MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 15, 2018
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 7:09 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.

Councilor Shawn A. Babine	Councilor Jean-Marie Caterina [Absent]
Councilor Robert W. Rowan	Councilor Peter F. Hayes
Councilor Kathleen M. Foley	Councilor Christopher J. Caiazzo – Vice Chair

Chairman William J. Donovan

Item 4. General Public Comments.

- Susan Hamill of Bay Street asked that the slides that had been used this evening at the TIFF Workshop be posted to the web along with new information comes forward.
- Don Hamill of Bay Street responded to the presentation earlier in the evening, stating that it was a lot of information to digest. These are big issues and felt that the public needs to be informed. We asked for data on current TIFs and we are still trying to absorb this information. He felt that outside independent consultants would be a good idea.

Item 5. Minutes: July 18, 2018 - Regular Town Council Meeting. Motion by Councilor Rowan, seconded by Councilor Foley, to move approval of the minutes of the July 18, 2018, regular Town Council meeting.

Vote: 6 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. Presentation on the Public Safety Building. Kevin Freeman, Chair of the Ad-Hoc Public Safety Building Committee and a resident, presented the update. He noted that the Tom Perkins, Owners Representative was also present this evening and that Construction Team was a local company of Landry French. He reviewed the site plan that was being proposed, stating that one major change was the road exiting on Sawyer Road had been moved closer to the property line to the car wash, which would have less impact on the park. There is an information board in the Park to help individuals to follow that status of the project. He touched on the permitting process with DEP and the early bid packages. The Construction team would be working with each bidder to ensure that the project comes in as close to budget as it can. They were still holding to a 15 month project [start to finish] and hoped to start October 1st. Mr. Freeman responded to questions from the Town Council.

b. Presentation of the Proposed Financial and Fiscal Policy. Thomas J. Hall, Town Manager, noted that this would be an introduction and not a presentation. This item had been discussed at

great lengths at the Finance Committee. He noted that the new Policy would integrate the Debt Management Policy, the Investment Policy, the Fund Balance Policy and the Capital Planning Policy. The new policy also includes financial health metrics, which would be accessed annually, as described in the policy. This item would be brought back to the Town Council at the meeting scheduled for September 5th. This information is available on the website. Councilor Hayes thanked the Assistant Town Manager for working on this as well as the town's financial advisor.

The following individual spoke on this item:

- Larry Hartwell of Puritan Drive had been unable to see a "hard number"/cap. Councilor Hayes noted that he would be willing to discuss this with Mr. Hartwell, but thought there was in fact a "hard number."

Order No. 18-052, 7:00 p.m. Public hearing and action on the request from the Board of Education, to place on the November 6, 2018, Municipal Ballot, referendum language to create the Greater Sebago Education Alliance (GSEA), ballot question is as follows: *[School Department]*

> ***Do you favor the formation of a regional service center pursuant to an Interlocal Agreement for the Greater Sebago Education Alliance Regional Service Center, as approved by the governing bodies of the parties thereto and the Commissioner of the Department of Education*?**

Julie Kukenberger, Superintendent of Schools, gave a brief overview on this Order. She responded to questions from the Town Council.

Chairman Donovan opened the public hearing, there being no comments either for or against the hearing was closed at 8:07 p.m.

Motion by Councilor Hayes, seconded by Councilor Rowan, to move approval on the request from the Board of Education, to place on the November 6, 2018, Municipal Ballot, referendum language to create the Greater Sebago Education Alliance (GSEA), ballot question is as follows: *[School Department]*

> *Do you favor the formation of a regional service center pursuant to an Interlocal Agreement for the Greater Sebago Education Alliance Regional Service Center, as approved by the governing bodies of the parties thereto and the Commissioner of the Department of Education*?

Vote: 6 Yeas.

Order No. 18-053, 7:00 p.m. Public hearing and action on the new request for a new Junkyard Permit from SVR New England, LP d/b/a Scarborough Recycling, located at 40 Holmes Road [New owner - formerly Scarborough Auto Parts]. ***[Town Clerk]*** The Town Clerk gave a brief overview on the Order. She noted that the applicant was present to respond to any questions from the Town Council. Notices had been sent out to abuttors and no feedback had been received. At the request of the Chairman Donovan the applicant come forward and introduced himself. Mr. Dickinson gave a brief overview on potential changes at the business.

Chairman Donovan opened the public hearing, as there were no comments either for or against the hearing was closed at 8:10 p.m.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval on the new request for a new Junkyard Permit from SVR New England, LP d/b/a Scarborough Recycling, located at 40 Holmes Road [New owner - formerly Scarborough Auto Parts].

Vote: 6 Yeas

Order No. 18-054, 7:00 p.m. Public hearing and action on the new request for a Innkeepers License and a Food Handlers License from Giri Portland Mall, Inc. d/b/a Fairfield Inn Portland, located at 2 Cummings Road. [New owner – formerly Portland Ventures, LLC] ***[Town Clerk]*** The Town Clerk gave a brief overview on the Order. Chairman Donovan opened the public hearing, as there were no comments either for or against the hearing was closed at 8:11 p.m.

Motion by Councilor Rowan, seconded by Councilor Babine, to move approval on the new request for a Innkeepers License and a Food Handlers License from Giri Portland Mall, Inc. d/b/a Fairfield Inn Portland, located at 2 Cummings Road. [New owner – formerly Portland Ventures, LLC]

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 18-041. Second reading on the proposed amendments to Chapter 601 – the Traffic Ordinance, Section 25.A.1 to eliminate year round parking along a portion of the Black Point Road. ***[Ordinance Committee]*** Chairman Donovan gave a brief overview on this Order.

Motion by Councilor Rowan, seconded by Councilor Babine, to move approval of the second reading on the proposed amendments to Chapter 601 – the Traffic Ordinance, Section 25.A.1 to eliminate year round parking along a portion of the Black Point Road, as follows:

Chapter 601- the Traffic Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to Chapter 601 – the Traffic Ordinance, of the Town of Scarborough, Maine, be and hereby amended as follows:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

I. NO PARKING AT ANY TIME.

No person shall park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device. [Amended 07/16/14]

(1) No all-night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.
(2) Upon the Pleasant Hill Road from U.S. Route One to the Rigby Road.
(3) Upon the westerly side of the Willowdale Road from U.S. Route One to the end of the Town right-of-way. (Parking permitted on the easterly side).
(4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. [Amended 11/16/94]

(5) Upon the Broadturn Road within 50' of U.S. Route One to end.
(6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route One.
(7) Upon U.S. Route One from the South Portland line to the Saco line (both sides).
(8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route One. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route One.
(9) Upon Pillsbury Drive (entire length).
(10) East Grand Avenue (east side) one parking space in front of 19 East Grand Avenue formerly; Colony Motel, no parking. [Adopted 10/6/76]
(11) Avenue One Extension (entire length – from King Street to the ocean). [Amended 6/7/89] [Amended 07/16/14]
(12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road. [Amended 08/01/90]
(13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station. [Amended 08/01/90]
(14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length. [Amended August 1, 1990]
(15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way. [Amended 08/18/04]
(16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive. [Amended 09/07/04]
(17) No parking along Bayview Avenue from Houghton Street to Pearl Street. (Adopted J01/20/10]
(18) No parking on north side of Gorham Road from 183 Gorham Road to the intersection of Gorham Road and Spring Street at number 209 and on the south side of Gorham Road from the westerly end of the stockade fence fronting on 200 Gorham Road, easterly for a distance of 50 yards. [amended 12/21/17]
(19) Within 50 feet of the southwest most corner of the entrance to or within 50 feet of the northeast most corner of the exit to the Scarborough Beach State Park located at 418 Black Point Road.

Vote: 4 Yeas. 2 Nays [Councilors Foley and Hayes].

NEW BUSINESS:

Order No. 18-055. First reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance, Section VI. Definitions – Affordable Housing. ***[Housing Alliance Committee]*** Councilor Rowan gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Foley, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance, Section VI. Definitions – Affordable Housing, to come back to the Town Council for a public hearing upon receipt of the recommendations of the Planning Board, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine Section VI. Definitions, is amended as follows:

Affordable Housing: [Adopted 11/03/2004] [Amended 05/03/2006][Amended 12/03/2014] [Amended ____/2018] Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

A. An Owner-Occupied Affordable Housing Unit is a unit which (i) is occupied by its owner, (ii) is owned by a Qualifying Household and (iii) has a sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

For the purpose of this section:

(I) a ~~A~~ Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, for a family of four, ~~adjusted for family size~~ as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard").

(II) ~~For the purposes of this paragraph~~ Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due ~~and~~ (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home; and

(III) ~~A Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, for a family of four, adjusted for family size as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard").~~ In the case of a unit which has ~~two~~ one two or fewer bedrooms ~~does not have a separate bedroom~~, the Imputed Income Limitation shall be 80% of the MFI Standard for a household of ~~one~~ two (~~1~~2) ~~person~~ people. In the case of a unit which has more than ~~two~~ one bedrooms ~~one or more bedrooms~~, the Imputed Income Limitation shall be 80% of the MFI standard for a household of four (4) people ~~with a size equal to one and one half (1.50) people per bedroom~~.

~~Upon the sale of an Owner Occupied Affordable Housing Unit, the owner of the unit shall obtain approval from the Town to transfer their unit to a new buyer. In determing whether to approve the transfer, the Town shall determine whether the proposed buyer will be a Qualifying Household in accordance with these standards. The proposed buyer shall provide documentation, as reasonably requested by the Town, to support the transfer request. In granting the request, the Town shall be entitled to impose conditions upon the transfer to ensure that physical deficiencies and code violations are addressed and that delinquent property taxes, water and sewer bills are paid.~~

B. Renter-Occupied Affordable Housing Unit is a unit occupied by a Qualifying Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

For the purposes of this ~~paragraph~~ section:

(I) A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median

Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.

~~Househsolds shall certify to Owners of Renter Occupied Affordable Housing Units that they continue to qualify based on these standards on an annual basis and shall provide documentation to support their certification upon the reasonable request of the Town through the Town Manager. Owners of Renter Occupied Affordable Housing Units shall be required to certify that these units continue to be occupied by Qualifying Households on an annual basis to the Town Manager and in so certifying shall be entitled to rely upon the household certifications described in the proceeding sentence.~~

(II) Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (~~excluding~~ not including television, internet ~~cable and~~ or telephone) that the household is responsible for paying; and~~.~~

(III) ~~A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.~~ In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Vote: 6 Yeas.

Order No. 18-056. Act on the request to authorize acceptance of $1,000.00 or any portion thereof, to be placed in the Asset Forfeiture Account and to authorize the Town Manager to sign any and all necessary documents. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases]. ***[Police Chief]*** Robbie Moulton, Police Chief, thanked the Council for letting us give an update on the Public Safety Building. He then gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Hayes, to move approval on the request to authorize acceptance of $1,000.00 or any portion thereof, to be placed in the Asset Forfeiture Account and to authorize the Town Manager to sign any and all necessary documents. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases].

Vote: 6 Yeas.

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

- Councilor Caiazzo noted that the Comprehensive Plan Presentations would start tomorrow at Town Hall and encouraged residents to attend.
- Councilor Hayes gave an update on the Coastal Waters and Harbor Committee, the Shellfish Conservation Commission and the Finance Committee
- Councilor Foley gave an update on the Eastern Trail Alliance and the Conservation Commission.
- Councilor Rowan gave an update on the Housing Alliance Committee.
- Councilor Babine gave an update on Library Trustees, the Cable TV Committee and the Appointments Committee meeting.

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

- The Comprehensive Plan has been prepared by the Consultants and it is now up to the town to make it our plan. He encourage everyone to please review the proposed plan and give input; he noted that there have been over 500 responses to the survey that had been made available.
- FEMA Flood maps were available and the Town would be moving forward with the appeals process and would be meeting with legal who would be filing on behalf of the town.
- He gave an update on the three homes that the town owns along Route One. Although there were no bids on the property Habitat for Humanity removed a number of items for their re-sale store and the homes would also be used for fire/police training.
- Jami Fitch is the Town's new sustainability coordinator. She was comes to us from Cumberland County Office.
- Summerfest would be this Friday from 5:00 to 10:00 p.m. at Memorial Park. He added that there had been some updates to the Park and a ribbon cutting would be held on Tuesday, August 21st at 1:00 p.m.

Item 11. Council Member Comments.

- Councilor Babine recognized former Town Councilor Carol Rancourt on her retirement from SAMM. He wish a Happy Birthday to Jackie Perry and congratulated Sue Ketch on be selected as the High School Interim Principal. He noted that his facebook page had been hacked, stating that no one accept a request from him. He congratulated the school department for being ranked 4th in the state. Nomination papers were still available for the local offices. At this time absentee requests can be received in the town clerk's office, but the ballots were not available at this time. He commented on the he workshop that had been held on the TIF adding that there needs to be a better understanding on how a TIF works.
- Councilor Foley enjoy what is left of the summer – going by quickly
- Councilor Hayes enjoy the summer!
- Councilor Caiazzo noted that there was a lot of work ahead of us and he was looking forward to it. He too mentioned Summerfest and urged the community to attend. He then commented on the PBS film of town, which can be found on the homepage of the town's website, it is very well done.
- Chairman Donovan also commented on how summer was almost over. He mentioned a negative comment that had been made at the national level regarding Canada and wanted to recognize that many come to enjoy the beaches and come for vacations here. He went on to mention a neighbor, James O'Reilly, who was from Canada and further commented on a case that he had handled and won.

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

Vote: 6 Yeas.

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk