

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 15, 2014
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Sullivan called the regular meeting of the Scarborough Town Council 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.

Jessica L. Holbrook, Vice Chair	Katherine A. St. Clair
William J. Donovan	Edward NMI Blaise , III
Jean-Marie Caterina	James E. Benedict [Arrived Late]
Richard J. Sullivan, Jr., Council Chair	

Item 4. General Public Comments.

- Ann Marie Swenson of Goldenwood Drive stated that she was a member of the DOGS Group and asked that the following letter be made part of the record:

To: Scarborough Town Council

We strongly encourage the Scarborough Town Council and the Ad Hoc Committee assigned to review the issue of dogs on Scarborough beaches to slow down, take time to review all pertinent data and make a thoughtful, fair recommendation for future use of the Town's beaches.

In October, the Council made dramatic changes to current Scarborough leash laws based on a rushed decision, prompting a special election in which almost 4000 Scarborough residents voted 73% to 27% to overturn the Council's decision. The day after the election the Council voted to start addressing the issue again. When does the will of the people become the will of the people?

Based on post-election events, the will of Scarborough residents is not being respected. There is room for some adjustment and further compromise, however that is not what we are getting. Instead it is the same rushed process.

The Ad Hoc Committee is not comprised of the unbiased membership necessary to analyze data and make a truly objective recommendation to the Council. The Committee was selected in a manner such that any vote is likely to end in a 4-3 or 5-2 decision with an "anti-dog" bias.

While it is widely acknowledged that a piping plover was killed in July 2013 by a dog, dogs rank very close to the bottom of known causes of piping plover mortality. In our state's 32 year recorded history, dog takes represent less than 1% of plover mortality. There is no evidence that further dog restrictions will help the plovers. None.

The current effort is most definitely an excuse to target dogs, not to protect plovers. Our town is not a Wildlife Sanctuary. We do the best we can, but should do so in the context of understanding balance among all in the community.

We implore the Council not to repeat prior mistakes. Review the composition of the Ad Hoc Committee, vetted only by certain members of the Council. Another special election to overturn a rushed, biased decision is not in anyone's best interest. Education and enforcement should be the focus.

Scarborough is not a town to be dominated by plovers, dogs, or any special group.

Scarborough is to be enjoyed by all. Do what is right. Share Scarborough.

Signed by concerned citizens:

Katy Foley	Ann Marie Swenson	Mary Wheeler
Erin Leigh Vogel	Mike Vogel	Jim Reichel
Linda Brady	Erin Brady	Ian Brady
Nancy Malley Erb	Brian Kanode	Deirdre Hogan
Kendra Haskell	William Sweet	Deanna Aspiras Joy
Cathy Dragoni	Dory Hoy	Joanne Mahoney
Bill Kennedy	Catherine Rogers	Liam Somers
Beth Finlay Doran	Amy Richer Roberts	Peter Hayes
Seth Fernald	Miranda Fernald	Joanne Collins LeBlanc
Kenneth Snow	Dominique Bassile	Elias Bassile
Jane Grover	Pete McHugh	Gina McHugh
Carol Funk	Steven Funk	Catherine Funk
Eric Funk	Christine Provencher	Barbara Swartzlander
Elaine Richer	Judy Shirk	Sharyn Paul Brusie
Barry Weeks	Susan Weeks	Amy Kwok
Paula Oliver	Joanne LeBlanc	Kenneth Snow
Gail Bruns	Leigh Greenberg	Marc Greenberg
Benjamin Greenberg	Chris Taylor	Sarah Taylor
Steve Larned	Polly Larned	Mary Jane Carroll Lowe
Mary Beth Nolette	Cheryl Aranovitch	David Aranovitch
Donna Wilson	Caroline Ahonen	Maureen Burns
James Riechel	Donna Betts	Kimberley Brown
Kerry Corthell	Deborah Bruno	Joanne Grenier
Roland Grenier	Larry Langmore	Melissa Newell
Art DiMauro	Liz DiMauro	David Stahelski
Ellen O'Keefe	Beth Doran	Jeffrey Irish
Nancy Welling	Asrienne Welling	Jessica Karg
Steven Konkoly	Kathleen Konkoly	Doug Pierce
Cheryl LaRou	Phillip LaRou, Jr.	Randi Kirshbaum
Joanne Mahoney	Bill Mahoney	Ami DeRienzo
Kate Norfleet	Ryan Norfleet	Helen Plourde
Sue Foley-Ferguson	Steve Ferguson	John McDonough
Geoffrey Minte	Eileen Minte	Helen Hoffses
Kris Poore	Tracey Green O'Rourke	Stephen Hanly
Rose Hansen	Flora Hansen	Sheila Wellehan
Rebecca Summer Wandell	Michelle Hayes	Harold Foley
Ross Valin	Steve Webster	Jennifer Martin Dubail
Dorian Tarling	Kristen Beith	Lisa Hammond
Joseph Hammond	Carlene Hammond	Sarah Keller
Jennifer Allen Eide	Alicia Beckwith	Kate O'Neill
Michael Ralpin		

- Katey Foley of 3 Luck Lane had emailed all Councilors the following questions and only 4 have responded. She then asked the same questions, as noted below, and asked the remaining 3 if they would also respond:
 1. Do the members of this council believe that the selection of the Ad Hoc Animal Control Advisory Committee was unbiased and fair?
 2. Were you personally afforded the opportunity to provide input as to who "should" and who "shouldn't" be on the committee? Surprisingly, I was privileged to be asked to provide some names. Sadly, 11 of those names were denied. Why?
 3. Should Councilors be meeting privately with committee members? Once maybe, but 8 times?
 4. Why shouldn't I be allowed to communicate with Maine Audubon or to CC the Town Council on my correspondence with the Ad Hoc committee?
 5. Why shouldn't the committee consider the vote of the special election? The voters consist of close to 4,000 citizens who are our friends, neighbors, and family. I don't know how not to consider them.

- Bud Hanson of Stoneycreek Drive and a member of the Senior Advisory Board gave an update on the number of members as of the end of 2013 - 489 members. He then mentioned the 55+ Brochure had been sent out and it contained good information for people. He thanked Hallie Hodge the Senior Coordinator in Community Services for all her work that she does. He noted that later on this Spring the Town Council would be holding a Town Council meeting at the Veterans' Home and as last year there would be tours available to individuals who wish to see the facility.

Item 5. Minutes: December 18, 2013 – Regular Meeting. Motion by Councilor St. Clair, seconded by Councilor Blaise, to move approval of the minutes of the December 18, 2013, regular Town Council meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. Councilor Caterina requested that Resolution 14-01, which urges the Maine State Legislation to preserve the Municipal Revenue Sharing of the State Budget, be added to the agenda – to be heard after the update from the Wentworth Building Committee. Councilor Donovan asked that the Council consider Order No. 14-07 which is to extend the date the Ad Hoc Animal Control Advisory Committee to extend the deadline this would be the last item under New Business.

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

Item 8. Non Action Items.

a. Update from the Wentworth Building Committee. Paul Koziell of 4 Lillian Way and Chair of the Wentworth Intermediate Building Committee gave an update on the progress of the building project. He noted that the project is 77% complete and on line and on budget. He thanked a number of individuals who have been active in the construction process and School will open in the Fall of 2015.

Resolution 14-01. Resolve to urge the Maine State Legislation to preserve Municipal Revenue Sharing. Motion by Councilor Blaise, seconded by Councilor Donovan, to move approval of Resolution 14-01, as follows:

Resolution 14-01
Urging the Maine State Legislature
to Preserve Municipal Revenue Sharing Program

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

WHEREAS, for over forty years, the State of Maine has reserved approximately 5% of sales tax receipts from retail sales in Maine's towns and cities to stabilize the property tax burden and support the local governmental services provided on behalf of the State by municipalities, which under the law are subdivisions of state government (the "Municipal Revenue Sharing Program"); and,

WHEREAS, for FY 2014, Governor LePage proposed a State budget that would have eliminated the Municipal Revenue Sharing program and misappropriated all of the sales tax receipts in the Municipal Revenue Sharing Program's Local Government Fund for the State government's use; and,

WHEREAS, the compromise State budget adopted by the Maine State Legislature preserved the Municipal Revenue Sharing Program, but nonetheless re-allocated to the State Treasury tens of millions of dollars previously designated for municipalities under 30-A M.R.S. § 568; and,

WHEREAS. the State's last-minute cuts to the Municipal Revenue Sharing Program for the FY 2014 and FY 2015 biennial budget threw municipal budgets for FY 2014 into disarray, necessitating draconian budget cuts, layoffs, and tax increases in towns and cities across the State; and,

WHEREAS. the FY 2015 component of the State's biennial budget both further reduced Municipal Revenue Sharing for municipalities for FY 2015, from its original, statutory level of \$146 million to \$60 million, and threatened to effectively eliminate the program with additional reductions of \$40 million in the event the State is unable to adopt budget amendments that reduce State tax expenditures and/or implement other savings by that amount; and,

WHEREAS, the Legislature's Tax Expenditure Review Task Force has worked diligently between legislative sessions to address the anticipated \$40 million shortfall in the State budget for FY 2015, identifying State tax expenditure reductions and other savings in Legislative Resolve 2721; and,

WHEREAS, LR 2721 is now pending before the Legislature's Appropriations Committee for its consideration; and,

WHEREAS, the Legislature's adoption of state tax expenditure reductions or other budget savings, and the preservation of the Municipal Revenue Sharing Program that such savings would accomplish are vital to Maine's towns and cities as they prepare for yet another painful. FY 2015 budget process.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council in Town Council assembled as follows:

THAT, it is of critical importance that the Legislature preserve the Municipal Revenue Sharing Program so as to avoid further reductions in municipal services and further increases in property taxes; and,

THAT, the Town Council strongly endorses the efforts of the Legislature's Tax Expenditure Review Task Force to identify tax expenditure reductions or other State budget savings to close the \$40 million gap in the State's FY 2015 budget; and,

THAT, the Town Council calls upon the Appropriations Committee and the Legislature to adopt legislation to fully fund the \$40 million FY 2015 State budget gap and thereby forestall further cuts in the Municipal Revenue Sharing Program; and,

THAT the Town Council urges local Legislative delegation to support the preservation and, indeed, the restoration to full funding of, the Municipal Revenue Sharing Program.

Signed and dated this 15th day of January 2014, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine by Richard J. Sullivan, Jr., Council Chair and attested by Town Clerk.

Vote: 6 Yeas.

Order No. 13-97, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License:

Name

Address

**1. Crystal Springs Manufactured Housing Community
Donna Alexander**

U.S. Route 22

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval to table the renewal request from Crystal Springs Manufactured Housing Community, located at US Route 22, until all violations have been corrected, as recommended by the Zoning Administrator.

Vote: 6 Yeas.

Order No. 14-01, 7:00 p.m. Public Hearing and action on the renewal request for a Junkyard Permit from A. Gagnon/E. Perry Iron & Metal, located at Rigby Road. Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval to table the renewal request for a Junkyard Permit from A. Gagnon/E. Perry Iron & Metal, located at Rigby Road.

Vote: 6 Yeas.

Order No. 14-02, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from RSR LLC d/b/a Tim Hortons, located at 398 U.S. Route One. Chairman Sullivan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:37 p.m.

Motion by Councilor St. Clair, seconded by Councilor Holbrook, to move approval of the new request for a Food Handlers License from RSR LLC d/b/a Tim Hortons, located at 398 U.S. Route One.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 14-03. Act on the names posted to the various committees/boards, as recommended by the Appointments Committee on Wednesday, December 18, 2013. Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval of the names posted to the various committees/boards, as recommended by the Appointments Committee on Wednesday, December 18, 2013, as follows:

Board of Assessment Review:

Move William Frothingham, Jr. the first alternate to a full voting member on the Board of Assessment Review with a term to expire in 2015.

Coastal Waters & Harbor Advisory Committee:

Post the name of Chris Rule to be re-appointed as a full voting member on the Coastal Waters & Harbor Committee with a term to expire in 2016.

Community Services and Recreation Advisory Board:

Post the name of Art Dillon to be re-appointed as a full voting member on the Community Services and Recreation Advisory Board with a term to expire in 2016.

Conservation Commission:

Post the names as full voting members on the Conservation Commission, Chris Herrick and Peter Slovinsky to be re-appointed as a full voting members with terms to expire in 2016 and to post the name of Sean Flaherty to be appointed as a full voting member with a term to expire in 2014.

Energy Committee:

Post the name of Sandi Dargi as a full voting member on the Energy Committee with terms to expire in 2016.

Historic Preservation Ad Hoc Advisory Committee:

Move Craig Friedrich the 1st Alternate and Becky Delaware, 2nd Alternate as full voting members on the Historic Preservation Ad Hoc Advisory Committee with terms to expire in 2016.

Housing Alliance:

Post the names of Craig Friedrich and Bryan Shumway for re-appointment as full voting members on the Housing Alliance with terms to expire in 2016.

Parks and Conservation Land Board:

Post the names of Suzanne Foley-Ferguson and Douglas Williams for re-appointment as full voting members on the Parks and Conservation Land Board with terms to expire in 2016 and appoint Sean Flaherty as a full voting member with a term to expire in 2014.

Pest Management Advisory Committee:

Post the name of Terri Eddy for re-appointment as full voting member on the Pest Management Advisory Committee with a term to expire in 2016.

Planning Board:

Post the name as full voting member on the Planning Board of Ronald Mazer for re-appointment as a full voting member with a term to expire in 2016 and move John Dupont from 1st Alternate to a full voting member with a term to expire in 2015 and move Nicholas McGee from 2nd Alternate to 1st Alternate with a term to expire in 2016 and post the name of Susan Auglis as the 2ⁿ Alternate with a term to expire in 2016.

Seniors Program Advisory Board:

Move Brian Young from 1st Alternate to a full voting member on the Seniors Program Advisory Board with a term to expire in 2015.

Transportation Ad Hoc Committee:

Post the name of Judy Roy as the Long Range Planning Representative to the Transportation Ad Hoc Committee

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 14-04. Act on the request to accept Roundabout Drive, including, for the purposes of confirmation and clarification, all portions of said Roundabout Drive previously accepted by the Town of Scarborough, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance and as recommended by the Town Engineer.

Motion by Councilor Holbrook, seconded by Councilor St. Clair, to move approval on the request to accept Roundabout Drive, including, for the purposes of confirmation and clarification, all portions of said Roundabout Drive previously accepted by the Town of Scarborough, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance and as recommended by the Town Engineer.

Vote: 6 Yeas.

Order No. 14-05. Act on the request from the Shellfish Commission to approve the Allocations of Licenses for 2014. Tim Downs, Vice Chair of the Shellfish Commission gave a brief overview on this request.

Motion by Councilor Holbrook, seconded by Councilor St. Clair, to move approval on the request from the Shellfish Commission to approve the Allocations of Licenses for 2014, as follows:

	2014	2013
	<u>Proposed Allocations</u>	<u>Allocations</u>
• Resident Commercial Licenses:	30	29

• Non – Resident Commercial Licenses:	4	4
• Over 60 Commercial Bushel Licenses:	1	3
• Resident Student Commercial License:	10	10
• Non- Resident Student Commercial License:	1	1
• Resident Recreational Licenses:	200	200
• Non- Resident Recreational License:	20	20
• Day Permits:	10 per day	10 per day

Vote: 6 Yeas.

Order No. 14-06. Act on the request to approve the Council Goals for 2014. Motion by Councilor , seconded by Councilor , to move approval on the request to approve the Council Goals for 2014, as follows:

2014 Scarborough Town Council Goals

*** *Responsible Budgeting:***

- Conservative Assumptions – Plan for the Worst
- Review Fees & Fines
- Flat 0% Spending/Stable Tax Rate
- Advocate for Scarborough with Legislature
- Capital Budgeting

****Senior Services:***

- Partnerships
- Enhance/Expand Programming

****Workforce Housing***

****Business Friendly Permitting & Business Focus:***

- Town Departments/SEDCO/SCC/Buy Local
- “Whatever it takes” Attitude
- Streamline Permitting and Approval Process
- Review of Standards/Requirements
- Home-Based Businesses

****Improved Communication:***

- Internal among Councilors
- External
 - Website
 - CATV
 - E-Newsletter
 - Tax Bill Insert

****Revised Flood Maps:*** Educate Residents

****Encourage School Dept. to adopt an Employee Incentive Program***

****Historic Preservation:***

- Renew Committee
- Action Plan

****Sharing Services/Privatization:*** Gain Efficiencies

****Enforcement:***

- Zoning and Building Codes

****Independent Town-Wide Revaluation***

****Ongoing Dialogue with Legislative Delegation***

****Committee Reports:*** Minutes on website - Transparency

****Long Range Facility Planning***

*Goals are not listed in order of priority.

Vote: 6 Yeas.

Order No. 14-07. Act on the request to extend the timeframe in which the Ad Hoc Animal Control Advisory Committee [Established by Resolution 13-07] has to make its recommendations and report a course of action(s) to the Town Council from January 21, 2014 to January 29, 2014, at which time the Committee shall cease to exist unless otherwise extended by the Town Council. Councilor Donovan gave a brief overview on this recommendation.

Motion by Councilor Caterina, seconded by Councilor Holbrook, to move approval on the request to extend the timeframe in which the Ad Hoc Animal Control Advisory Committee [Established by Resolution 13-07] has to make its recommendations and report a course of action(s) to the Town Council from January 21, 2014 to January 29, 2014, at which time the Committee shall cease to exist unless otherwise extended by the Town Council.

Motion by Councilor Holbrook, seconded by Councilor St. Clair, to move approval to amend the main motion and move the deadline to February 12, 2014.

Vote on amendment: 6 Yeas.

Vote on Main motion as amended:

To extend the timeframe in which the Ad Hoc Animal Control Advisory Committee [Established by Resolution 13-07] has to make its recommendations and report a course of action(s) to the Town Council from January 21, 2014 to February 12, 2014, at which time the Committee shall cease to exist unless otherwise extended by the Town Council.

6 Yeas.

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

- Councilor St.Clair gave a brief update on the Library Trustees noting that Susan Winch would be retiring after 34 years of service. Winterfest has been moved to January 25th.
- Councilor Benedict apologized for being late and then noted that the Coastal Waters and Harbor Committee as well as the Shellfish Commission met this past week. The Rules and Policies Committee would be meeting in the near future.
- Councilor Caterina gave updates on the Conservation Commission and the Long Range Planning Committee.
- Councilor Donovan gave an update on the Ad Hoc Animal Control Advisory Committee.
- Councilor Holbrook noted that the Appointments Committee would like to post the following names to the Shellfish Conservation Commission re-appointment of Terry Twomey and Robert Willette, with terms to expire in 2016 and move David Green, the 1st Alternate to a full voting member with a term to expire in 2014.

She then noted January 23rd Housing Alliance would be meeting at 6:30 p.m. The His Feb 4th 6:30 – there will be a report from this committee coming forward to the second Council meeting in February.

- The Town Manager gave a brief update on the Transportation Committee noting that a report would be forth coming to the Council.

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

- Project GRACE would like to come and address the Council with regards to working with the Town on the Fuel Assistance Program.
- A new Town Website will be going on line February 10th and we will have a new URL – www.scarboroughmaine.org
- Workers Comp savings was just over \$52,000.00.
- ecomaine is looking for nominations for their ecomaine Award.

Item 11. Council Member Comments.

- Councilor St. Clair noted that she had received a large number of emails regarding the dog issue, before responding, she wants to wait to see what the Committee is going to bring forth. Councilor Blaise thanked the Chairman Sullivan and Councilor Caterina for going to Augusta and fight for the Town regarding the Municipal Revenue Sharing.
- Councilor Benedict commented on the dog issue and the number of emails that he too had received. There is a committee in place and they will do their job.
- Councilor Caterina stated that on Saturday, January 25th from 9:30 to 11:00 a.m. she would be holding “Office hours” at Engine 1 and encouraged resident to come with any questions or concerns they might have. She thanked Chairman Sullivan and the Town Manager for the resolve presented this evening. She thanked the members of the Ad Hoc Committee and looked forward to seeing the result. She noted that Project GRACE is collecting money for the fuel assistance program.
- Councilor Donovan commented on a couple of meetings – the Energy Committee meeting and the Flood Map Conference held by FEMA, that was held in Portland which had been very informative. The *Scarborough Leader* has elected Ron Forest as the Great Person of 2013.
- Councilor Holbrook sent condolences to the families of the following: Clarence Ahlquist, Faye Merrill [Moulton], Dale Blackie, Jr., Robert Brayley, Barbara Caiazzo, Edward Francis Cogswell, John Dikeman, Richmond Fiske, Fred A. Flaherty, Robert Lindquist, Janet Michaud, Barbara Moran, Martin Nappi, Janet Nichols, Deborah Palmer, William Nathaniel Rhodes, Beverly Graffam Sloat and Donald Whitten.
She then commented on the dog issue.
- Chairman Sullivan sent condolences to all the families that Councilor Holbrook listed. He too commented on the dog issue.

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

Vote: 7 Yeas.

Meeting adjourned at 8:54 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk