

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 17, 2015
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 7:05 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. 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, Council Vice Chair

Pete F. Hayes

Jessica L. Holbrook, Council Chair

Item 4. General Public Comments.

- Michael Doyle of Shady Lane in Falmouth and Editor of Falmouth/Today, began speaking with regards to a former employee who had issued with the Police Department and went on to mention this individual by name, at this point Council Chair Holbrook called Mr. Doyle out-of-order; Mr. Doyle asked what rule it was he was violating; to which the Council Chair called him out-of-order and asked that he sit down; Mr. Doyle continued to comment to which the Council Chair asked Mr. Doyle to leave the meeting or be removed. Mr. Doyle continued to comment to which the Council Chair asked that Mr. Doyle be removed from the meeting. A Scarborough Police Officer escorted Mr. Doyle from the Council Chambers.
- Larry Hartwell of Puritan Drive spoke on the proposed budget and wondered why certain information had not been available to the public like the tax computation sheet. He went on make further comments with regards to the school making no further

Item 5. Minutes: June 3, 2015 – Regular Meeting. Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval of the meeting minutes of the June 3, 2015, regular Town Council meeting.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. Motion by Councilor Blaise, seconded by Councilor Babine, move approval to adjust the agenda by adding Order No. 15-054. Act to set the date, time and location of the School Budget Validation Referendum, as noted on the Warrant.

Vote 7 Yeas.

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

OLD BUSINESS:

Order No. 15-047. Act on the names posted to the various committees/boards at the June 3, 2015, Town Council meeting as recommended by the Appointments Committee. Motion by

Councilor Babine, seconded by Councilor Caterina, to move approval on the names posted to the various committees/boards at the June 3, 2015, Town Council meeting as recommended by the Appointments Committee, as follows:

Conservation Commission:

Benjamin Keller as a full voting member with a term to expire in 2017.

Historic Preservation Implementation Committee:

Sharman Kivatisky and Becky Delaware – with terms to expire in 2017; Craig Friedrich and Jessica Holbrook with terms to expire in 2016.

Senior Advisory Board:

Bud Hanson as a full voting member with a term to expire in 2016.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 15-048. First reading and schedule a public hearing and second reading on the proposed FY2016 School Budget. The following individuals spoke on this item:

- Betsy Gleysteen of Longmeadow Road spoke on the proposed budget and its failure to pass. She asked the Town Council to reconsider the laptops and let the voters decide on whether these are necessary. All parents would like, is a good education for their students. She then spoke on all the emails and phone calls that she received from the School Board advocating for a yes vote – this information provided to the School is for emergency use only. She then commented that the whole town budget should go out to vote.
- Jackie Perry of Black Point Road and a member of the Board of Education spoke on what is ahead when the Town Council reduces the School's Budget. She would not like to see the town divided on this issue. The Board is legally and morally responsible for providing students with a good education.
- Chris Caizzio of Elmwood Avenue thanked the Board and the Town Council for working on a collaborative effort on this process.
- Stacey Newman of Windsor Pines Drive spoke on the proposed budget, adding that the process has been upsetting from signs with pigs to hearing all the comments. She then asked the Council to think about what the Council would cut if it were their budget - we know that you care about all residents of Scarborough, please cut only as necessary.
- Larry Hartwell of Puritan Drive noted that we had the highest voter turnout compared to surrounding communities. Over 50% felt the school budget was too high. He then read some comparisons with regards to cost per student. The budget has increased 6.9 million over the last 5 years and the residents do not want another increase.
- Jodi Shay of Windsor Pines Drive and a member of the Board of Education stated there are two groups present, those who support the budget and those who do not. The town needs a solution for this problem. We are the leaders of this town and we need to lead. There are many who have lived here a long time and we need to help them to. Let us find a solution to the problem – the division of the community needs to stop and we need to create a solution.
- Mike Turek of Bayberry Lane stated that he agreed that there needs to be a plan when dealing with the budget. One suggestion was to put a limit on what the percentage of the increase for a budget, then the manager and superintendent would know what the increase would be then plan accordingly.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the first reading on the FY2016 School Budget and schedule a public hearing and second reading for Wednesday, June 24, 2015.

Motion by Councilor Babine, seconded by Councilor Donovan, to move approval to amend the main motion to amend the order to reflect that should it be known before the time of tax commitment that the State of Maine provides additional funds for K-12 education as described in the Essential Programs and Services Funding Act, in an amount greater than approved in this order, those funds will be used to reduce the amount of property taxes needed to support this budget.

Vote: 7 Yeas.

Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval to amend the main motion as amended to reduce the Education Operating Budget approved by the Town Council on May 20, 2015 and which failed to be validated by the voters on June 9, 2015, by an additional \$2,000,000.

Vote on Amendment: 1 Yea.

6 Nays [Council Chair Holbrook, Councilors Babine, Caterina, Donovan, Hayes and St. Clair].

Motion Fails.

Motion by Councilor Blaise, seconded by Councilor Babine, to move approval to amend the main motion as amended to reduce the Education Operating Budget approved by the Town Council on May 20, 2015 and which failed to be validated by the voters on June 9, 2015, by an additional \$616,000.

Vote on Amendment: 3 Yeas.

4 Nays [Council Chair Holbrook, Councilors Babine, Caterina and Donovan].

Motion Fails.

Motion by Councilor Donovan, seconded by Councilor Babine, to move approval to amend the main motion as amended to reduce the Education Operating Budget approved by the Town Council on May 20, 2015 and which failed to be validated by the voters on June 9, 2015, by additional \$350,000.

Vote on Amendment: 3 Yeas.

4 Nays [Council Chair Holbrook, Councilors Blaise, Hayes and St. Clair].

Motion Fails.

Motion by Councilor Hayes, seconded by Councilor Blaise, to move approval to amend the main motion as amended to reduce the Education Operating Budget approved by the Town Council on May 20, 2015 and which failed to be validated by the voters in June 9, 2015, by additional \$500,000 for a new Net Education Budget of \$38,256,945.

Vote on Amendment: 7 Yeas.

Main motion as amended:

Order for Fiscal Year 2016 School Budget

WHEREAS, the Scarborough Town Council adopted FY2016 Operational and Capital Budgets for the Town and the School on May 20, 2015, with the passage of Order No. 15-026; and,

WHEREAS, pursuant to State law, the School Budget must be validated by the voters and it failed at a Special Election held on June 9, 2015; and,

WHEREAS, the Town Council must resubmit an adjusted School Budget to the Voters for validation no less than ten (10) days and no more than forty-five (45) days from June 9, 2015; and,

NOW THEREFORE, BE IT ORDERED, that the Scarborough Town Council moves approval of the first reading to adopt the Fiscal Year 2016 School Budget and **schedule a public hearing for 7:00 p.m. on Wednesday, June 24, 2015, as well as the second reading;** and,

BE IT FURTHER ORDERED, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the sum of **\$43,293,756** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$ 38,294,379**.

BE IT FURTHER ORDERED, that should it be known before the time of tax commitment that the State of Maine provides additional funds for K-12 education as described in the Essential Programs and Services Funding Act, in an amount greater than approved in this order, those funds will be used to reduce the amount of property taxes needed to support this budget.

Vote: 7 Yeas.

Order No. 15-049. First Reading and refer to the Planning Board amendments to Chapter 405 the Scarborough Zoning Ordinance allowing for Food Processing Facilities within the Haigis Parkway Zoning District (HP) and to establish Food Processing Facility Performance Standards. Karen Martin, President of SEDCO and Dan Bacon, Town Planner, gave a brief over on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance. They thanked the Long Range Planning Committee and the SEDCO Board for their support. They responded to questions from the Town Council. Dan Bacon, Town Planner, gave a brief over on the proposed amendments to the Town of Scarborough Official Zoning Map noted in Order No. 15-050 below.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval of the first reading and refer to the Planning Board amendments to Chapter 405 the Scarborough Zoning Ordinance allowing for Food Processing Facilities within the Haigis Parkway Zoning District (HP) and to establish Food Processing Facility Performance Standards and schedule a public hearing upon receipt of the recommendations of the Planning Board, as follows:

Proposed Amendment to the Zoning Ordinance

Updating the Haigis Parkway (HP) District and Establishing Standards for Food Processing

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Amend SECTION XVIII.B HAIGIS PARKWAY DISTRICT (HP), Subsection B. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS, NON-RESIDENTIAL USES to add the following (additions are underlined; deletions are struck through):

25. Food processing facilities, subject to the performance standards of Section IX.(M.2.)

2. Amend SECTION IX. PERFORMANCE STANDARDS by adding a new performance standard subsection M.2. as follows (additions are underlined; deletions are struck through):

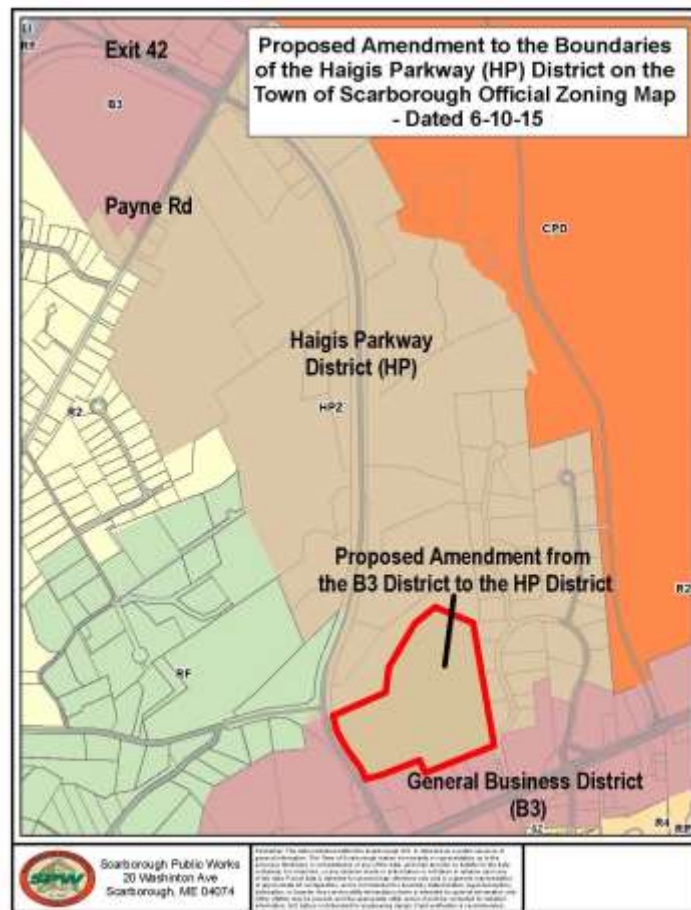
M.2. PERFORMANCE STANDARDS – FOOD PROCESSING FACILITIES IN THE HAIGIS PARKWAY DISTRICT

Food processing facilities permitted in the HP District may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and has found that the proposed use will conform to the following performance standards and locational requirements:

1. The food processing facility shall be located within two thousand two hundred fifty (2250) feet of the point of intersection of the centerlines of Scottow Hill Road and the Haigis Parkway;
2. The food processing facility shall be sited in a location, and designed in a manner, that is compatible with surrounding uses. This may include the need for screening and buffering between the facility and adjacent uses and properties. The buffering and visual screen may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard;
3. The design and external appearance of the food processing facility and site improvements will constitute an attractive and compatible addition to the zoning district and be consistent with the Design Standards for Scarborough's Commercial Districts;
4. The facility will not create any unhealthy or offensive odor, emissions or other airborne discharges;
5. The facility will not include any outdoor storage of equipment, materials or processing byproduct or waste; and
6. The facility will not create any offensive noise or vibration to abutting landowners.

Vote: 7 Yeas.

Order No. 15-050. First Reading and refer to the Planning Board amendments to the Town of Scarborough Official Zoning Map to adjust the boundary of the Haigis Parkway Zoning District (HP). Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval of the first reading and refer to the Planning Board amendments to the Town of Scarborough Official Zoning Map to adjust the boundary of the Haigis Parkway Zoning District (HP) and schedule a public hearing upon receipt of the recommendations of the Planning Board, as follows:



Vote: 7 Yeas.

Order No. 15-051. Act on the request to ratify the collective bargaining agreement between the Town of Scarborough and the Scarborough Police Benevolent Association. Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval to request to ratify the collective bargaining agreement between the Town of Scarborough and the Scarborough Police Benevolent Association.

Vote: 7 Yeas.

Order No. 15-052. Act on to authorize the Town Manager to accept a donation of 20+/- acres of land located at 305 Highland Avenue from the Maine Turnpike Authority for conservation land and future use for the Eastern Trail. Dan Bacon, Town Planner, gave a brief overview on this item.

Motion by Councilor Babine, seconded by Councilor Blaise, to move approval to authorize the Town Manager to accept a donation of 20+/- acres of land located at 305 Highland Avenue from the Maine Turnpike Authority for conservation land and future use for the Eastern Trail.

Vote: 7 Yeas.

Order No. 15-053. Act to certify the results of the June 9, 2015, School Budget Validation Referendum. Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval to certify the results of the June 9, 2015, School Budget Validation Referendum, as follows:

**RESULTS OF THE SCHOOL BUDGET VALIDATION REFERENDUM
TUESDAY – JUNE 9, 2015**

Question 1: Do you favor approving the Scarborough School budget for the upcoming school year that was adopted at the latest Town of Scarborough budget meeting held on May 20, 2015?

YEAS: 1,408

NAYS: 1,719

Non-Binding Question:

Too High: 1,761

Acceptable: 710

Too Low: 619

There are approximately 15,499 active voters on our voter registration list and there were 3,144 voters who cast ballots - 17 ballots were not accepted due to them being blank or they had a distinguishing mark on it.

Vote: 7 Yeas.

Order No. 15-054. Act on the request to set the date, time and location of the School Budget Validation Referendum - as noted on the Warrant. Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the request to set the date, time and location of the School Budget Validation Referendum – as noted on the Warrant:

**WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
Tuesday, July 7, 2015**

Municipality: Scarborough

Voting District: Town Wide

Voting Place Name: Municipal Building

Voting Location: 259 US Route One

Polls Open at 7:00 A.M.

Polls Close at 8:00 P.M.

Absentee Ballot Processing (check all that apply):

Processed by: Clerk (Centrally)

☒ Clerk (At Polls)

Date/Time of Processing:

☒ **During** Election Day (7/07) Processing Time(s): After 8:00 a.m.

☐ **Only** after 8:00 p.m. on Election Day (7/07)

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**WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
Tuesday, July 7, 2015**

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, Police Chief of the Town of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Special School Budget Validation Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that a School Budget Validation Referendum will held at the Scarborough Municipal Building in Council Chambers, located at 259 US Route One, in the Town of Scarborough on Tuesday, July 7, 2015, for the purpose of determining the following questions:

School Budget Validation Referendum Question No. 1:

- ☐ YES Do you favor approving the Scarborough School budget for the upcoming school
☐ NO year that was adopted at the latest Town of Scarborough budget meeting?

The following is a non-binding expression of opinion for the consideration of the Town Council and School Board.

I find the school budget adopted at the June 24, 2015, Town Council meeting to be:

- ☐ TOO HIGH
☐ ACCEPTABLE
☐ TOO LOW
-

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote, and to accept new enrollments.

A person who is not registered as a voter may not vote in any Scarborough election.

Given under our hand this 17th day of June, 2015, at Scarborough, Maine.

Signed by a majority of the Town Council.

Vote: 7 Yeas.

Item 8. Non Action Items. Not at this time.

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

- Councilor Babine gave an update on SEDCO; ecomaine's Annual meeting is scheduled for Thursday, June 18th and the Finance Committee would be focusing on the upcoming School Budget Referendum
- Council Chair Holbrook gave an update on the Housing Alliance noting its meeting would be held on June 19th at 6:30 p.m. On Tuesday, June 30th there would be a Ground breaking ceremony on the Habitat for Humanity Project. The Historic Preservation Implementation Committee would be scheduling an organizational meeting soon and would be sending information out within in the next couple of weeks.

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

- Reminded everyone that the Concerts in the Park will begin on Thursday, June 25th until the last Thursday in July.

Item 11. Council Member Comments.

- Councilor Hayes spoke on an incident that happened to a member of the public who speaks at the meetings and felt that this type of incident is uncalled for.
- Councilor Caterina stated that with some of the comments that she has heard, it sounds like individuals would like to go back to the town meeting form of government. We need to move forward. She went on to speak about the tax issues that affect many individuals.
- Councilor Donovan gave an update on the Rules and Policies Committee as well as the Energy Committee.
- Councilor Babine thanked the Council as well as those who spoke on the school budget. He thanked the Council Chair, the Town Manager and the Sargent who dealt with the individual who spoke earlier in the evening. He commented on the State budget vote and asked residents to really take a look at what was approved. He stated that the Council advocates for the town as a whole.
- Council Chair Holbrook commented on remarks that had been made earlier regarding the budget. She too spoke on the incident with Mike Turek. She then pointed out that what the Council sends to the voters at second reading is the operating budget and the laptops are not part of it.

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

Vote: 7 Yeas.

Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk