MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 19, 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 6:02 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
Councilor Robert W. Rowan [Arrived late]	Councilor Peter F. Hayes
Councilor Kathleen M. Foley	Councilor Christopher J. Caiazzo – Vice Chair

Chairman William J. Donovan

Item 4. General Public Comments.

- Mr. Dan Glover of Westbrook and a member of the Greater Portland Archangel Sister City gave a brief overview on this organization. He noted that Scarborough became a member on April 4, 1989. He stated that the group would be celebrating 30 years of partnership with an exhibit of "Bridges of Friendship." He went on to state the Organization would be asking each member for a $150 donation in support of this celebration. He noted that a half of dozen communities have already committed support and thanked the Council for their consideration. Chairman Donovan stated if there is no objection, the $150 donation would come out of our contingency fund – there was no objection.
- Mr. Bradley Abbott, owner of a few commercial properties in town, spoke again on his increase in taxes and felt it a burden to come up with so much in a short time. He felt the Town should have worked with business owners and went on to ask what was happening with the $5 million in the revenue. He felt there should be change across the board [commercial/resident].

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

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. Chairman Donovan noted that due to the public hearing being scheduled for 7:00 p.m., Orders under Old and New Business, with the exception of Order No. 18-065, would be taken up after Item 7.

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

OLD BUSINESS:

Order No. 18-062. Act on the request to approve the names posted to the various committees/boards as recommended by the Appointments/Negotiations Committee. *[Appointments/Negotiations Committee]* Councilor Babine gave a brief overview, noting that Mr. Gray – Coastal Waters & Harbor Committee would not be able to serve at this time – an amendment would be made at the appropriate time.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the names posted to the various committees/boards as recommended by the Appointments/Negotiations Committee, as follows:

Coastal Waters and Harbor Committee:
Appoint Howard Gray as a 2nd Alternate, with a term to expire in 2020.

Board of Assessment Review:
Appoint Ms. Torrens as a full voting member, with a term to expire in 2018.

Housing Alliance Committee:
Appoint Ms. Grew as a full voting member, with a term to expire in 2018.

Senior Advisory Board:
Appoint Ms. Bailey as a full voting member, with a term to expire in 2020.

Zoning Board of Appeals:
Appoint Rudy Caron, as a full voting member, term a term to expire in 2020.

Planning Board:
Move Richard DuPerre from 2nd Alternate to 1st Alternate, with a term to expire in 2020.
Appoint Joel Simons as 2nd Alternate, with a term to expire in 2019.

Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval to amend the main motion by removing the appointment of Howard Gray to the Coastal Waters and Harbor Committee.

Vote on amended: 6 Yeas.

Main motion as amended:

Board of Assessment Review:
Appoint Ms. Torrens as a full voting member, with a term to expire in 2018.

Housing Alliance Committee:
Appoint Ms. Grew as a full voting member, with a term to expire in 2018.

Senior Advisory Board:
Appoint Ms. Bailey as a full voting member, with a term to expire in 2020.

Zoning Board of Appeals:
Appoint Rudy Caron, as a full voting member, term a term to expire in 2020.

Planning Board:
Move Richard DuPerre from 2nd Alternate to 1st Alternate, with a term to expire in 2020.
Appoint Joel Simons as 2nd Alternate, with a term to expire in 2019.

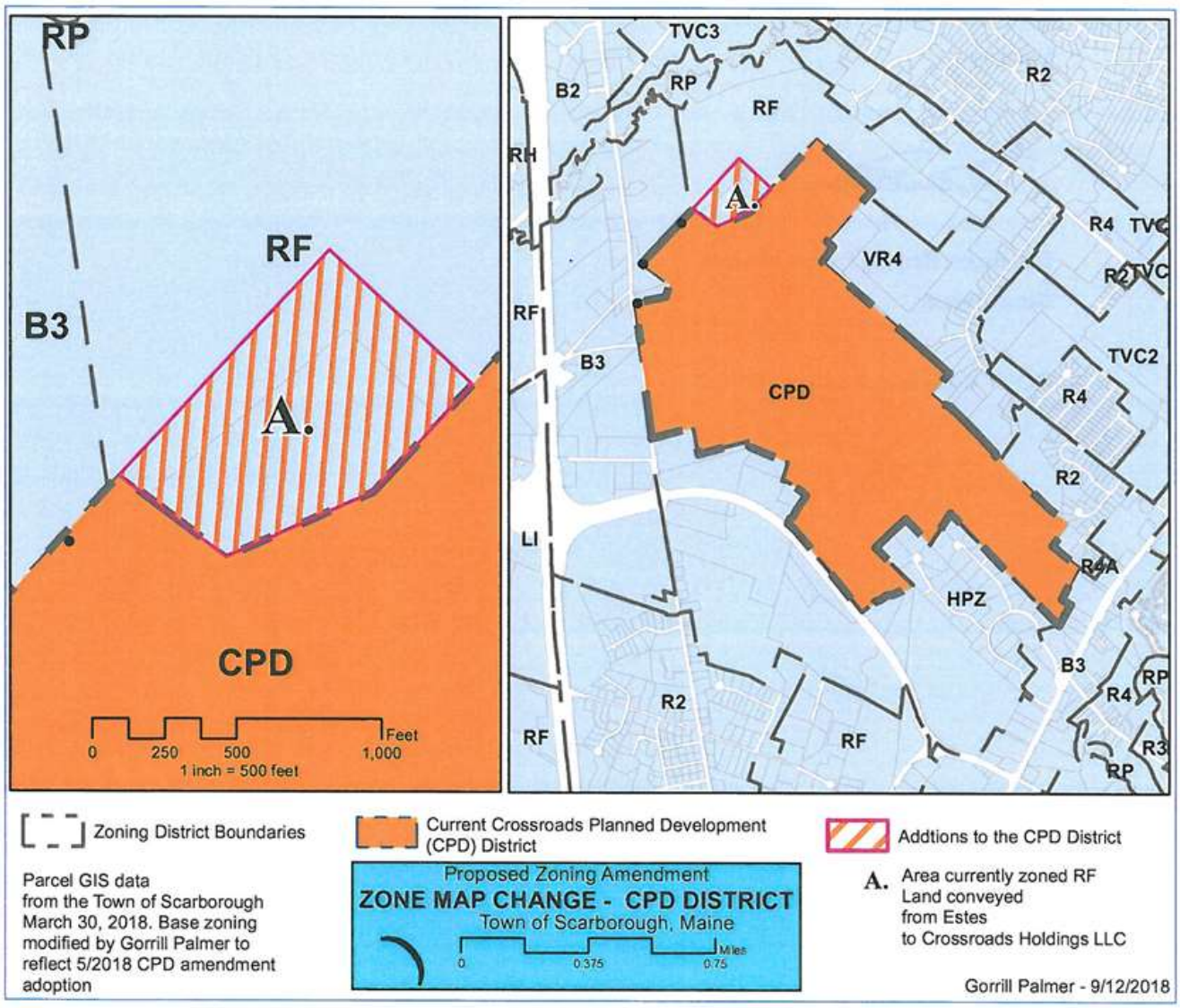
Vote: 6 Yeas.

Councilor Rowan arrived at the meeting 6:18 p.m.

NEW BUSINESS:

Order No. 18-063. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough Zoning Map. ***[Property Owner]*** Dan Bacon of Gorrill Palmer gave a brief overview on the proposed amendments to the zoning map and responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough Zoning Map, to come back to the Town Council for a public hearing upon receipt of the recommendations of the Planning Board, as follows:



Vote: 7 Yeas.

Order No. 18-064. Act on the request to authorize the sale of tax-acquired properties, as recommended by the Assistant Town Manager and to authorize the Town Manager to sign any and all documents necessary. ***[Assistant Town Manager]*** Thomas J. Hall, Town Manager, gave a brief overview on this Order and responded to questions from the Town Council. The following individuals were awarded the following properties:

127 Holmes Road to Kerry Norton for $58,200.00
27 Holmes Road to Daniel Hourihan for $1,000.00
14 Hearn Road to Richard and Nancy Horton for $1.00
19 Bridges Road to James Dwyer for $2,223.00
6 Ward Street to Michael De Souza for $1,675.00

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to authorize the sale of tax-acquired properties, as recommended by the Assistant Town Manager and to authorize the Town Manager to sign any and all documents necessary.

Vote: 7 Yeas.

Order No. 18-065. Act on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 6, 2018, at the Scarborough High School – Alumni Gym; appoint the warden and deputy warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary. ***[Town Clerk]*** Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 6, 2018, at the Scarborough High School – Alumni Gym; appoint the warden and deputy warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary, as follows:

WARRANT FOR
Regular Municipal Election
TOWN OF SCARBOROUGH, MAINE

TUESDAY, NOVEMBER 6, 2018
DAY AND DATE OF ELECTION

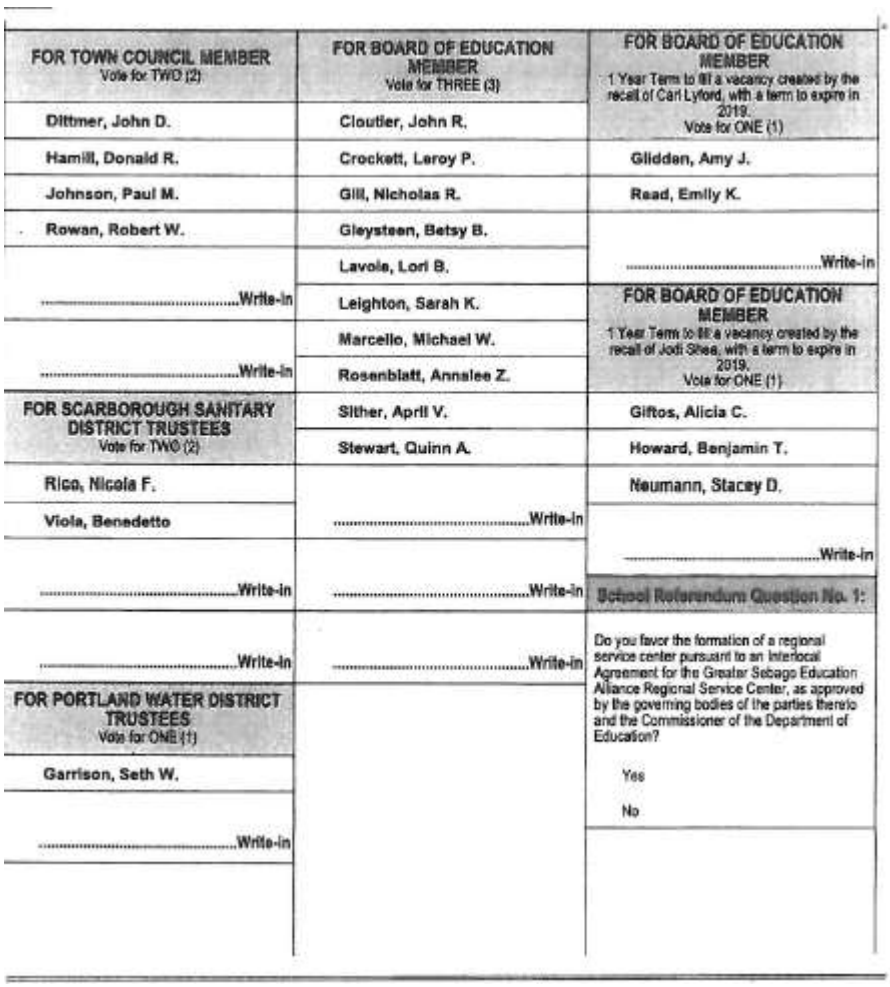
County of Cumberland, ss State of Maine

To: Robert A. Moulton, the Police Chief 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 Regular Municipal & Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a Regular Municipal Election will be held on Tuesday, November 6, 2018, at the Scarborough High School Alumni Gymnasium, located at 11 Municipal Drive:



FOR TOWN COUNCIL MEMBER Vote for TWO (2)	FOR BOARD OF EDUCATION MEMBER Vote for THREE (3)	FOR BOARD OF EDUCATION MEMBER 1 Year Term to fill a vacancy created by the recall of Carl Lyford, with a term to expire in 2019. Vote for ONE (1)
Dittmer, John D.	Cloutier, John R.	Glidden, Amy J.
Hamill, Donald R.	Crockett, Leroy P.	Read, Emily K.
Johnson, Paul M.	Gill, Nicholas R.	.....Write-in
Rowan, Robert W.	Gleysteen, Betsy B.	FOR BOARD OF EDUCATION MEMBER 1 Year Term to fill a vacancy created by the recall of Jodi Shea, with a term to expire in 2019. Vote for ONE (1)
.....Write-in	Lavoie, Lori B.	Giftos, Alicia C.
.....Write-in	Leighton, Sarah K.	Howard, Benjamin T.
FOR SCARBOROUGH SANITARY DISTRICT TRUSTEES Vote for TWO (2)	Marcello, Michael W.	Neumann, Stacey D.
Rico, Nicola F.	Rosenblatt, Annalee Z.	.....Write-in
Viola, Benedetto	Sither, April V.	School Referendum Question No. 1:
.....Write-in	Stewart, Quinn A.	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? Yes No
.....Write-in	.....Write-in	
FOR PORTLAND WATER DISTRICT TRUSTEES Vote for ONE (1)	.....Write-in	
Garrison, Seth W.		
.....Write-in		

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The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Saturday, November 3rd, Monday, November 5th and on Election Day, Tuesday, November 6, 2018, starting at 9:00 a.m. and hourly thereafter.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error 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 in the Town of Scarborough may not vote in any Scarborough election.

Approved on Wednesday, September 19, 2018, by the Scarborough Town Council

Last Name	First Name	
Alden	Joyce	Ward Clk
Archibald	Annie	
Beckerley	Suzanne	
Bernard	Rhonda	
Blaisdell	Ann	
Blaisdell	Bruce	
Campbell	Edward	
Carlson	Constance	
Clough	Harold	
Collins	Ashley	
Collins	Julie	
Cooledge	Melissa	
Corribeau	Tristan	
Curlew	Jacqueline	
Dahms	Beverly	
Davio	Dolores	
Davio	Joseph	
DeSanctis	Marjorie	
Dobriko	Gail	
Downs	Marie	
Duca	Mary	
Elder	Sandra	
Estes	Emilie	
Fagnant	Barbara	
Fenlason	Charlene	
Flaherty	Connie	
Gillchest	Charlene	
Giroux	Jean	
Giroux	Wilfred	
Grant	Elizabeth	
Greenleaf	Libby	
Hanson	Georgia	
Happel	Kenneth	
Hazard	Donna	
Helms	Susan	

Vote: 7 Yeas.

Last Name	First Name	
Hendrix	Catherine	
Hendrix	Timothy	
Holton	Geraldine	
Jackman	Donna	
Jackson	Shirley	
Jensen	Joyce	
Johnson	Ann	
Johnson	Sheila	
Jolly-Schofield	Deborah	
Jopp	Lydia	
Joy	Pamela	
Killelea	Elaine	
Kueck	Cynthia	
LaChapelle	Lorraine	
Lebauer	Andrew	
LeDoux	Alfred	
Libby	Susan	
MacLean	Geoff	
MacLean	Nancy	
Markan	Kathleen	
Nielsen	Marion	
Olson	Gilbert	
Palmer	Jane	
O'Roak	Marion	Ward Clerk
Paul	Allen	Dep Warden
Paul	Janice	
Penley	William	Warden
Plowman	Cheryl	
Rancourt	Carol	
Reid	Richard	
Rideout	Deborah	
Rose	Sarah	
Smith	Doris	
Smick	Martha	
Sullivan	Sandra	
Vickerson	Linda	
Ward	Emily	
Weeks	Maureen	
Wiley	Mary Lou	
Wygant	Michael	

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 Long Range Planning Committee.
- Councilor Hayes gave an update on the Coastal Harbors & Waters Committee and the Shellfish Conservation Commission and the Finance Committee, noting that the next Finance Committee meeting would be on Tuesday, October 16th at 6:00 p.m.
- Councilor Caterina gave an update on the Communications Committee and the Ordinance Committee, noting that the next Ordinance Committee meeting would be Thursday, September 20th at 4:30 p.m.
- Councilor Foley gave an update on the Eastern Trail Alliance and the Conservation Commission.

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

- The tax rate had been set – no increase in the tax rate. He added that the bills had been sent to the printer and would be sent out by the end of the week.
- New England Productions approached the Town for a reality TV show "Scarborough Law" it is in the early stages. We would maintain total editing control if we move forward on this.
- He felt more confident that the Public safety building would be in budget. We are currently waiting for the DEP Permit to be written and received.
- There would be a kick-off meeting with the consultants on the resident revaluation, which would be starting in mid-October. There will be an outreach effort to notify the public. Chairman Donovan also commented on the tax rate, in that there would be no increase.

Item 11. Council Member Comments.

- Councilor Babine congratulated to the Finance Committee, and the Council as a whole, for bringing in a no increase in the tax rate. He stated that at 7:00 p.m. the Town Council would be taking up 18-061 relating to the Contract Zone request. He noted that he lives in close proximity of this property and asked that the Town Council decided whether his participation would be conceived as a conflict. Chairman Donovan noted that when there is a conflict of interest it usually means that an individual has a monetary gain and in this case there is none. He then asked Council if they felt there was a reason for Councilor Babine to be recused, a motion to recuse was needed. No motion was made – Councilor Babine could participate in Order No. 18-061.
- Councilor Rowan spoke about a phone conversation with a resident regarding the tax and how the budget works. He then went on to give a brief explanation as to how the tax rate is set. He felt Scarborough Law sounded exciting.
- Councilor Foley commended Town Staff and the Downs Development Team on having information sessions to keep everyone informed on what is going on.
- Chairman Donovan thanked the Assistant Town Manager for holding information session relating to the Downs Property – he felt they had been very informative.
- Councilor Caterina thanked the Finance Committee for all the work they did. There would be another TIF workshop on Monday September 24th at 6:00 p.m. at the Scarborough Public Library.
- Councilor Hayes noted we have a record number of candidates this year and applauded those individuals for entering the race.
- Councilor Caiazzo thanked the voters for passing the budget and was confident that next year would be just as engaging.

- Chairman Donovan announced that SEDCO held its all committee/board meeting and at the meeting Judy Roy received the Outstanding Volunteer of the Year Award. He noted that Ms. Roy had spent many decades of contributions to the Town. There will be an executive session after the public hearings.

A brief recess was called to organize the Planning Board and Town Council hearing.

Order No. 18-061, 7:00 p.m. Public Hearing of the Scarborough Town Council and Planning Board for preliminary review of a contact zone application submitted by Clearview Condominium Association, with action by the Scarborough Town Council. ***[Contract Zone Applicant]*** Chairman Donovan introduced the Allyssa Tibbets of Jenson Baird, attorney for the applicant. She noted that there are two Condo Associations: the Clearview Condominium Association and the Risbara Clearview Condominium Association; the one being presented this evening is the Risbara Clearview Condominium Association. She went on to give a brief overview on the proposal. Ms. Nancy St. Clair, the Engineer for the Association, also commented on this proposal.

Planning Board members present: Jay Chace, Town Planning, Corey Fellows-Chair, Robin Saunders, Nick McGee. Susan Auglis, 1st Alternate and Richard DuPerre, 2nd Alternate.

Mr. Chace, Town Planner, referred to his memo that he had supplied in the packet. He noted that at the end of this discussion the town Council has to take action; the options are as follows: (1) to withdraw the request for contract zoning **OR** (2) to continue to process the request for contract zoning, with or without modifications suggested by the Council; **OR** (3) to revise and resubmit the application for contract zoning, under Section II(I)(4)(a)(i) of Chapter 405 – Zoning Ordinance.

The public hearing was opened and the following individuals spoke on this item:

- Pat Gould of Arbor View Lane spoke in opposition of the proposal and did not feel that it was an appropriate use of the property. If anything were to be built, it should be a park or left as open space for enjoyment.
- Kevin McDonald of Judge Hasty Lane stated that at the time he purchased his house, he was told that this type of discussion could not be spoken of until 2030 and was curious as to why it was being discussed now. He did not support the proposal. What happened to the declaration and when did the rules change.
- Mark O'Leary of Arbor View Lane stated that he was in favor of selling the property, but would like to see it kept for open space.

  There being no further comments either for or against the hearing was 7:43 p.m.

In response to public Comments, Attorney Tibbets stated that this was the first time she had heard of the 203 date and did not have any knowledge of it. Mr. Matt Garrett, President of the Association was also not aware of any time line of 2030.

Mr. Cory Fellows, Chair and members of the Planning Board introduced themselves. Mr. Fellows noted that this would be the last meeting for Ms. Auglis. She has served the community for 18 plus years.

Ms. Auglis commented on her tenure as a member Planning Board. She stated that she did not like Contract Zones and that what is being asked for is the reason she did not like contract zoning. They signed an agreement with the Town. She did not think it a good idea.

Ms. Hendrickson the Planning Board is concerned about losing open space and to have a contract zone like this is not what we are looking for. The applicant made a deal and this is good open space and we should not to add to the density in Town.

Ms. Saunders stated that this property is already lawfully non-conforming and we are not sure that all the easements are covered and not sure the public benefit out weights the public benefit of the applicant. It would set a poor precedent.

Mr. DuPerre stated that his philosophy is that people should be able to do what they want with the land. However, the rules changed when this parcel was used for density so the Condominiums could be built – he was not in favor of this proposal.

Mr. McGee agreed with his colleagues and felt that this parcel should be preserved as open space. This request did not feel right.

Mr. Fellows also agreed with his fellow Board members and it would weaken the hands of the Board and the Council. There are times when a Contract Zone could be beneficial, but in this case he did not agree.

Councilor Hayes stated that he agreed with Planning Board members comments.

Councilor Caiazzo stated that he did not like Contract Zoning and would like to hear from Councilor Rowan on the money option for Affordable Housing. He did not support this proposal.

Councilor Caterina stated that she too agreed with the comments with the Planning Board members and did not support this proposal.

Councilor Babine asked about the 2030 date and could be related to something else. He did not support this proposal.

Councilor Rowan stated that he did not agree with this and would not want to set precedent. He responded to Councilor Caiazzo regarding the affordable housing piece noting that this is not the appropriate way to get the funding.

Councilor Foley stated that she did not agree with the proposal.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval to withdraw the request for a contract zoning.

Vote: 7 Yeas.

A brief recess was call. Chairman Donovan reconvened the meeting at 8:12 p.m.

Order No. 18-029, 7:00 p.m. Public hearing on the proposed fifth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One. ***[Contract Zone Applicant]*** Jay Chace, Planning Director, gave a quick update on this Order. Chairman Donovan opened the public hearing. As there were no comments either for or against the hearing was closed at 8:14 p.m. The second reading on this Order would be scheduled for Wednesday, October 3, 2018.

Order No. 18-055, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance, Section VI. Definitions – Affordable Housing. ***[Housing Alliance Committee]*** Councilor Rowan gave an update on this Order. Chairman Donovan opened the public hearing. As there were no comments either for or against the hearing was closed at 8:16 p.m. The second reading on this Order would be scheduled for Wednesday, October 3, 2018.

Order No. 18-066. Act on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(c) in consultation with legal counsel relating to the proposed Downs Credit Enhancement Agreement. ***[Town Manager]*** Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(c) in consultation with legal counsel relating to the proposed Downs Credit Enhancement Agreement, to open to public session to adjourn the meeting.

Meeting adjourned to executive session at 8:17 p.m. Chairman Donovan reconvened the Town Council meeting to public session at 9:16 p.m.

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 9:16 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk