

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 16, 2019
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Hayes called the regular meeting of the Scarborough Town Council to order at 7:06 p.m. Chairman Hayes noted that there were members of Boy Scout Troop 47 here this evening working on their Citizenship in the Community Badge and asked if they would come forward to led the meeting in the Pledge of Allegiance.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas Hall, Town Manager, was also present. The following Councilors were present:

Councilor Shawn A. Babine	Councilor Jean-Marie Caterina
Councilor Paul M. Johnson	Councilor William J. Donovan - Absent
Councilor Kathleen M. Foley	Councilor Donald R. Hamill
Chairman Peter F. Hayes	

Item 4. General Public Comments.

- Liam Erickson of Pine Point Road spoke on the proposed purchased of the Pine Point Co-Op. He is a life-long resident and commented on how the Bayley's do not purchase clams from the local diggers and they only buy from two local lobstermen. He would like to remind the Council that future behavior is looking at past behavior.
- Robert Odlin of Jasper Street and a former resident who had lived right across from Bayley's Bait Shed. The Bait Shed was a bait shed – he has been fishing for 35 years. The fear is that the fisherman will be pushed aside. The Bait Shed has been so successful that it drove us out of the area; we had to watch out for the noise, traffic and the valet parking. His voiced his concern as whether the Co-Op would maintain a year round buying base.
- Susan Bayley Clough of Pine Point Road, addressed some of the concerns voiced at the workshop. There are issues that do not relate to business. Our business has done very well. She commented on the Monopoly comments as well as the entertainment and parking. There is no intention of expanding the building.
- Mo Erickson of Pine Point Road also commented on the purchase of the Pine Point Co-Op. She noted that she too had spoken to a number of the lobsterman and they were afraid to come this evening to speak because of the possible repercussions if they did. She found that it was interesting that the Bayley's only buy from two lobsterman and no Scarborough diggers. She spoke on the parking issue as well. She went on to ask what if the Town were to find grants to help turn the Co-Op back into a Co-Op. The Town owes the Pine Point Village. People can say one thing now, but then they can change their mind later.
- Nathan Orff of Black Point Meadows and a commercial fisherman, voiced his concerns regarding the Pine Point Co-Op. He too stated that there would be many other fishermen here to speak if they did not have the fear of repercussions.

Item 5. Minutes: December 19, 2018 - Regular Town Council Meeting and January 9, 2019 - Special Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the December 19, 2018 - Regular Town Council Meeting and the January 9, 2019 - Special 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.

Order No. 19-001, 7:00 p.m. Public hearing and action on the following new request from Giovanni P. Del Ocana d/b/a Little Caesars Pizza, located at 200 Gallery Blvd. [Town Clerk] Chairman Hayes opened the public hearing. As there were no comments either for or against the hearing was closed at 7:27 p.m.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the new request from Giovanni P. Del Ocana d/b/a Little Caesars Pizza, located at 200 Gallery Blvd.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 19-002. Act on the names post to the various Committees/Boards, as recommended by the Appointments/Negotiations Committee on January 9, 2019. [Appointments/Negotiations Committee] Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval on the names post to the various Committees/Boards, as follows:

Board of Assessment Review:

Re-appoint Matt Chamberlain and Melinda Torrens, as full voting members, with terms to expire in 2021.

Cable Television Committee:

Re-appoint Art Dillon, as a full voting member, with a term to expire in 2021.

Coastal Waters and Harbor Committee:

Re-appoint Calvin Bayley and Maria Odlin, as full voting members, with terms to expire in 2021 and appoint Michael Slavin as 1st Alternate, with a term to expire in 2021.

Community Services and Recreation Advisory Board:

Re-appoint Richard Murphy, as a full voting member, with a term to expire in 2021

Conservation Commission:

Re-appoint Rachel Hendrickson as a full voting, with a term to expire in 2021.

There is 1 vacancy left on this Commission – full voting member [2021]

Energy Committee:

Re-appoint Rick Meinking and David Kirsten as full voting members and Ronald Allen as 1st Alternate – all terms would expire in 2021.

With these re-appointments, this Committee is full.

Historic Preservation Implementation Committee:

Appoint Will Rowan as a full voting member to fill a term to expire in 2019.

With these appointments, this Board is full.

Housing Alliance:

Re-appoint Eric Boucher and Deborah Grew as full voting members with a term to expire in 2021 and appoint Will Rowan as a full voting member with a term to expire in 2021.

There is 1 vacancy left on the Alliance – full voting member [2019]

Long Range Planning Committee:

Re-appoint Judy Roy as 1st Alternate and Cory Fellows as 2nd Alternate with terms to expire in 2021.

With these re-appointments, this Committee is full.

Parks and Conservation Land Board:

Re-appoint Rachel Hendrickson as a full voting member, with a term to expire in 2021.

There is 1 vacancy on this Board - full voting member [2021]

Personnel Appeals Board:

Re-appoint J. Anton Bodor as a full voting member, with a term to expire in 2021. Move Art Dillon from 1st Alternate into a full voting position with a term to expire in 2019.

There is 2 vacancies on this Board – 1st Alternate [2021] and 2nd Alternate [2020]

Senior Advisory Board:

Re-appoint Carol Spencer as full voting member with a term to expire in 2021 and appoint Erica Jordan as a full voting member with a term to expire in 2021.

There are 2 vacancies on this Board – 1st Alternate [2020] and 2nd Alternate [2021]

Shellfish Conservation Commission:

Re-appoint Paul Erickson as a full voting member with a term to expire in 2021 and move Nathan Orff from 1st Alternate to a full member, with a term to expire in 2020 and appoint Matthew Hassler as a full voting member with a term to expire in 2021.

There is 1 vacancy on this Commission – 1st Alternate [2019]

Zoning Board of Appeals:

Re-appoint Karen Shupe as a full voting member with a term to expire in 2021 and appoint David Bourke as a full voting member with a term to expire in 2021.

There are 2 vacancies on this Board – 1st Alternate [2021] and 2nd Alternate [2020]

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 19-003. First reading and refer to the Planning Board the proposed changes to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Section XVIII.B Haigis Parkway District.*[Long Range Planning Committee]* Jay Chace, Town Planner, gave a brief overview on the proposed amendments, as recommended by the Long Range Planning Board.

Motion by Councilor Foley, seconded by Councilor Caterina, to move of the first reading and refer to the Planning Board the proposed changes to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Section XVIII.B Haigis Parkway District and schedule the 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 XVIII.B Haigis Parkway District, is amended as follows:

Subsection C. Planned Development Standards

4. Required of Planned Developments Incorporating Live/Work Units, Residential Dwellings within a Mixed-Use Building and/or Multi-family Dwellings

Live/work units, residential dwellings within a mixed-use building and multifamily dwellings are allowed as part of a planned development provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential uses that are designed in a manner and sited in locations that are appropriate and conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

- a. Given the HP District is principally a business district; the maximum amount of residential use(s) shall not exceed 40% of the non-residential use(s) at full build-out. Determination of the full build out use ratio is calculated as described below: the floor area of all residential uses within a planned development shall be a maximum of 40% of the total floor area of all the building floor area within the planned development.
 - i. For planned development projects that consist of a single lot or building, the floor area of all residential uses shall be a maximum of 40% of the total non-residential use floor area at the time of approval.
 - ii. For planned development projects that consist of multiple lots or buildings the maximum amount of residential use is based on the amount of total non-residential use floor area that can be accommodated on the lots and/or buildings, as determined by the applicant and approved by the Planning Board. In determining the total non-residential floor area the applicant shall complete a conceptual build-out analysis for each lot and/or building, including all typical and necessary supporting infrastructure associated with the assumed building size; including, but not limited to, parking fields, stormwater facilities, landscaping, etc. The Planning Board shall verify the applicant's analysis, and may require modifications, prior to approval.
- b. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents.
- c. Any other non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.
- d. Residential uses are designed with outdoor amenities, open spaces or common spaces usable for the active or passive recreation. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each.

Vote: 6 Yeas.

Order No. 19-004. Act on the request from the Town Engineer to accept the \$115,000 Grant money from the Department of Environmental Protection for the Phillips Brook Watershed Implementation Plan. [Town Engineer] Angela Blanchette, Town Engineer, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the request from the Town Engineer to accept the \$115,000 Grant money from the Department of Environmental Protection for the Phillips Brook Watershed Implementation Plan.

Vote: 6 Yeas.

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

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

- Councilor Hamill posted the following names to the Planning Board:
Re-appoint Robyn Saunders as a full voting member, with a term to expire in 2021 and appoint Jennifer Ladd as a full voting member with a term to expire in 2021 and appoint Rick Meinking as 2nd Alternate to fill a term to expire in 2019.
- Councilor Caterina noted that Ordinance would be at 4:00 p.m. tomorrow here at Town hall
- Councilor Foley update on the Conservation Commission and spoke on the Taste of the Town for the Eastern Trail would be on April 10th at Camp Ketcha.
- Councilor Johnson gave an update on the Communications Committee, the School Board and his meeting with the President of the Chamber of Commerce.
- Councilor Babine gave an update on the Finance Committee.

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

- The Budget process has started with staff and he would be looking at the Council for further guidance.
- There is interest in doing the Budget outreach to the community will be touching base with everyone on this.
- Federal Emergency Management Agency had pulled the flood maps again. He further noted that the Town's appeals had been submitted
- Town had been notified that Scarborough is an "Age Friendly Community."
- Operation Hope had its 360th placement in treatment and it being the 360th Anniversary of the Town incorporation, Chief Moulton challenged his staff to take a 360 review of everything they have done. The Department will also participate in Operation Kind [Kids in Need De-escalation] and Hi-Five Fridays, where Police Office will greet kids coming into school.

Item 11. Council Member Comments.

- Councilor Babine noted that State Committee assignments had been made: Senator Maclean will be on the Transportation Committee; Representative Caiazzo will be on the Energy Committee; Representative Babine will be on the IDEAB Innovation develop in Economic and Business Committee; Senator Sanborn will be on the Appropriations Committee and Senator Millett will also be on the IDEAB Committee and Education Committee. He comments on Jeanne Lambrew, candidate for Commissioner of DHHS; Pender Makin, candidate for Commissioner of the Department of Education and Dr. Marguerite Pennoyer had been the Doctor of the Day today.
- Councilor Johnson commented on the lost a great friend - Pat Driscoll.
- Councilor Foley commented that a young man [Josh Little] would like to find a way to commemorate Scarborough Veterans – please reach out to her if you would like to assist with this project.
- Councilor Caterina noted that a polar vortex was heading our way. She reminded everyone of the Clynk bags that were available in the Town Clerk's Office to help with the Town's Fuel Assistancess Program and donations can always be made to Project Grace.
- Councilor Hamill commented on how impressed he had been on the workshop prior to the Town Council meeting. He did forget to mention that one of the Shellfish members at the table, Will Hamill, was his son and was also related to a number of other fisherman in town.

- Chairman Hayes noted that Project Grace is low on funds and would welcome donations. Project Graduation was selling coupon cards for a fund raiser.

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

Vote: 6 Yeas.

Meeting adjourned at 7:57 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk