

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 04, 2017
REGULAR MEETING – 6:00 P.M.**

Item 1. Call to Order. Chairman Babine called the regular meeting of the Scarborough Town Council to order at 6:01 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.

William J. Donovan

Katherine A. St. Clair, Vice-Chair

Robert W. Rowan

Peter F. Hayes

Kathleen M. Foley

Christopher J. Caiazzo

Shawn A. Babine, Chairman

Order No. 17-001. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding legal matter pertaining to Avenue Two. Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding legal matter pertaining to Avenue Two.

Vote: 7 Yeas.

The Town Council recessed to executive session at 6:03 p.m. Chairman Babine reconvened the meeting at 7:02 p.m.

Item 4. General Public Comments.

- Ben Howard of Windsor Pines spoke on the proposed project that had been before the Town Council at the last meeting relating to the contract zone amendment along the Haigis Parkway. He did further research regarding the average income for this area and how different it was from Connecticut where a similar development was built. He went on to speak on lack of change Devine Capital would bring will do on low income housing and encouraged the Town Council to look at this project here in Scarborough and let it be different from the one in Connecticut.
- Mo Erickson of Pine Point stated the Town needed a pool. She went on to say that she felt like a commoner by not being invited to an executive session regarding Avenue Two and residents feel like the Council has already made its decision.

Item 5. Minutes: December 21, 2016 – Regular Meeting. Motion by Councilor St. Clair, seconded by Councilor Caiazzo, to move approval of the minutes of the December 21, 2016, regular Town Council meeting.

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.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 17-002. Act to approve the Resolve to accept donations for the Fuel Assistance Program. Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval of the Resolve to accept donations for the Fuel Assistance Program, as follows:

**TOWN OF SCARBOROUGH
IN TOWN COUNCIL ASSEMBLED**

January 4, 2017

RESOLVE Accepting Donations for the Fuel Assistance Program.

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL AS FOLLOWS:

THAT THE Town of Scarborough gratefully accepts the pledges and donations from the following businesses and/or persons, that have been collected to date, to be used for the Fuel Assistance Program:

Mr. & Mrs. Jeffrey Ertman

AND, be it further Resolved that each business, organization and/or person be recognized for their generous donations as a token of the Town's appreciation.

Sponsor: Town Council
Originator: Town Council

Vote: 7 Yeas.

Order No. 17-003. Act on the following requests, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance of the following streets located in the following Developments:

- a. **Merrill Brook Subdivision: Merrill Brook Drive & Brookview Court**
- b. **Settlers Green Estates II Subdivision: Farmhouse Road, Weathervane Way & Red Barn Circle.**

Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval of the following requests, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance of the following streets located in the following Developments:

- a. Merrill Brook Subdivision: Merrill Brook Drive & Brookview Court
- b. Settlers Green Estates II Subdivision: Farmhouse Road, Weathervane Way & Red Barn Circle.

Vote: 7 Yeas.

Order No. 17-004. Act on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2017. Councilor Hayes gave an overview on this order, noting there are individuals on both sides of the issue as to whether the licenses are increased or not.

The following spoke on this item:

- Peter Angis of Old Blue Point Road spoke in support of the increases in the licenses and gave a brief overview on his history with the Shellfish Conservation Commission. He felt there was plenty of clams available for digging. He added that over 60% of our current licenses holders were over 50 year olds and the industry needs younger blood. He encouraged the Town Council to support the recommendation from the Shellfish Commission.

- Elisha Holbrook of Beech Ridge Road stated that he holds a Student Commercial License and spoke against the increase in the licenses. He noted that in the area where you thought the clamming would be good, it would not be, because the milk ribbon worm had cleaned out the clams.
- Paul Erickson of Pine Point Road noted that he had been commercial digger of 6 years and his concern was with the predators [green crab and the milky ribbon worm]. The worms go after the clams that are 2" or more, these are the marketable clams and there are not a lot of them as was mentioned before. The issue is similar to shrimping, you do not have season anymore. He felt that it would be safer to keep licenses at the current number.
- David Green of Beech Ridge Road and holder of a commercial license, stated that last year the Committee arrived at a compromise when it came to the licenses to keep them the same as the year before. He then reviewed the information that had been supplied to the Town Council e.g. landing reports data over a period of time. The committee does feel we should protect the resources; however; their decision was not made based on the data available. The landing report is being used for the first time this year and feels if the committee had made their decision based on data, they would not have increase the number. He hopes the council will preserve the resource and not increase the numbers.
- Robert Willette of Trackview Terrace and former chair of the Shellfish Commission, noted that there had been no information provided to support the recommended changes. He further noted that a comment had been made that there were only 8 active diggers – as a commercial buyer he showed there were 20 plus that have been actively digging in Scarborough flats. He did not support the recommended increases.
- Tim Downs of Jones Creek Drive stated he supported his recommendation for the increase in the licenses. He felt that clams should be taken from the mud so the predators would not have anything feed off - why feed the predators and not the human.
- Ed Blanchard of Payne Road stated he has held a commercial license since 1991 and has seen changes in the flats. He spoke against the increase in the licenses and urged the Town Council to leave them as is.
- Erica Downs of Jones Creek Drive and a member of the Shellfish Conservation Commission spoke in support of the increase in the licenses. She went to speak on the data from DMR and then questioned the accuracy of the numbers from the State. She urged the Town Council to support the recommendation of the Commission.
- Joe Delano, one of the non-resident commercial diggers [holds a license for Scarborough] from Freeport. Spoke in support of the increase of the licenses. He acknowledged that there was a problem with the milky ribbon worm, but felt there were plenty of clams. He added that information from DMR indicated that there were only 9 people who dug over 100 day period. He urged the Town Council to support the recommendation of the Commission.
- Chuck Maynard, one of the non-resident commercial diggers [holds a license for Scarborough], felt that the council is being misled and felt that the numbers should be left as is. It is about the resources being available for the future. Please leave the numbers as they are.
- Dwayne O'Roak of Church Street spoke against the increase in the licenses, adding that the predator situation was bad.
- Dennis Violette of Ocean View Road spoke in support the increase in the licenses and felt that there is a need for younger blood.
- Jessica Holbrook of Beech Ridge Road spoke on the situation and the commission itself. She felt that it may be time to review the charge for this group as well as other committees. She spoke on the comment regarding the two licenses that had not been used and made suggestions on ways that could possibly help with the predators.

- Mo Erickson of Pine Point Road spoke on the recommendations and spoke of an article from newsletter that seasons for clams could not be predictable and it was not only is the predator that was a problem, but climate control as well.
- Ed O'Bar of Philip Street, stated that over the years the clam yield had gotten smaller and smaller and he did not agree with the increase in the licenses.

At this point in the meeting Chairman Babine closed public comment and then asked the Marine Resource Office, Ian Anderson, to please come forward and make a few comments on this Order.

Ian Anderson, Marine Resources Officer for the Town of Scarborough, spoke on this issue. Noting that data presented had been from DMR, which is the Ruling Authority of the State. He pointed out that there been no Rainfall closures this past year, which would affect the digging and went on to make comments the green crab and milky ribbon worm issue noting that these predators had pretty much decimated Freeport and Brunswick flats. His would recommendation would be to increase the resident commercial license by one license which would mean an automatic increase of 1 on the non-resident commercial and increase the over 60 commercial by 1. The town needs to conduct further surveys in the area and possibly bring in an outside sources to assist. He then responded to questions from the Town Council.

Motion by Councilor St Clair, seconded by Councilor Hayes, to move approval on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2017.

Councilor St. Clair, seconded by Chairman Babine, to move approval to amend the main motion by having the Resident Commercial go to 31 – the over 60 to 2 and take the remaining recommendations from the Committee.

Vote on Amendment: 7 Yeas.

Motion by Councilor Rowan, seconded by Councilor St. Clair, to move approval to amend the main motion as amended to hold the license numbers at the 2016 Allocations.

Vote on Amendment:

1 Yeas.

6 Nays [Chairman Babine, Councilors Donovan, Foley, St. Clair, Caiazzo and Hayes]

Main motion as amended:

	<u>2016</u> <u>Allocations</u>	<u>2017</u> <u>Proposed Allocations</u>
• Resident Commercial License:	30	31
• Non – Resident Commercial Licenses:	3	4
• Over 60 Commercial Bushel Licenses:	1	2
• 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: 7 Yeas.

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

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

- Councilor Caiazzo gave an update on the Appointments Committee that had met earlier and would like to post the following:

Board of Assessment Review: Appoint Jean-Marie Caterina as a full voting member, with a term to expire in 2019.

Coastal Waters & Harbor Advisory Committee: Appoint Travis Turner, as 2nd Alternate with term to expire in 2019.

Community Services/Rec Advisory Board: Re-appoint Roger Chabot and Art Dillon as full voting members and Liam Somers, as 1st Alternate, for another three year term, terms to expire in 2019.

Conservation Commission: Re-appoint Peter Slovinsky and Charles Spanger, as full voting members for another three years, with a terms to expire in 2019.

Energy Committee: Re-appoint Sandi Dargi and Michael Wallace, as full voting members, for another three years, with terms to expire in 2019.

Housing Alliance: Re-appoint Brian Shumway and Tim Peters as full voting members, for another three years, with terms to expire in 2019.

Parks and Conservation Land Board: Re-appoint Suzanne Foley-Ferguson and Douglas Williams, as full voting members, for another three years, with terms to expire in 2019.

Personnel Appeals Board: Re-appoint Penney Whitney-Asdourian as a full voting member and Art Dillon, as the 2nd Alternate for another three years, terms to expire in 2019.

Planning Board: Re-appoint Susan Auglis and Nicholas McGee, as full voting member, for another three years, term to expire in 2019

Pest Management Advisory Board: Re-appoint Terri Eddy as an At-Large member, for another three years, with a term to expire in 2019.

Zoning Board of Appeals: Re-appoint James Herbert as a full voting member and Karen Shupe as 1st alternate, terms to expire in 2019.

- Councilor Hayes gave updates on the Public Safety Committee and handed out the schedule for the Finance Committee adding that it was subject to change.
- Councilor Donovan gave an update on the Metro Coalition Group.
- Councilor Rowan gave an update on the Historic Implementation Preservation Committee.
- Chairman Babine reminded the Councilors that he needed the date and time as to when the standing committee are to meet and he had been trying to setup goal setting session, once you receive the email on this, please respond as soon as possible, He then reminded the Town Council of the invited to the GPCOG meeting that would be held tomorrow night at the Gorham Municipal Center.

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

- He had attended the Martins Point Grand open ribbon cutting ceremony earlier in the day and they have will have a 2,000 sq. ft. community space that would be available for functions.
- The Town did receive good news on workers comp.
- Audit is in and there would be a joint workshop between the Town Council and Board of Education to review this document

- Winterfest for Saturday, January 14th with a makeup date of Saturday, February 18th scheduled from noon to 5:00 p.m.

Item 11. Council Member Comments.

- Councilor Foley noted that she would love to see a pool in Scarborough.
- Councilor Rowan also noted that he too would like to see a pool in Scarborough.
- Councilor Donovan noted that Patriots Subaru donated money for the Habitat for Humanity in Scarborough.
- Councilor Hayes and Councilor Caiazzo wished everyone a Happy New Year.
- Chairman Babine wished everyone a Happy New Year and sent a big thank you to the Public Works Department for a job well done this past storm. He hoped that the Ordinance Committee works on the marijuana issue.

At this point in the meeting Councilor St. Clair had to leave the meeting [8:43 p.m.]

Order No. 17-005. 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 Babine, seconded by Councilor Donovan, 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.

Vote: 6 Yeas.

The Council recessed to executive session at 8:44 p.m. Chairman Babine reconvened the meeting at 9:01 p.m.

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

Vote: 6 Yeas.

Meeting adjourned at 9:01 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk