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

Item 1. Call to Order. Council Chair Holbrook called the regular meeting of the Scarborough Town Council to order at 7:11 p.m.

Item 2. Pledge of Allegiance.

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

Shawn A. Babine	Katherine A. St. Clair
William J. Donovan	Edward NMI Blaise, III
Jean-Marie Caterina, Vice Chair	Pete F. Hayes

Jessica L. Holbrook, Council Chair

Item 4. General Public Comments.

- Michael Doyle of FalmouthToday.ME voiced his concerns with regards to inappropriate actions by a police officer and was curious to know whether there were any protocols in place to address this type of behavior.
- Carol Rancourt of Black Point Road would like to commemorate her Dad who served in the Battle of the Bulge. It will be the 70th Anniversary of World War II on May 8, 2015 and VJ Day is September 2, 2015. She would like to have the town commemorate this event at Summerfest 2015 and that this function be dedicated to our service men and women with a flag ceremony at this event.

Item 5. Minutes: December 3, 2014 – Regular Meeting. Motion by Councilor Babine, seconded by Councilor Blaise, to move approval of the minutes of the December 3, 2014, regular meeting of the Scarborough Town Council.

Vote: 7 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.

Item 8. Non Action Items.

a. Update on the Benjamin Farm. Mr. Jeremy Wintersteen of the Scarborough Land Trust gave an update on the progress of the fund raising and added that the Trust would not be pursuing the funding from the State relating to the New England Cottontail Habitat program. He also responded to questions from the Town Council.

Order No. 14-101, 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**
2. Pinecrest Manufactured Housing Community Theresa Desfosses	**126 U.S. Route One**
3. Hillcrest Manufactured Housing Theresa Desfosses	**126 U.S. Route One**

Council Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:25 p.m.

Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval on the renewal request for a Manufactrured Housing Community as noted in Order No. 14-101.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 14-102. Act on the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee at the Town Council meeting of December 3, 2014. Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval of the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee at the Town Council meeting of December 3, 2014, as follows:

Board of Assessment Review:
Re-appoint Alan Peoples and Chris Herrick - terms would expire in 2017.

Coastal Waters & Harbor Committee:
Re-appoint Mark Coulston and David Green - terms would expire in 2017.

Community Services Recreation Advisory Board:
Re-appoint Iver Carlson and Leroy Crocket - terms would expire in 2017.

Conservation Commission:
Re-appoint Iver Carlson and Suzan Nixon - terms would expire in 2017.

Energy Committee:
Re-appoint J. Anton Bodor - term would expire in 2017.

Housing Alliance Committee:
Re-appoint Mike Bunting – term would expire in 2017.

Parks and Conservation Land Board:
Re-appoint Richard Murphy and Sean Flaherty - terms would expire in 2017.

Personnel Appeals Board:
Re-appoint Jennifer Beedy, Daniel Dwyer and Emily Ward - terms would expire in 2017.

Planning Board:
Appointment Mike Wood as a full voting member – term to expire in 2017 and move Nicholas McGee from 1st Alternate to a full voting member – term to expire in 2016 and move Susan Auglis from 2nd Alternate to 1st Alternate. – term to expire in 2016.

Senior Advisory Board:
Re-appoint Emilie Estes as a full voting member - term would expire in 2017. Move Susan DeWitt Wilder from 1st Alternate to full voting member – term to expire in 2016 and appointed Nicole Fish as 1st Alternate – term to expire in 2016.

Shellfish Conservation Commission:
Re-appoint David Green - term would expire in 2017.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 14-103. First reading and refer to the Planning Board the proposed first amendment to Contact Zone III - Maine Life Care Retirement Community, Inc., located at 15 Piper Road. James Adamowicz, CFO of Piper Shores gave a brief overview on the proposed amendments to the Contract Zone. This proposal would increase the building area footprint by 30,400 square feet add 28 additional accommodations and add a new arts building approximately 3,500 square feet. Mr. Adamowicz responded to questions from the Town Council. Thomas J. Hall, Town Manager, added that one other item that would be addressed in this amendment would be to allow an individual between the age of 21 and younger than 62 to continue to reside at the dwelling unit.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the first reading and refer to the Planning Board, the proposed first amendment to Contract Zone III – Maine Life Care Retirement Community, located at 15 Piper Road, upon the filing of the findings the Town Council will schedule a public hearing, as follows:

FIRST AMENDMENT TO CONTRACT ZONING AGREEMENT
BETWEEN THE TOWN OF SCARBOROUGH AND
MAINE LIFE CARE RETIREMENT COMMUNITY, INC.

The First Amendment t Contract Zoning Agreement made as of the _____ day of _____, 2014, by and between the Town of Scarborough, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town"), and Maine Life Care Retirement Community, Inc., a Maine non-profit corporation, with an address of 15 Piper Road, Scarborough, ME 04074 ("Maine Life Care"), pursuant to the Contract Zoning provisions of the Scarborough Zoning Ordinance.

WHEREAS, the Town and Maine Life entered a Contract Zoning Agreement dated November 6, 1997 and November 17, 1997 and recorded in the Cumberland County Registry of Deeds, Book 13437, Page 19 and Book 13449, Page 171; and,

WHEREAS, the Town of Scarborough, by and through its town Council has determined that the amendments set forth herein to said rezoning would be pursuant to and consistent with the Town's local growth program and Comprehensive Plan adopted pursuant to Title 30-A, Maine Revised Statutes, Chapter 187, Sub-part 6-A, and consistent with the existing and permitted uses within the original zoning district classification and has authorized the execution of this First Amendment to the Contract Zoning Agreement.

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The provisions of Section 2(a), 2(e) and 2(f) of the Agreement are hereby amended in their entirety to provide:

> (a) Building Footprint and Height: The maximum allowable building footprint for the buildings (including the main building, the cottages and garage structures) shall be ~~257,600~~ 288,000 square feet and the maximum building height shall be three (3) stories and as shown on the Site Plan Approved by the Town of Scarborough Planning Board. The main buildings shall be a maximum height of 39 feet to the mid-point of the sloped or hip roofs and 45 feet to the ridge of the roof. The maximum number of stories for the cottages will be 1 story.
>
> (e) Density: The maximum net residential density of the Continuing Care Retirement Community shall be

160 Independent Living apartments, being dwelling units ranging in size from 500 square feet to 1800 square feet;

40 Independent Living Cottage Units, being one story, semi-attached in up to four plex buildings with each unit ranging in size from 700 square feet to 2000 square feet;
~~20~~ 48 Assisted Living Units, as regulated by Department of Human Services rules relating to residential care or assisted living units; and

40 Skilled Nursing Rooms, as regulated by Department of Human Services Nursing Home licensing requirements.

(f) Residents: Occupancy of the Continuing Care Retirement Community shall be limited to persons 62 years of age or older or households with at least one resident who is 62 years of age or older~~.~~; provided, however, that in the case of any dwelling occupied by a person age 62 or older and by a person older than 21 and younger than age 62, in the event that the person age 62 or older moves out of the dwelling unit or dies, the younger person may continue to reside the dwelling unit.

3. Maine Life Care shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its execution by the Town Council.

4. Unless extended by the Town by further amendment of this Agreement, construction of the additional improvements to the Property authorized by this Amendment may commence within five (5) years after execution of this Amendment and shall be substantially completed within ten (10) years from the date of this Amendment.

5. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

Witness:

_____

Town of Scarborough
By:_____
Thomas Hall, Its Town Manager

_____

Maine Life Care Retirement Community, Inc.
By:_____
James E. Adamowicz, Its Chief Executive Officer

STATE OF MAINE
CUMBERLAND, ss. _____, 2014

Personally appeared the above-named Thomas Hall, Town Manager of said Town of Scarborough, and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized and the free act and deed of said Town of Scarborough.

Before me,

_____
Notary Public/Commission Expires

STATE OF MAINE
CUMBERLAND, ss. _____, 2014

Personally appeared the above-named James E. Adamowicz, Chief Executive Officer of said Maine Life Care Retirement Community, Inc., and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized and the free act and deed of said Maine Life Care Retirement Community, Inc.

Before me,

_____

Notary Public/Commission Expires

Vote: 7 Yeas.

Order No. 14-104. Act on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 10 David Drive – Map T003/Lot 010, 407 Topaz Drive – Map T002/Lot 407, 29 Matthews Way – Map T003/Lot 029, 20 Crystal Lane – Map T003/Lot 020 and 62 Trotwood Street – Map T001/Lot 062 and authorize the Town Manager to sign the necessary documentation. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 10 David Drive – Map T003/Lot 010, 407 Topaz Drive – Map T002/Lot 407, 29 Matthews Way – Map T003/Lot 029, 20 Crystal Lane – Map T003/Lot 020 and 62 Trotwood Street – Map T001/Lot 062 and authorize the Town Manager to sign the necessary documentation.

Vote: 7 Yeas.

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

- Councilor Babine gave an update on the Finance Committee Workshop between the Town Council and the School Board. He reviewed the survey that had been conducted between the two groups.
- Councilor Donovan gave an update on the Scarborough Community Chamber of Commerce. He went on to give an update on the meeting of the Greater Portland Chamber of Commerce. The Energy Committee meant today and the meeting went well.
- Councilor Caterina gave an update on the Long Range Planning Committee. She also gave a brief update on the PACTS meeting relating to the traffic issue on 114 from the overpass through to Gorham.
- Councilor St. Clair gave an update on the Ordinance Committee and the next meeting would be on January 20th at 1:00 p.m. She added that she would be meeting with the Town Manager and the Council Chair on communicating with the public with regards to meeting schedules. Councilor Blaise gave an update on the Planning Board.
- Councilor Hayes noted that both committees were canceled.
- Council Chair Holbrook noted that the Appointments Committee had met earlier and would like to post the following names:

  Planning Board: Planning Board:

  Appoint Roger Beeley as 2nd Alternate - term to expire in 2017.

  Shellfish Conservation Commission:

  Re-appoint Michael Lemelin as a full voting member - term to expire in 2017.

  Zoning Board of Appeals:

  Re-appoint James Starks as a full voting member - term to expire in 2017.
  Appoint Mark Maroon as a full voting member - term to expire in 2017.
  Move Michael Richard from 1st Alternate to full voting member – term expire in 2015.
  Move Gordon Stanhope from 2nd Alternate to 1st Alternate – term to expire in 2016.
  Appoint Martin Marcisso as 2nd Alternate – term to expire in 2016.

  She also gave an update on the Historic Preservation Committee and upcoming workshop with the Town Council.

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

- He thanked Jeremy Wintersteen for all of his work on Benjamin Farm Project and Mr. Hall really appreciated all the work that he puts into all of his projects.
- Received notice from FEMA on introducing the Flood Maps would occur in the Spring and added that the Town could file appeals.
- The Friends of the Scarborough Hockey is on the agenda for the Planning Board for sketch plan review – this is a normal process.
- TRI-Gen has executed the contract for a project that would assist the Town Hall with an energy savings plan.

Item 11. Council Member Comments.

- Councilor Hayes wished everyone a Happy Holiday.
- Councilor Blaise wished everyone a Happy Holiday
- Councilor St. Clair mentioned the CLYNK Bags and they are available in the Town Clerk's Office. She wished everyone a Merry Christmas
- Councilor Caterina wished everyone a Happy Holiday
- Councilor Donovan mentioned the FEMA Maps and wished everyone a Happy Holiday.
- Councilor Babine stated that he would be attending the SEDCO Board meeting tomorrow. He commented on Carol Rancourt's statements and then Ken Dolloff organizer of the parade and would take her comments dearly. The American Legion hosts the parade not the town. Merry Christmas and Happy Holidays and thank you all for your service and to your families.
- Council Chair Holbrook noted that there would be a Training for all Councilors on Thursday, January 8th at 3:30 p.m. with Phil Saucier on the Freedom of Access Law. She then gave an update on the CLYNK Program – $300.90 – hopefully we can continue to build this fund. She send condolences to the family of Russell Stogsdill, She then wished everyone a Merry Christmas – Happy New Year. Councilor St. Clair mentioned that Team Kyle would match the $300.00 to the Fuel Assistance Program and urged area businesses to also match this amount as well.

Order No. 14-105. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's Evaluation. Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's Evaluation to open to public session to adjourn the regular meeting.

Vote: 7 Yeas.

The Town Council recessed to executive session at 8:30 p.m. Council Chair Holbrook reconvened the meeting at 9:03 p.m.

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

Vote: 7 Yeas.

Meeting adjourned at 9:03 p.m.

Respectfully submitted, Yolande P. Justice -Town Clerk