

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 17, 2014
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Sullivan called the regular meeting of the Scarborough Town Council to order at 7:09 p.m.

Item 2. Pledge of Allegiance.

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

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

Item 4. General Public Comments.

- Martin Tripp of Ocean Avenue spoke against the Piper Shores proposed amendments to expand their area.
- Robert Rovner of King Street suggested that the Town place an electric sign in front of Town Hall that would notify the public of meetings that are scheduled; he suggested that once a quarter the Chairman to write a newsletter that would be sent out to all homeowners. He noted that Charter Commission meets every 10 years and asked the Council to consider a Charter Commission every 5 years and first agenda could be to establish a new political structure and have a mayor.
- Pammela Rovner of King Street commented on the plover that had been killed in Old Orchard Beach and wondered why it did not get the same attention as that of the Scarborough incident. She felt that this was discrimination and felt that the Wildlife
- In response to Lauren Hannon, Chairman Sullivan stated there would be public comments on the Cell Tower Order when that item came up on the agenda/

Item 5. Minutes: September 3, 2014 – Regular Meeting. Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the Minutes of the September 3, 2014, 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.

Order No. 14-82, 7:00 p.m. Public Hearing of the Scarborough Town Council and Planning Board for preliminary review of a contact zone application submitted by University of New England and the Maine National Guard, with action by the Scarborough Town Council. For the record the Town Clerk acknowledged the following members of the Planning Board were present for the Public Hearing and deliberation on Order No.14-82: Dan Bacon, Town Planner, Jay Chace, Senior Planner, Allen Paul, Susan Auglis, John Dupont, Corey Fellows, Ronald Mazer and Nicholas McGee.

Chairman Sullivan introduced Dan Bacon, Town Planner, who gave a brief overview on the proposed recommendation for the Contract Zone. He then introduced Mr. William Bola, Vice President for Operations at the University of New England.

Mr. Bola, along with Lt Colonel Dionne gave an overview on this proposal and the potential use this facility could be used for. They also responded to questions from the Town Council and Planning Board.

Chairman Sullivan opened the public hearing. The following individuals spoke on this item:

- Mo Erickson of Pine Point Road noted that contrary to what has been said, the land was being used by local hunters and once you start building the animals would be driven away. Conservation easements mean nothing...we know that this can change. She thought that the schools were used for evacuations and felt there should be another area that would be more suitable to build on and why would they have to build in Scarborough.
- John Fairweather of 752 US Route One, stated that he just received notification three days ago and was not really prepared to make a proper statement. One question he has was what his property would be worth after this facility was built. He thought that the Haigis Parkway would be a better place to build.
- Don Hamill of 3 Bay Street stated he felt that this had been worked on for months which eliminated the opportunity for public comment. The public is not happy about this, adding that the Town Council did not listen to the public. Change will come.

There being no further comments, the hearing was closed at 8:14 p.m. It was noted that the first time the Town Council, Planning Board and Town Manager had heard about this had been 10 days ago and the process has come very quickly.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval to continue to process the request for contract zoning, with or without modifications suggested by the Council. [The vote of the Town Council shall constitute direction from the Council to the applicant as to how to proceed, but shall not be binding on either the applicant or the Council, which reserves its sole and exclusive judgment as the elected legislative body of the Town of Scarborough until its final vote on the proposed contract zoning amendment.].

Vote: 6 Yeas.

Order No. 14-83, 7:00 p.m. Public hearing and action on the renewal requests for Junkyard Permits, pursuant to Title 30-A – M.R.S.A. Chapter 183: Goldstein Steel Company Inc., located at 36 Running Hill Road; A. Gagnon or E. Perry Iron & Metal, located at Rigby Road; Scarborough Auto Parts, located at 40 Holmes Road and Speedway Auto, located at 343 Payne Road. Chairman Sullivan opened the public hearing. As there being no comments either for or against the hearing was closed at 9:08 p.m.

Motion by Councilor Caterina, seconded by Councilor Holbrook, to move approval on the renewal requests for Junkyard Permits, pursuant to Title 30-A – M.R.S.A. Chapter 183: Goldstein Steel Company Inc., located at 36 Running Hill Road; A. Gagnon or E. Perry Iron & Metal, located at Rigby Road; Scarborough Auto Parts, located at 40 Holmes Road and Speedway Auto, located at 343 Payne Road.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 14-53. Second reading on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update

the Performance Standards thereto. [Tabled from the August 20, 2014, Town Council meeting.]
Chairman Sullivan asked for public comment. The following individuals spoke on this Order:

- Julie Tupper of 165 Spurwink Road spoke against the Cell Tower issue.
- Gina of Meadowood Drive spoke against the Cell phone tower and asked the Town Council to please listen to the concerns of the citizens.
- Lauren Hannon of 17 Powderhorn Drive also spoke on the proposed amendments. She felt that towers should be left in industrial zone.
- Julius Ciembroniewicz of 16 Minuteman Drive thanked the council for their time on this issue. He shares the frustration of not knowing where the cell companies want the towers. Residents that attend the meetings do not want them here. Why would a town allow a company to come in and decide where these towers should go? He felt that cell towers should stay in the industrial zone.
- Ted Bennett of 30 Tenney Lane appreciated what the council does; however he echoed the comments of the previous speakers.
- Ron Bonneau of Old Neck Road felt there were plenty of other areas that towers could be constructed in. He further commented that the public should be part of the discussion at the Ordinance level.

Dan Bacon, Town Planner, gave an update on the proposed recommendations. He noted there had been a workshop between the Planning Board and Town Council. He then reviewed the possible recommendations that came out of that workshop and responded to questions from the Town Council.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of second reading on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update the Performance Standards thereto.

Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval to table Order No. 14-53, to such a time that the Ordinance Committee can review and then to come back to the Town Council.

Vote: 2 Yeas. 4 Nays [Councilors Benedict, Caterina, Donovan and Chairman Sullivan].

Motion by Councilor Donovan, seconded by Councilor Caterina to move approval to table Order No. 14-53, to the October 15th Town Council meeting

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 14-84. Act on the request for a Mass Gathering Permit from Stuart Kaul to hold the *Insane Inflatable 5K* on Saturday, September 20, 2014, at Scarborough Downs, located at 90 Payne Road. Fire Chief Thurlow gave a brief overview on this request and responded to questions from the Town Council. Amanda Cahoon, Live Events Manager for Townsquare Media Portland, the group that is sponsoring this event also spoke and responded to questions from the Town Council.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval on the request for a Mass Gathering Permit from Stuart Kaul to hold the *Insane Inflatable 5K* on Saturday, September 20, 2014, at Scarborough Downs, located at 90 Payne Road.

Vote: 6 Yeas.

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

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

- Councilor Holbrook gave update on the Finance Committee meeting with the School Board and on the Historic Preservation Committee.
- Councilor Donovan also spoke on the Finance Committee meeting.
- Councilor Caterina gave an update on the Conservation Commission meeting and the Long Range Planning Committee.
- Chairman Sullivan noted that the Ordinance Committee had been canceled and would be held on Wednesday, October 15th.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave an update on the 100th Anniversary Celebration for the Manager's Association in Charlotte, NC and thanked the Town Council for their support.

Item 11. Council Member Comments.

- Councilor Donovan commented on the statement that items have been behind closed doors adding that it was so off-base. He stated that Piping Plovers are still on our beaches.
- Councilor Caterina noted that she is working with the Town Manager on open communications.
- Councilor Blaise found the discussion on the contract zone very interesting. He had a lot of questions that would need to be answered.
- Chairman Sullivan also commented on statements that things being done behind closed doors is ridiculous.

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

Vote: 6 Yeas.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk