

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 1, 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 6:05 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Thomas J. Hall, Town Manager.

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. 17-018. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(C) regarding economic development relating to the Eighth Amendment to Contract Zone IX by The Residences at Gateway Commons – Devine Capital, LLC [formerly New England Expedition]. [Town Manager] Motion by Council Donovan, seconded by Councilor Rowan, to move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(C) regarding economic development relating to the Eighth Amendment to Contract Zone IX by The Residences at Gateway Commons – Devine Capital, LLC [formerly New England Expedition].

Vote: 7 Yeas.

The Town Council recessed to executive session at 6:06 p.m. The Town Council meeting was reconvened at 7:06 p.m.

Item 4. General Public Comments.

- Jean-Marie Caterina of Gorham Road asked the Council to support Resolution 17-001.
- Marg DiSanctis of Beech Ridge Road and Chair of the Housing Alliance, read the following statement: “Scarborough Housing Alliance – February 16, 2017. The committee’s strong preference is to locate affordable housing units integrated onto the development project. We believe a minimum of 10% would be appropriate given the proximity of the Crossroads zone which has an inclusionary zoning requirement of 10%. However, should the council choose to accept an in-lieu fee, the committee believe that the funds could be used to partner with an affordable housing developer and produce other affordable housing.”

Item 5. Minutes: February 15, 2017 – Regular Meeting. Motion by Councilor Rowan, seconded by Councilor St. Clair, to move approval of the meeting minutes of the February 15, 2017, regular Town Council meeting.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. Chairman Babine noted that the executive session – Order No. 17-018, would be continued after Council comments to come back to public session to adjourn the regular meeting.

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

Resolution 17-001. Act on Resolution 17-001 to follow through with a Transportation and Land Use Action Plan for the Gorham East-West Corridor and authorize the Town Manager to sign the Resolve. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Resolve.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval of Resolution 17-001. Act on Resolution 17-001 to follow through with a Transportation and Land Use Action Plan for the Gorham East-West Corridor and authorize the Town Manager to sign the Resolve, as follows:

**RESOLUTION 17-001
RESOLVE TO FOLLOW THROUGH WITH
A TRANSPORTATION AND LAND USE ACTION PLAN
FOR THE GORHAM EAST-WEST CORRIDOR**

WHEREAS,

A. Vital to the economy of our region are the principal East-West routes between the urban core of Portland and South Portland and the suburbs in Scarborough, Gorham, Westbrook and other areas to the west, connected by Routes 22, 25, and 114, and the intersecting North-South Routes 1 and 202, and the Maine Turnpike (I-95) and I-295.

B. At the request of the Towns of Gorham and Scarborough and the Cities of South Portland and Westbrook, the 123rd Maine State Legislature in Resolve 2007, c. 95, commissioned the Maine Turnpike Authority (MTA) and the Maine Department of Transportation (MaineDOT) to review existing and potential new routes from the Maine Turnpike to municipal centers in western Cumberland County, to determine how to reduce congestion on state and local roads and to improve access between the Turnpike and outlying communities.

C. As directed by the Legislative Resolve, the parties have completed the Gorham East-West Corridor Feasibility Study led by a Steering Committee of officials from Gorham, Westbrook, South Portland, Scarborough, MTA, MaineDOT, and the Portland Area Comprehensive Transportation System (PACTS).

D. The Feasibility Study published in September 2012 responded to the Resolve with findings that the study area is highly congested with 64 high crash locations and seven intersections operating at unacceptable levels of service.

E. Current morning and evening rush hour congestion on key arterials such as Route 114, Route 22, Running Hill Road, and Spring Street is probably the worst in Maine. Traffic backups of more than a mile long are not uncommon. This congestion causes an unacceptable loss of productivity, wasted fuel, degraded air quality, safety hazards, ever-worsening environmental impacts, and mobility constraints for those who depend on these over-burdened roads for daily passage.

F. The Feasibility Study projected that over the next 25 years this area of Maine will receive a significant share of statewide growth, leading to worsening traffic, a tripling in the number of congested intersections, a shift of traffic to residential and secondary roads, and an increase in safety “hotspots.”

G. It is currently projected that population growth if left unchecked will build out rural areas rather than congregate in existing suburban and urban centers and that this will impose unsustainable demands on the existing transportation network.

H. The 2012 Feasibility Study identified and evaluated a range of potential solutions to the area's transportation and land use needs, resulting in recommendations to implement roadway improvements; transit service expansion; and land use, zoning and growth management measures in a regionally planned and coordinated manner. The Study highlighted that all three of these strategies are necessary to address the existing transportation congestion and capacity issues. A regional approach is necessary to provide more efficient land use choices, expand transit services, and maximize the efficiency and safety of the roadway system to avoid an over-reliance on adding highway capacity.

I. The 2012 Feasibility Study identified two alternative highway improvement scenarios to address congestion and safety within the study area:

- (1) further develop, widen and expand the capacity of existing roads and intersections along the congested routes; or
- (2) build a limited access by-pass corridor to provide unimpeded mobility, remove traffic from existing roads, and preserve local roads for local destinations including residential, village, and small businesses areas.

J. MaineDOT has limited resources with which to build either scenario recommended by the 2012 Feasibility Study. If granted Legislative authority, MTA does have the fiscal capacity to plan for and build a limited access by-pass through the region as a connector to the Turnpike provided that a toll is imposed to build and maintain the connector and amortize necessary bonding.

K. Until a new strategy for regional traffic management is defined for the study area, it is not possible for municipalities to complete long range plans for future land use, to zone affected regions appropriately, to consider how and where to extend public utilities, or to determine how best to develop or preserve existing villages in North Scarborough, South Gorham and other areas under pressure from growing congestion.

L. All area communities have benefited from extensive reviews and studies conducted by (PACTS) which is the region's federally-mandated metropolitan planning organization.

NOW, THEREFORE,

1. Given the public consensus among municipal and regional interests, the shortage of resources from the Maine Department of Transportation, the compelling long term and sustainable safety, environmental and livability advantages of a new limited access highway, and the fiscal capacity of the Maine Turnpike to address such needs, we urge the Maine Legislature to find it in the public interest for the Turnpike to pursue planning and development of a limited access connector between South Gorham and an appropriate juncture to the Maine Turnpike at or near Exits 44 or 45.

2. The undersigned communities find that building a new limited access highway corridor is appropriate from an economic, environmental, and land planning perspective if done in conjunction with coordinated plans supported by each of the engaged municipalities under guidance and coordination from PACTS.

3. Each of the undersigned municipalities pledges to make sensible and appropriate land planning decisions to adjust to improved patterns of travel through and within the affected area in coordination with each other.

Vote: 7 Yeas.

Order No. 17-014, 7:00 p.m. Public hearing and possible second reading on the proposed amendments to Chapter 601- the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, subsection A.IV-1. Pine Point. [Ordinance Committee] Councilor Donovan gave a brief overview on this Order.

Chairman Babine opened the public hearing. The following individuals spoke on this Order:

- Moira Erickson of Pine Point spoke against the proposed amendment. She felt there should be no parking along Pine Point Road. She commented that there was no sidewalk on the bridge, what money that is being offered, use it to build a sidewalk on the bridge. Use Depot Road instead.

There being no further comments. The hearing was closed at 7:15 p.m.

Angela Blanchette, Town Engineer, gave a brief overview on what is being proposed as an amendment.

Motion by Councilor Caiazzo, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 601- the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, subsection A.IV-1. Pine Point, as follows:

**CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 601 - - the Traffic Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text, as shown below:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

I. NO PARKING AT ANY TIME.

IV-1. PINE POINT (from May 1 to September 15 of each year).

(1) On Pine Point Road (formerly Depot Street) from East Grand Avenue to the Ocean.

(2) On Pine Point Road, both sides, within twenty (20) feet of either side of the driveway opening of the Audubon Nature Center.

(3) No parking shall be allowed on Pine Point Road from east Grand Avenue to Snow Canning Road, except for within the delineated on-street parking spaces on the southwesterly side of the road.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 17-019. Act to approve the names posted to the various committees/boards, as recommended by the Appointments Committee on February 15, 2017. [Town Clerk] Motion by Councilor Caiazzo, seconded by Councilor St. Clair, to move approval of the names posted to the various committees/boards, as recommended by the Appointments Committee on February 15, 2017, as follows:

Parks and Conservation Land Board:

Appoint Rebel Douglas as a full voting member, with a term to expire in 2018

Senior Advisory Board:

Appoint Jean-Marie Caterina, as a full voting member with a term to expire in 2018

Shellfish Conservation Commission:

Re-appoint Terry Twomey and Robert Willette as full voting members, with a terms to expire in 2019.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 17-020. Act on the request to authorize the Town Manger to sign a Memorandum of Understanding with Manomet for a grant for commercial scale soft shell clam farming. [Shellfish Conservation Commission] Councilor Hayes gave a brief overview on this Order.

The following individuals spoke on this Order:

- Benjamin Howard of Windsor Pines Drive voice his support for this Order and hoped the Council would supported this Order.
- Dave Green of Beech Ridge Road and Chair of the Shellfish Conservation Commission, noted that the Commission was in full support of this Order. He will be going to Georgetown to view a clam farm there and will come and assist us with the setup. He then responded to questions from the Town Council relating to the milky ribbon worm.
- Ian Anderson, Marine Resource Officer, spoke in support of this Order. This is an opportunity that we should not pass up. He then responded to questions from the Council.

Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval on the request to authorize the Town Manger to sign a Memorandum of Understanding with Manomet for a grant for commercial scale soft shell clam farming.

Vote: 7 Yeas.

Order No. 17-021. Act on the request from the SEDCO Board to move approval on the appointments of Allen Paul and James Hartley with terms to expire in 2020 and the reappointments of Dr. Gayle Brazeau and Jon Crasnick with terms to expire in 2020 and Rick Shinay with a term to expire in 2019. [SEDCO] Karen Marin, President of SEDCO, gave a brief overview on the recommendations for approval.

Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval on the request from the SEDCO Board to move approval on the appointments of Allen Paul and James Hartley with terms to expire in 2020 and the reappointments of Dr. Gayle Brazeau and Jon Crasnick with terms to expire in 2020 and Rick Shinay with a term to expire in 2019.

Vote: 7 Yeas.

Order No. 17-022. Act to certify the election results of the Special Municipal Election held on Tuesday, February 28, 2017. [Town Clerk] Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval to certify the election results of the Special Municipal Election held on Tuesday, February 28, 2017, as noted below:

Presented for certification by the Town Council, are the election results for the Special Municipal Election that was held on Tuesday, February 28, 2017:

Board of Education

Starr, Mary B.	190*
Write-In: Foley, Robert	1
Blanks	2

Pursuant to Section. 404. Organization, Qualifications, Quorum. The members of the Board of Education shall be sworn in by the Town Clerk or the Town Clerk's designee upon certification of the election by the Town Council and seated at the first Board of Education meeting after certification. The majority of the whole number of the Board of Education shall be a quorum and they shall elect their own chair. Every vote of the Board shall require the affirmative vote of at least four members. [Amended November 2, 2010 (as noted) – Effective January 1, 2011]

Therefore, the newly elected official will be sworn in on Thursday, March 2, 2017 and then sit as an official member of the Board of Education that evening.

Vote: 7 Yeas.

Order No. 17-023. Act on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 27th to May 15th. [Director of Public Works] Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 27th to May 15th, as follows:

The following roads will be posted through
Friday, May 15, 2017, or until posting is lifted
by the Scarborough Public Works Department

Access to posted road may be granted as weather permits.
Road Conditions are evaluated on a daily basis during this time.

To check on a road's status: Call 730-4400 and **Press 2**
Any day of the week after 6:00 a.m.

February 27 - May 15

Ash Swamp Road	
Dresser Road	
Highland Avenue	Chamberlain Rd to So. Portland Line
Holmes Road	Beechridge Speedway to Saco Line
Jasper Street	
Ross Road	
Sawyer Road	
Two Rod Road	Payne Rd to Holmes Rd
Woodfield Drive	

Vote: 7 Yeas.

Order No. 17-024. Act on the request to adopt the 2017 Town Council Goals. [Town Council]
Chairman Babine presented a power-point presentation on the 2017 Town Council Goals.

The following individual spoke on this Order:

- Marg DiSancts of Beech Ridge Road felt that the presentation was will done and that the Goals were orderly.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval to adopt the 2017 Town Council Goals.

Motion by Councilor Rowan, seconded by Councilor St. Clair, to amend the main motion to include the following value statement as part of Council goals:

- Promote (and demonstrate) civil discourse
- Promote the development of Affordable Housing
- Promote the Preservation of Historic Buildings and Objects
- Promote the Preservation of Open Spaces
- Protect access to beach and waterfront

After a brief discussion on the amendment to the motion, Councilor Rowan and Councilor St. Clair withdrew the motion. This would be discussed at a later time and could be brought back at a later date.

Motion by Chairman Babine, seconded by Councilor Rowan, to move approval to amend the main motion to remove “with work to be completed and have final passage” in the last.

Vote on amendment: 7 Yeas.

Main Motion as Amended:

2017 Town Council Goals

Communications/Relationships

OUTCOME:

- Continue to improve internal and external communications.
- Develop a Town Council Communications Plan that provides direction, policy oversight and business decision support for all communications efforts of the Town Council.

ACTION

- To approve a Scarborough Town Council Communication Plan (STCCP)

Budget/Finance/Fiscal Policy

OUTCOMES:

- Enhance financial management practices.
- Increase communications on the budget process.
- Manage the annual budget to a reasonable and sustainable level.
- Improve data availability used to inform decision making.

ACTIONS:

- Develop and execute a Communications Plan and standardize the practices.
- Approve a Town wide budget that keeps the tax rate increase to less than or around 3%.
- Approval standardized metrics, dashboards and benchmarks and have a final working model by December 31st.

Governance/Policy/Programs

OUTCOME:

- Focus efforts to improve the governance of the Town Council.
- Evaluate Council Boards and Committee structures that support relevant changes for today's environment.
- Provide focus and attention on the next Comprehensive Plan.

ACTIONS:

- Update and align Town boards and committees.
- Form and direct a new Town Council Standing Committee for Communication.
- Form and direct committee on Intercultural and Diversity.
- Review/amend R & P Manual; process for managing Town Managers Performance Review; HR Policies for Compensation/Benefits and strategic direction for Municipal Collective Bargaining and other Employment Contracts
- Formal plan to manage information by December 2017.

Vote: 7 Yeas.

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

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

- Councilor Donovan gave an update on the Planning Board and the Ordinance Committee.
- Councilor Rowan gave an update on the SEDCO Board and the Housing Alliance.
- Councilor Foley noted that the Rules & Policies Committee would be meeting on Wednesday, March 8th.
- Councilor St. Clair gave an update on the Communications Committee adding that there would be Communications Community round table on Wednesday, March 22nd.
- Councilor Hayes gave an update on the Seniors Advisory Board and the Finance Committee
- Councilor Caiazzo gave an update on the Appointments Committee and the Transportation Committee.

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

- Staff is in the mist of budget prep we are only one month away. This Friday is the internal deadline for department heads to have their budgets in the system.
- He has been busy with the recruitment process for Director of Community Services and interviews will commence next week for the Town Assessor.
- The eco-excellence Award will be awarded next week and Stu Axelrod has been nominated by the town...has volunteer numerous years –
- The School's Community Dialogue is on Thursday, March 9th from 5:00 to 8:00 p.m. at the Wentworth School.

Item 11. Council Member Comments.

- Councilor Caiazzo congratulated Ms. Starr on her win for the seat on the School Board.
- Councilor Hayes thanked Public works for a job well done.
- Chairman Babine read the following email from Mike Turek into the record “*Public Works deserves kudos and recognition after the last series of snow storms that dumped a lot of snow on Scarborough in a week. Job well done. Thanks to the entire team.*” Chairman Babine thanked Tim and Erica Downs for their service to the Community. He thanked the Council for approving the 2017 Goals. He sent condolences to the family John Andrews on their loss. Mr. Andrews he served on the eastern trail for many years.

Reconvened Order No. 17-018, an executive session pursuant to Title 1, M.R.S.A. §405(6)(C) regarding economic development relating to the Eighth Amendment to Contract Zone IX by The Residences at Gateway Commons – Devine Capital, LLC [formerly New England Expedition]. *[Town Manager]* The Town Council recessed back to executive session at 8:25 p.m. to come back to public session to adjourn the meeting. Chairman Babine reconvened the meeting at 8:46 p.m.

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

Vote:

Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk