the committees to determine community interest.

Item 6. Parks and Conservation Land Board. Discussion ensued between Committee members and Liam Gallagher in regards to the memo the Chair of the Parks and Conservation Land Board.

Motion by Councilor Cushing, seconded by Councilor Doherty to move the amendments to the Parks and Conservation Land Board to the Town Council, as follows:

PARKS AND CONSERVATION LAND BOARD

[An Advisory Body to the Town Council]

[Adopted August 15, 2001, Amended March 20, 2002, Amended November 6, 2002]

Established

There is hereby established a Parks and Conservation Land Board (the Board) as a standing committee and an advisory body to the Town Council. (Amended 11/06/02)

Land Acquisition Reserve Fund - Establishment. There is hereby established a Town of Scarborough Land Acquisition Reserve Fund as recommended by the Parks and Conservation Land Advisory Board. That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented, a permanent reserve fund of the Town of Scarborough, Maine, to be known as the Parks and Conservation Land Acquisition Reserve Fund, hereinafter called the Fund is hereby established.

Expenditures from the Fund shall be used to acquire real estate, or interests in real estate, as defined in Article XXII (Parks and Conservation Land Board), in order to:

- Preserve land in its natural state; or,
- Protect a natural resource, or a historic site; or,
- Provide for recreational use.

Deposits approved by the vote of the Town Council and appropriated to the Fund may include but are not limited to:

- Any grant received on behalf of the Fund and interest from deposits and investments of the Fund.
- Unspent appropriations from town committees, such as the Conservation Commission and Shellfish Conservation Commission.
- Voluntary contributions of money or other liquid assets.
- Interest from deposits and investments of other town funds.
- Proceeds from the disposal of real or personal property interests such as from the sale of tax-acquired property.
- Bonds or notes issued not exceeding amounts established by Town Charter.
- Other municipal funds such as impact fees and density offset contributions.

Organization and/or Membership

The Board shall consist of ~~seven (7)~~ nine (9) members appointed by the Town Council for a term of three (3) years. The terms shall be staggered with three (3) members serving an initial one (1) year term, two (2) members serving a two (2) year term, ~~and~~ two (2) members serving a three (3) year term and two (2) alternates. The members of the Board shall elect a Chair and Vice-Chair. In the event of resignation or other incapacity of the Chair, the Vice-Chair shall act as Chair until a new Chair is selected. The Town Manager or his or her designee shall be an ad hoc member of the Board. A member of the Town Council shall serve as a Liaison to the Board. (Amended 3/20/02)

Duties and Powers

The duties of the Board shall be as follows: (Amended 11/06/02)

- To develop a written Acquisition Evaluation Process (AEP) consistent with the Parks and Land Conservation Bond Taskforce Report. The AEP will be used to evaluate potential acquisitions in a consistent manner. The Board will maintain a goal and assign priority to acquisitions where private funding can be used to match public funding.

- To recommend and advise the Town Council on land acquisitions identified by the Acquisition Evaluation Process.
- To recommend any conditions, restrictions or protective measures appropriate for Council consideration on land identified for acquisition.

The Board shall assist and advise the Town Council in the acquisition of properties or rights to properties considered for the following: (a) to provide or maintain public access; (b) to allow passive or active recreation; (c) to conserve water quality, natural areas; (d) to provide easements for walking or biking trails; (e) to preserve significant scenic, cultural or historic sites; (f) to preserve sites which are considered part of the character of the community; and (g) to add to existing conservation and public areas.

Council Acceptance - The written recommendations of the Board shall be included in the Council Order authorizing any land or rights acquisition. (Amended 11/06/02)

Procedures

The committee shall meet ~~at least quarterly~~ bimonthly (every two (2) months) and provide an annual report to the Town Manager and Town Council on its activities in addition to any recommendations presented throughout the year. The Chair shall call meetings as required and when requested to do so by a majority of the members of the Board, the Town Manager or the Town Council. The Chair shall preside at all the meetings of the Board. Permanent records of the minutes of the all Board meetings and all correspondence of the Board shall be maintained and filed by and in the office of the Town Clerk.

Definitions

Natural Resources: Natural resource areas are lands that have been identified in Town, State or Federal planning processes for their unique natural resource importance, and those that have not yet been identified but may meet natural resource criteria. These areas include, but not limited to, the Scarborough Marsh, the coast and beach areas, estuaries and major rivers (Nonesuch, Scarborough, Libby and Dunstan), wetlands and brooks, wildlife areas, and unique agricultural and forest lands (with emphasis on large tracts of undeveloped land).

Linkages, Buffers and Additions to Conservation or Other Public Lands: These lands include parcels that connect or abut existing conservation or public lands or private lands for public use. Buffer lands are those which afford an extra level of protection to these parcels from surrounding encroachments.

Public Access: Public access lands are parcels conducive to public use and enjoyment. These areas may include small properties that provide the sole legal source of public ingress and egress to larger conservation or public lands, or private lands, which allow public use. These public access areas may also include lands or rights or privileges for the public to use Scarborough's coast, ponds, rivers, streams and brooks.

Active and Passive Recreation: Active recreation areas are lands, such as ball fields, that have been significantly altered (and that require ongoing maintenance) for the use and enjoyment of the public. Passive recreation areas are lands that are generally unimproved but may be managed for forestry, wildlife or agricultural purposes or enjoyed in their natural state for a variety of activities i.e. hiking, exploring, hunting and fishing, scenic purposes, and other uses.

Community Character and Historical Significance: Lands of community character are areas that are of unique and exceptional importance to the Town of Scarborough's landscape, culture and history. Historical areas included, but not limited to, lands, structures, sites and monuments that have been or may be identified by the Scarborough Historical Society for their historical importance.

Vote: 3 Yeas. Motion Passes.

Item 7. Chapter 302: Public Comment. Discussion ensued between Committee members and Liam Gallagher in regards to the MMA guidance provided.

Motion by Councilor Fellows, second by Councilor Cushing to move the amendments to the Chapter 302: Public comment to the Town Council, as follows:

Chapter 302; Section 202.3

202.3: Decorum. Persons present at Council meetings, including Elected Officials, are requested not to applaud or otherwise express approval or disapproval of any statements made or action taken at such meeting.

202.3.a: Persons addressing the Council shall direct their remarks exclusively to the Council Chair unless the Chair allows otherwise. Persons will strive to be accurate in their statements and statements should respect the dignity and seriousness of the proceeding, and avoid making ~~personal, rude or provocative remarks~~ **comments that are obscene, threatening, and disruptive**. Persons **shall** conduct themselves in a manner expected of all meeting participants. [amended 04/18/01; amended 04/01/15]

202.3.b.: It shall be at the discretion of the Council Chair to ask any persons **violating the expectations outlined in 202.3.a.** ~~making inappropriate statements, and/or conducting themselves in a disrespectful manner~~ to cease such action or risk being asked to be seated or removed. [adopted 10/21/09]

Vote: 3 Yeas. Motion Passes.

Item 8. Future Agenda Items.

- Future of Non-Active Committees

Item 9. Adjourn. Motion by Councilor Fellows, seconded by Councilor Cushing, to move approval to adjourn the regular meeting of the Scarborough Rules and Policies Committee.



Vote: 3 Yeas. Motion Passes.

Meeting adjourned at 4:50pm

Respectfully submitted,

Kristen Barth
Town Clerk