

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 21, 2018
REGULAR MEETING – 6:00 P.M.

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 6:00 p.m.

Item 2. Pledge of Allegiance.

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

Shawn A. Babine	Jean-Marie Caterina
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo – Vice Chair
William J. Donovan, Chairman	

Order No. 18-021. Act the request for the following executive sessions:

- a. An executive session pursuant to Title 1, M.R.S.A. §405(6)(E) for the purposes of consultation with legal counsel regarding the pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals and to come back to public session for action on b. [Town Manager]**
- b. An executive session pursuant to Title 1, M.R.S.A §405(6)(c) regarding a personnel matter relating to the Town Manager's evaluation and compensation, to come back to public session. [Council Chair]**

Motion by Councilor Babine, seconded by Councilor Caiazzo, move approval on the request for the following executive sessions:

- a. Move into executive session pursuant to Title 1, M.R.S.A. §405(6)(E) for the purposes of consultation with legal counsel regarding the pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals and to come back to public session for action on b.
- b. Move into an executive session pursuant to Title 1, M.R.S.A §405(6)(c) regarding a personnel matter relating to the Town Manager's evaluation and compensation, to come back to public session. [Council Chair]

Vote: 7 Yeas.

The Council recessed to executive session at 6:03 p.m. for discussion on the first executive session. At 6:42 p.m. Chairman Donovan announced that the Council would convene to discuss the second executive session. The public meeting was reconvened to public session at 6:57 p.m.

Item 4. General Public Comments.

- David Cleary of Meeting House Road spoke on the issues that he felt were currently transpiring in Town. He voiced his concerns on with actions by the Superintendent and members of the Board of Education. He wants the residents to be informed of what is happening in their town.
- Mo Erickson of Pine Point Road voiced her concerns about a former employee [Dan Bacon] working with the Risbara/Michaud Development and a possible conflict.

- Suzanne Foley-Ferguson of Black Point Road spoke on bullying and harassment by the powers that be. She mentioned an incident that had happened to her here in chambers. She then asked the Council Chair to guide the Council to work on being respectful to the residents.

Item 5. Minutes: March 7, 2018 - Regular Town Council Meeting. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the minutes of the March 7, 2018, 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

Order No. 18-022, 7:00 p.m. Public hearing and action on the new requests for a Food Handlers License, a Liquor License, an Innkeepers License and a Special Amusement License from Brian and Jennifer Brenerman d/b/a Dunstan Tap & Table, located at 6 Stewart Drive. [Town Clerk] Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:08 p.m.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the new requests for a Food Handlers License, a Liquor License, an Innkeepers License and a Special Amusement License from Brian and Jennifer Brenerman d/b/a Dunstan Tap & Table, located at 6 Stewart Drive.

Vote: 7 Yeas.

Order No. 18-023, 7:00 p.m. Public hearing and action on the new request for a Massage Establishment License from Ashlie Votour, d/b/a Scarborough Nail & Hair Spa, located at 311 Beech Ridge Road [Town Clerk] Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:09 p.m.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the new request for a Massage Establishment License from Ashlie Votour, d/b/a Scarborough Nail & Hair Spa, located at 311 Beech Ridge Road.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 17-109. Second reading on the request for the Scarborough Town Council to Order the Discontinuance of all portions of Avenue 2 located southerly of King Street with no damages awarded to the abutting landowners; and to file said Order with the Town Clerk. [Town Manager] Chairman Donovan gave a brief overview on this Order. The following individuals spoke on this order:

- Mo Erickson of Pine Point Road voiced her concerns with giving the land away. Let's not do this anymore. She would be very surprised if this land remains in perpetuity. She did not agree with this order.
- Don Hamill of Bay Street stated that he was one of the participants who worked on the terms. There are other issues going on in town like Communications, lack of transparency and flexibility. He felt that the Town had already made its mind up when they met the individual

who was requesting this discontinuance. We have major issues in town and we need to listen to everyone.

- Larry Hartwell of Puritan Drive asked if the land being given away would be assessed as ocean front property.
- Deidra Paul of Avenue 2 stated that she had read the agreements and still had concerns and felt that the individual pursuing this was being favored. She felt the threat of a law suit is what was tying the town's hands. She had concerns with whether this land would be kept in perpetuity for everyone.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the second reading on the request for the Scarborough Town Council to Order the Discontinuance of all portions of Avenue 2 located southerly of King Street with no damages awarded to the abutting landowners; and to file said Order with the Town Clerk.

Vote: 5 Yeas. 2 Nays [Councilors Hayes and Foley].

Order No. 18-024. Act on the request to move approval of the names posted to the various town committees/board by the Appointments/Negotiations Committee at the March 7, 2018, Town Council meeting. [Appointments/Negotiations Committee] Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval of the names posted to the various town committees/board by the Appointments/Negotiations Committee at the March 7, 2018, Town Council meeting, as follows:

Energy Committee:

Pursuant to Chapter 200 – Town Charter, Section 204-1 - Michael Wallace be removed from the committee due to lack of attendance and appoint Deborah McDonough as a full voting member, to fill a term to expire in 2019.

Housing Alliance:

Pursuant to Chapter 200 – Town Charter, Section 204-1 Tim Peters be removed from the committee due to lack of attendance.

Planning Board:

Move Susan Auglis from full voting member to 1st Alternate, with a term to expire 2019 and move Rachel Hendrickson from 1st Alternate to a full voting member, with a term to expire in 2019

Shellfish Conservation Commission:

Appoint Tim Downs as a full voting member with a term to expire in 2019

Zoning Board of Appeals:

Move Ed Blaise from a full voting member to 1st Alternate, with a term to expire in 2018 and move Karen Shupe from 1st Alternate to a full voting member, with a term to expire in 2018 and appoint Melina Torrens as the 2nd Alternate, with a term to expire in 2019

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 18-025. First reading and schedule a public hearing on the proposed amendments Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance, Section 5. Determination of Eligibility and Amount of Eligibility; subsection 2. Eligibility for Renters and update the application form. [Ordinance Committee] Councilor Caterina, Chair of the Ordinance Committee, gave a brief overview on this Order.

The following individual spoke on this Order:

- Don Hamill of Bay Street spoke in support of this Order and went on to comment on the town debt and how “out of wack” it was.

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance, Section 5. Determination of Eligibility and Amount of Eligibility; subsection 2. Eligibility for Renters and update the application form, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 313-A - the Town of Scarborough Property Tax Assistance Ordinance, be and hereby is amended, as follows (*additions are underlined; deletions are struck through*):

**CHAPTER 313-A
TOWN OF SCARBOROUGH PROPERTY TAX ASSISTANCE ORDINANCE**

Section 5. Determination of eligibility and amount of eligibility [amended 11/07/17]

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the applicant (plus that of any other adult members of the applicant’s household); or
- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. \$600.00. [06/07/17]

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

2. Eligibility for Renters

In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to ~~be~~ include 18% of the rent payable from own funds by applicant (and other adult members of applicant’s household) in the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent.

OLD
APPLICATION

M/I: _____
Act P: _____

Dept Approval: _____



Town of Scarborough, Maine

Assessor's Office

P.O. Box 360

SCARBOROUGH, MAINE • 04070-0360

Property Tax Assistance Program
Determination of Eligibility and Benefits
For Property Tax Assessed as of April 1, 2016
Application Deadline – October 16, 2017

1. Name of owner(s): _____ Phone: _____
2. Address of Property: _____ E-Mail: _____
2a. Mailing address (if different): _____
3. Date of Birth: _____ **Document Presented:** _____ ME Drivers License/ID
Applicants must be 62 on 10/15/2017 _____ US Passport
Born on/before 10/15/1955 _____ Other _____
4. Resident of Scarborough **Document Presented:** _____ Assessing Record
For at least 10 years on 10/15/2017 _____ Other _____
5. Federal Adjusted Gross Income **Document Presented:** _____ 1040
From Filed Federal Tax Return _____ Social Sec. Benefit Statement
Form 1040, 1040-A, or 1040-EZ _____
6. Additional income of other adults in household _____
7. Total Income (Line 5 plus Line 6) _____
8. Income Limit _____ \$50,000
a. If line 7 exceeds line 8: STOP: No benefit paid
9. Benefit Threshold _____
5% of Line 7
10. Real Estate Tax Assessed _____
July 1, 2016 through June 30, 2017 (FY 2017)
11. Excess of Tax Assessed over Benefit Threshold _____
Line 10 minus Line 9. If line 10 does not exceed
Line 9: STOP: No benefit paid
12. Benefit Cap _____ \$500
13. Benefit Determined (Check Mailed by 12/15/2017) _____
Lesser of Excess Tax or Benefit Cap
(Lesser of Line 11 or Line 12)

Important note: Items 3, 4, & 5 above require documentation to be presented to Assessing staff. IF you did not file a Federal Tax Return Please bring your 2016 Social Security Benefit statement.

Oath: I certify that the information contained herein is accurate to the best of my knowledge and belief, under penalties of perjury.

Signed: _____ Date: _____

Approved by: _____ Date: _____

Town of Scarborough, Maine

Assessor's Office

PO Box 360 Scarborough, Maine 04070

NEW
APPLICATION

M/L: _____

Acct #: _____

Dept Approval: _____

Property Tax Assistance Program -Owner

Determination of Eligibility and Benefits for Property Tax Assessed as of April 1, 2017

Application Deadline – October 15, 2018

1. Name of Owner(s): _____ Phone: _____
2. Address of Property: _____ E-Mail: _____
2a. Mailing address (if different): _____
3. Date of Birth: _____ **Document Presented:** _____ ME Driver's License/ID
Applicants must be 62 on 10/15/2018 _____ US Passport
Born on/before 10/15/1956 _____ Other _____
4. Resident of Scarborough **Document Presented:** _____ Assessing Record
For at least 10 years on 10/15/2018 _____ MH Park Rent if Applicable
_____ Other _____
_____ Oath _____
5. Federal Adjusted Gross Income **Document Presented:** _____ 1040
From Filed Federal Tax Return _____ Social Sec. Benefit Statement
Form 1040, 1040-A, or 1040-EZ _____
6. Additional income of other adults in household _____
7. Total Income (Line 5 plus Line 6) _____
8. Income Limit \$50,000
a. If line 7 exceeds line 8: STOP: No benefit paid
9. Benefit Threshold _____
5% of Line 7
10. Real Estate Tax Assessed _____
July 1, 2017 through June 30, 2018 (FY2018)
11. Residential MH Park Rent (If Applicable) _____
July 1, 2017 through June 30, 2018 (FY2018)
12. Tax attributed to rent: 18% of Line 11 _____
13. Total Tax Attributable to Property _____
(Line 10 plus Line 12)
14. Excess of Tax Assessed over Benefit Threshold _____
Line 13 minus Line 9. If line 14 does not exceed
Line 9: STOP: No benefit paid
15. Benefit Cap \$600
16. Benefit Determined (Check Mailed by 12/15/2018) _____
Lesser of Excess Tax or Benefit Cap
(Lesser of Line 14 or Line 15)

Important note: Items 3, 4, & 5 above require documentation to be presented to Assessing staff. IF you did not file a Federal Tax Return please bring your 2017 Social Security Benefit statement.

Oath: I certify that the information contained herein is accurate to the best of my knowledge and belief, under penalties of perjury.

Signed: _____ Date: _____

Approved by: _____ Date: _____

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 Transportation Committee and GPCOG/Pacts, as well as the Long Range Planning Committee.
- Councilor Hayes gave an update on the Finance Committee.
- Councilor Caterina gave an update on the Ordinance Committee.
- Councilor Foley gave an update on the Eastern Trail Alliance and the Conservation Commission.
- Councilor Babine gave an update on the Appointments/Negotiations Committee and added that there would be a Library Workshop with the Town Council on April 4th.

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

- Public Safety Building update.
- Communications tower and what are the options are available as to where it is placed in the Oak Hill Area.
- Comp Plan is starting to ramp up and once items are at hand they would be sent on to the appropriate committees to review.
- Budget is being presented on April 4th with the first reading scheduled for April 11th.
- Gorham Road Project – Phase One will be Route One to Maple Avenue. Unitil would be working to replace their lines prior to this project.
- Annual Scarborough Officials Dinner, an invitation will be forth coming, please respond as soon as you can.
- Upcoming Council workshops: April 4th Library Trustees; TIF 101 on April 11th at 6:00 p.m. and the Maine Turnpike Authority would like to come and speak on the widening project.

Item 11. Council Member Comments.

- Councilor Hayes concerned with where we find ourselves as a community and hoped that there is a resolve.
- Councilor Caiazzo commented on the comment regarding Dan Bacon. It is imperative that the Council not interject with the School issues.
- Chairman Donovan stated that he and the manager meet with the Scarborough downs group often and the group would be working with the Planning Department. Glad to hear about the library. Commented on the school debate and shares Councilor Caiazzo's thought about not interjecting ourselves in to School issues.

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

Vote: 7 Yeas.

Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk