

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 19, 2019
REGULAR MEETING – 5:30 P.M.

The Town Clerk opened the meeting and stated that the Chair and Vice Chair would be delayed in arriving for the meeting this evening and the Councilors present would need to select a Chair Pro Tem to run the meeting. She then asked for nominations for a Chair Pro Tem.

Motion by Councilor Caterina, seconded by Councilor Johnson, to nominate Councilor Donovan as Chair Pro Tem.

Vote: 5 Yeas.

Item 1. Call to Order. Chair Pro Tem Donovan called the regular meeting of the Scarborough Town Council to order at 5:33 p.m.

Item 2. Pledge of Allegiance.

Order No. 19-043. Act on the request from the Town Clerk to certify the results of the School Budget Validation Referendum Election and the Special Municipal/Referendum Election that was held on Tuesday, June 11, 2019. [Town Clerk] The Town Clerk gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval on the request from the Town Clerk to certify the results of the School Budget Validation Referendum Election and the Special Municipal/Referendum Election that was held on Tuesday, June 11, 2019; as follows:

Presented for certification by the Town Council, are the election results for the School Budget Referendum Election and Special Municipal/Referendum Elections that were held on Tuesday, June 11, 2019:

SCHOOL BUDGET VOTE:

Question 1:

School Budget Validation Referendum

Yes -	1,814*
No -	644
Blanks -	29

Question 2:

Continue to Vote on School Budget

Yes -	1,777*
No -	660
Blanks -	50

SPECIAL MUNICIPAL ELECTION:

Town Council Race:

Cloutier, John R. -	1,252*
Holbrook, Jessica L. -	1,114
Blanks -	121

Question 1:

Join Greater Sebago Alliance

Yes -	2,133*
No -	171
Blanks -	183

There are approximately 17,181 active voters on our voter registration list for this Election [does not include same day registration]. There were 2,487 voters who cast ballots in the June 11th Election of which 1,015 were absentee ballots. The percentage for voter turnout for this Election was 14.5%.

Vote: 5 Yeas.

Order No. 19-044. Swearing in of the newly Elected Official for the Town Council. The Town Clerk swore in John R. Cloutier, to fill a term to expire in 2020.

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 John R. Cloutier	Councilor Jean-Marie Caterina
Councilor Paul M. Johnson	Vice Chair Kathleen M. Foley - Arrived late
Councilor Donald R. Hamill	Chairman Peter F. Hayes - Absent
Chair Pro Tem - William J. Donovan	

Order No. 19-045. Act on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating two Hardship/Poverty Tax Abatement Cases: Case #201902 and Case #2019-03. [Town Manager] Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating two Hardship/Poverty Tax Abatement Cases: Case #201902 and Case #2019-03; to come back to public session.

Motion by Councilor Caterina, seconded by Councilor Johnson, to move to amend the main motion to add language after public session as follows: “and to take action on the above mentioned Hardship/Poverty Tax Abatement Cases.”

Vote on amendment: 5 Yeas.

Vote on main motion as amended:

“Move approval on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating two Hardship/Poverty Tax Abatement Cases: Case #201902 and Case #2019-03; to come back to public session and to take action on the above mentioned Hardship/Poverty Tax Abatement Cases.

Vote: 5 Yeas.

The Council recessed to executive session at 5:40 p.m. Chair Pro Tem Donovan reconvened the regular meeting at 6:00 p.m. Chair Pro Tem Donovan noted that the Town Council would be taking action on the two Tax Abatement Cases.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to grant an abatement in the amount of \$940.57, pursuant to Title 36, of the M.R.S.A. §3841(2), for the Hardship/Poverty Tax Abatement Case #2019-02.

Vote: 6 Yeas.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to grant an abatement in the amount of \$1,679.81, pursuant to Title 36, of the M.R.S.A. §3841(2), for the Hardship/Poverty Tax Abatement Case #2019-03.

Vote: 6 Yeas.

The Council then went into a workshop at 6:09 p.m.

Item 4. Workshop on Growth. The Town held a discussion on growth within the town.

Prior to reconvening the regular meeting Chair Pro Tem Donovan called for a brief recess. The regular meeting was reconvened at 7:05 p.m.

Item 5. General Public Comments. None at this time.

Item 6. Minutes: June 5, 2019 - Town Council Meeting. Motion by Councilor Foley, seconded by Councilor Caterina, to move approval of the minutes of the June 5, 2019, regular Town Council meeting.

Vote: 6 Yeas.

Item 7. Adjustment to the Agenda. None at this time.

Item 8. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Order No. 19-042, 7:00 p.m. Public hearing and second reading on the request to amend Chapter 1016 – the Garage/Yard Sale Ordinance. [Ordinance Committee] Councilor Caterina gave a brief overview on this Order. Chair Pro Tem 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 Foley, to move approval of the second reading on the request to amend Chapter 1016 – the Garage/Yard Sale Ordinance, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1016 - the Garage/Yard Sale Ordinance of the Town of Scarborough, Maine, is amended as follows:

**CHAPTER 1016
TOWN OF SCARBOROUGH
GARAGE/YARD SALE ORDINANCE**

PERMIT REQUIRED FOR GARAGE/YARD SALES.

No person shall conduct a garage/yard sale or similar sale of in excess of three (3) items of personal property without first having obtained from the Town Clerk a permit to conduct such sale. The Town Clerk may issue such permit, at a cost of five dollars (\$5.00), to any person proposing to conduct such sale provided that such permit and any sale conducted thereunder shall not be lawful and valid for more than three (3) consecutive days. Signs may be utilized to advertise such sale; provided, however, no such signs shall obstruct or intrude onto any public right-of-way, block the sight vision of any public right-of-way for vehicular or pedestrian traffic, be placed upon any public utility pole, or be placed upon the property of others without their prior consent. Such signs may not be erected or allowed to remain either more than twenty-four (24) hours prior to or more than twenty-four (24) hours after such sale.

The Town Clerk may issue only ~~two (2)~~ six (6) garage/yard sale permits for such sale, whether conducted indoors or out-of-doors, to any person or for a sale on any given residence within a consecutive ~~six-twelve~~ month period. Any sale of this type conducted more frequently than three (3) consecutive days for each ~~six (6)~~ twelve (12) consecutive month period, or any sale conducted without permit, shall be considered a use of land, which must comply with the Scarborough Zoning Ordinance and all licensing ordinances of the Town of Scarborough.

ATTACHING ADVERTISING MATERIAL TO VEHICLES; PLACING MATERIALS IN VEHICLES.

No person shall attach any advertising material of any kind, such as handbills, cards or papers, to the door handle, windshield wiper or any portion of any motor vehicle parked or standing in

any street or public place, nor shall any person deposit any such material or samples of any kind within or upon any such vehicle so parked or standing.

PENALTY

The first offense would be a warning; thereafter, any person who shall violate any provision of this ordinance shall be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) may be imposed. Each day that such violation continues to exist shall constitute a separate offense.

Vote: 6 Yeas.

Order No. 19-046, 7:00 p.m. Public Hearing on the First Amendment to the Bessey School Affordable Housing TIF District and Development Program. [Town Manager- See Order No. 19-048] Thomas J. Hall, Town Manager, introduced the Town's Attorney, Shana Cook-Mueller, who reviewed both Order No. 19-046 and Order No. 19-047.

Chair Pro Tem Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:13 p.m.

Order No. 19-047, 7:00 p.m. Public Hearing on the Proposed New Bessey Commons II Affordable Housing TIF District and adoption of a Development Program for the new District. [Town Manager -See Order No. 19-048]Chair Pro Tem Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:14 p.m.

Order No. 19-048. Act on the request to approve (1) the First Amendment to the Bessey School Affordable Housing TIF District and Development Program, and (2) the Bessey Commons II Affordable Housing TIF District and adoption of a Development Program for the new District. [Town Manager] No public comments were made on the Order.

Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval on the request to approve (1) the First Amendment to the Bessey School Affordable Housing TIF District and Development Program, and (2) the Bessey Commons II Affordable Housing TIF District and adoption of a Development Program for the new District. [Documents are on file in the Town Clerk's Office]

Council discussion ensued. Councilor Hamill had concerns regarding the current lease and what would happen after the lease. There were Council questions as to how many current residents were from Scarborough and how many on the waiting list were from Scarborough. It was pointed out that this project would be limited to senior housing only. Attorney Mueller noted that the action the Town Council would be taking tonight would be about the TIF. She also noted that the current lease is for 90+ years and that the first Bessey project is required by deed restriction to maintain affordability for 90 years while the Bessey II project will be required by deed restriction to maintain affordability for a period of 45 years due to changes in regulations governing low income housing tax credits administered by the Maine State Housing Authority.

Attorney John Kaminski, for Bessey Commons also commented on the lease concerns as well as Cindy Milliken Taylor. Ms. Taylor also noted the restrictive covenant is with the Maine State Housing Authority and it would be highly unlikely that this property would be transferred.

All Councilors present stated that they would support this project.

Order for Vote:

Town of Scarborough Council Order

WHEREAS, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town desires to amend the ***Bessey School Municipal Affordable Housing Development and Tax Increment Financing District*** (the "Bessey School District") Development Program (as amended, the "Bessey School Development Program"); and

WHEREAS, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town desires to designate a new affordable housing municipal development and tax increment financing district entitled the ***Bessey Commons II Municipal Affordable Housing Development and Tax Increment Financing District*** (the "Bessey Commons II District," and, together with the Bessey School District, the "Districts") and adopt a development program (the "Bessey Commons II Development Program," and, together with the Bessey School Development Program, the "Development Programs") for the Bessey Commons II District; and

WHEREAS, there is a need for economic development and for the development of affordable, livable housing in the Town of Scarborough (the "Town"), in the surrounding region, and in the State of Maine; and

WHEREAS, implementation of the Development Programs will help improve and broaden the tax base in the Town and improve the economy in the Town and the region by attracting business development and creating affordable housing in the area of these districts; and

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority ("MaineHousing"), approving the ***First Amendment to the Bessey School Municipal Affordable Housing Development and Tax Increment Financing District*** and the Bessey School Development Program related thereto, and approving the designation of the ***Bessey Commons II Municipal Affordable Housing Development and Tax Increment Financing District*** and the Bessey Commons II Development Program related thereto; and

NOW THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF SCARBOROUGH, MAINE:

Section 1. The Town hereby approves the First Amendment to the Bessey School District and Development Program; such amendment to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

- a. This amendment to the Bessey School Development Program will not result in the Bessey School District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5250-A; and
- b. The pursuit of the Bessey School Development Program will make a contribution to the economic growth and well being of the Town of Scarborough and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Scarborough, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the First Amendment to the Bessey School Development Program.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed First Amendment to the Bessey School

District and the Bessey School Development Program to MaineHousing for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and is further authorized to execute and/or amend existing credit enhancement agreement consistent with the provisions of the Bessey School Development Program, as amended.

Section 4. The foregoing adoption of the First Amendment to the Bessey School Development Program for the Bessey School District shall automatically become final and shall take full force and effect upon receipt by the Town of approval by MaineHousing, without requirement of further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the First Amendment to the Bessey School District and the Bessey School Development Program as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Bessey School District by MaineHousing, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Bessey School Development Program.

Section 6. Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates *Bessey Commons II Housing Affordable Housing Municipal Development and Tax Increment Financing District* and hereby adopts the Bessey Commons II Development Program described as more particularly set forth in the documents presented to the Town Council in conjunction with this Order.

Section 7. The designation of the Bessey Commons II District and pursuit of the Bessey Commons II Development Program will create affordable, livable housing within the Town of Scarborough, and therefore constitutes a good and valid public purpose.

Section 8. Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in accordance with the Bessey Commons II Development Program is hereby established as set forth in the Bessey Commons II Development Program.

Section 9. The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the Bessey Commons II District and the proposed Bessey Commons II Development Program to MaineHousing for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and further is authorized and directed to execute a credit enhancement agreement consistent with the provisions of *Bessey Commons II Housing Affordable Housing Municipal Development and Tax Increment Financing District* Development Program as presented and approved herein and to create the accounts and take all the actions described in such agreement, if and when the Town Manager is presented with a written copy of a MaineHousing "Notice to Proceed" or a MaineHousing Section 42(m) Determination Letter with respect to the Project to be located in the District.

Section 10. The Town Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the Bessey Commons II Development Program as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the Bessey Commons II District by MaineHousing, or for any other reason, so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Bessey Commons II Development Program. The Town Manager is also hereby authorized and directed to submit any reports to MaineHousing regarding the Bessey Commons II District and Development Program throughout the term of the Bessey Commons II District.

Section 11. The foregoing designation of the Bessey Commons II District and the adoption of the Bessey Commons II Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the proposed Bessey Commons II District by MaineHousing without requirements of further action by the Town, Town Council or any other party.

Section 12. The Town hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the Bessey Commons II District, as hereinafter designated, is suitable for residential use, blighted area or is in need of rehabilitation or redevelopment; and
- b. The total area of the Bessey Commons II District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town, and the total area of all development districts within the Town does not exceed five percent (5%) of the total acreage of the Town; and
- c. The original assessed value of the Bessey Commons II District plus the original assessed value of all existing affordable housing development districts within the Town does not exceed five percent (5%) of the total acreage of the Town.
- d. The Bessey Commons II District and pursuit of the Bessey Commons II Development Program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town has considered all evidence, if any, presented to it with regard to any substantial detriment to another party's existing property interests in the Town and has found and determined that such interested party's property interests in the Town are outweighed by the contribution made by the Bessey Commons II District or Development Program to the availability of affordable housing within the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 13. The Town Manager is authorized to file the yearly reports required by Title 30-A M.R.S.A. § 5250-E and otherwise to take all lawful actions required in the administration of the Bessey Commons II District and Development Program.

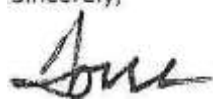
Vote: 6 Yeas.

OLD BUSINESS:

Order No. 18-045. Second reading on the proposed second amendment to Contact Zone III - Maine Life Care Retirement Community, Inc., located at 5 Dorado Drive. [Planning Department] Chair Pro Tem Donovan gave a brief overview on this Order. The following individuals spoke on this Order:

- Donald Simoneau of Newcomb Ridge did not support this project and felt that it did not fit in this area. He went on to give his reasons why this project did not fit. Why are our voices not being heard and asked the Town Council to vote NO.
- Ann Funderburk of Piper Shores, spoke in favor of this project. She found Scarborough a joy to live in. She felt it was unfortunate that zones do not always stay the same and hoped that the Council favorable supports the expansion of this project.
- Andrea Killiard of Piper Shores read the following letter from Douglas Timm into the record:

Town Council
Town of Scarborough
259 U.S. Route 1
Scarborough, ME 04074

- Re: Piper Shores Contract Zone Amendment
- Dear Town Council,
- I am Douglas A. Timm and reside, along with my family, at 26 Piper Road in Scarborough. Our home and property directly abuts the Piper Shores community at 15 Piper Road. We have been neighbors of Piper Shores since the inception of the community. Our family fully endorses the Piper Shores initiative to develop independent living housing at the current 5 Dorado Drive address.
- Over the past 18 years, we have been very impressed with the manner in which Piper Shores has supported our relationship with the organization. We have found Piper Shore to be responsive to our requests. They thoughtfully consider solutions whenever matters arise that require their input (this happens very infrequently). Additionally, the community staff and residents are respectful of the neighborhood.
- There have been instances over the years where Piper Shores has gone above and beyond to be a "good neighbor." For example, on more than one occasion, Piper Shores has assisted us with issues relating to both weather and vehicle removal from difficult circumstances.
- In closing, we enthusiastically support Piper Shores contract zone amendment request to expand the community to the 5 Dorado Drive parcel. One could not have a better neighbor than Piper Shores. **If you wish to follow-up with me directly, our home telephone number is 207-885-8858.**
- Sincerely,

 Douglas A. Timm
 26 Piper Road
 Scarborough, ME 04074

Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval of the second reading on the proposed second amendment to Contact Zone III - Maine Life Care Retirement Community, Inc., located at 5 Dorado Drive.

Motion by Chair Pro Tem Donovan, seconded by Councilor Caterina, to move approval to amend the main motion to replace the first reading information with red-lined document that had been in the agenda packet provided last Friday.

Vote on amendment: 6 Yeas.

Main Motion as amended:

**SECOND AMENDMENT TO
CONTRACT ZONING AGREEMENT**

This Second Amendment to Contract Zoning Agreement made as of the ____ day of June, 2019 by and between the Town of Scarborough, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town"), and Maine Life Care Retirement

Community, Inc., d/b/a Piper Shores, a Maine nonprofit corporation, with an address of 15 Piper Road, Scarborough, ME 04074 (hereinafter “Maine Life Care”), pursuant to the Contract Zoning provisions of the Scarborough Zoning Ordinance.

WHEREAS, the Town and Maine Life Care entered a Contract Zoning Agreement, dated November 6, 1997 and November 17, 1997 and recorded in the Cumberland County Registry of Deeds, Book 13437, Page 19, and Book 13449, Page 171, as amended by a First Amendment to Contract Zoning Agreement, dated May 21, 2015, and recorded in said Registry, Book 32302, Page 205 (collectively, the “Agreement”); and

WHEREAS, the property is currently in a Rural Farming Zone (R-F Zone), which allows as permitted uses various uses, including but not limited to single-family housing, multi-family housing, nursing homes, and boarding care facilities for the elderly; and

WHEREAS, Maine Life Care has requested a rezoning of the property to permit a Continuing Care Retirement Community; and

WHEREAS, a Continuing Care Retirement Community is a permitted use in the existing contract zone and is in harmony with the existing and permitted uses in the R-F Zone:

- (i) is residential in nature consistent with the permitted residential uses in the RF Zone,
- (ii) involves a clustered development and conservation easements that provide substantial open space permitted and endorsed by the RF Zone,
- (iii) involves a senior population consistent with the permitted use of “Nursing homes and boarding-care facilities for the elderly” permitted in the RF Zone,
- (iv) with regard to the apartment building, involves a scale of building, consistent with the the permitted uses of “Nursing homes and boarding-care facilities for the elderly”, "places of worship", and "municipal buildings", and
- (v) projects traffic volumes consistent with the permitted uses in the RF Zone; and

WHEREAS, the preliminary site plan approved by the Planning Board includes heavily landscaped buffering from neighboring properties to preserve the character and feel of properties in the RF Zone, and includes substantially greater setbacks than required in the RF Zone; and

WHEREAS, the Town of Scarborough, by and through its Town Council, has determined, in accordance with the Town of Scarborough Zoning Ordinance Section II, I. 4. c. ii., that the amendments set forth herein are consistent with the existing and permitted uses within the R-F Zone; and

WHEREAS, the Town of Scarborough, by and through its Town Council has determined that the amendments set forth herein to said rezoning are pursuant to and consistent with the Town’s local growth program and 2006 Update of the Comprehensive Plan adopted pursuant to Title 30-A, Maine Revised Statutes, Chapter 187, Sub-part 6-A, by providing a range of senior housing opportunities within a growth area served by public water and sewer facilities, encouraging the development of multiplex/multi-family housing, growing a non-profit business that offers high quality jobs, and adding new residential development that does not result in demands for expanded services beyond the Town’s ability to meet those demands; and such amendments are consistent with the existing and permitted uses within the original zoning district classifications; and

WHEREAS, the Town of Scarborough, by and through its Town Council, has determined that the amendments set forth herein to said rezoning are in the public interest and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification. The public benefits, which are more fully set forth on Exhibit C attached hereto and incorporated herein, include but are not limited to: (i) providing housing and amenities to senior citizens with innovative design features, (ii) donating an easement for open space and conservation land; (iii) providing public parking and public access to recreational trails, (iv) improving the Town's tax base, (v) providing a contribution to the Town's Affordable Housing Initiative Fund; (vi) providing a contribution to the Town's multimodal reserve account to fund sidewalks to enhance pedestrian connectivity, and (vii) increasing employment opportunities in the Town; and

WHEREAS, the Town of Scarborough, by and through its Town Council has authorized the execution of this Second Amendment to Contract Zoning Agreement ("Second Amendment").

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The Town hereby amends the Zoning Map of the Town of Scarborough by adopting the map change amendment shown on Attachment 1. The Agreement is amended to add to the provisions of the Agreement the property described in Exhibit A of this Second Amendment (hereinafter called the "Dorado Property"). The provisions of Section 2 of the Agreement are hereby amended to provide that Sections 2(a) through 2(j) of the Agreement shall not apply to the Dorado Property and instead the following provisions shall apply to the Dorado property, and Maine Life Care is authorized to construct up to 52 dwelling units and related improvements as described below and subject to the conditions set forth below and notwithstanding the provisions of Sections XIV and IX of the Zoning Ordinance of the Town:

(a) Building Height: The maximum building height is 40 feet. Building height for purpose of this Agreement shall be as defined in the zoning ordinance, which states the definition as "Vertical distance measured from the average finish grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roofs." For this definition, the "front of the building" shall be the exterior side of the building where visitors approach the main entrance and where off street parking is located.

(b) Density: The maximum residential density for the Dorado Property shall be 52 dwelling units. The dwelling units may be located in any combination of single family dwelling units, duplex or two family dwelling units, and multi-family dwelling units, and any building with multi-family dwelling units may also contain additional common facilities such as meeting rooms, activity rooms, recreational facilities, common dining and kitchen facilities and parking facilities and other facilities that may be part of a Continuing Care Retirement Community.

(c) Permitted Uses: The uses allowed or permitted on the Property shall be a Continuing Care Retirement Community and accessory uses, including maintenance and operations support facilities. The term "Continuing Care Retirement Community" shall have the meaning set forth in the Contract Zoning Agreement, dated November 6, 1997 and November 17, 1997 and recorded in the Cumberland County Registry of Deeds, Book 13437, Page 19, and Book 13449, Page 171, as amended by the First Amendment to

Contract Zoning Agreement, dated May 21, 2015, and recorded in said Registry, Book 32302, Page 205 and as amended by this Amendment.

(d) Building Design: Building design, style and materials shall be substantially as depicted on plans submitted during site plan review, with any changes thereto as approved by the Planning Board.

(e) Residents: Occupancy of the Continuing Care Retirement Community shall be limited to person 62 years of age or older households with at least one resident who is 62 years of age or older; provided, however, that in the case of any dwelling occupied by a person age 62 or older and by a person older than age 35 and younger than age 62, in the event that the person age 62 or older moves out of the dwelling unit or dies, the younger person may continue to reside the dwelling unit.

(f) Sewer and Water: The facility will be served by both public water and public sewer.

(g) Setbacks: The front yard setback from Spurwink Road shall be a minimum of 200 feet and the side and rear yards from the exterior boundary of the Dorado Property shall be a minimum of 50 feet, except that the setback from Newcomb Ridge on the westerly side of the Dorado Property shall be 75 feet as shown on the Subdivision Plan.

The side and rear yard setbacks shall comply with the buffering requirements set forth in Section VIII of the Zoning Ordinance of the Town such that where no natural buffering can be maintained all such side and rear yards abutting residential districts shall be landscaped to provide a visual screen.

(h) Parking: The following minimum off-street parking shall be provided: 1 space for each dwelling unit.

(i) Road Length: In recognition of the fact that all units will be equipped with residential sprinkler systems and that adequate fire hydrants will be provided throughout the project, the cumulative length of a dead end private way on the Dorado Property may exceed 2,000 feet but shall not exceed 2,800 feet.

(j) Site Plan and Subdivision Plan: The property shall be developed in a manner consistent with the site plan and subdivision plan as finally approved by the Scarborough Planning Board, and as said approved site plan and subdivision plan may be amended from time to time pursuant to the provisions of the Site Plan Review Ordinance of the Town of Scarborough and the Subdivision Ordinance of the Town of Scarborough (the "Subdivision Plan").

Any amendment which involves the following changes will require an amendment to this Contract Zoning Agreement: (a) any change to the definition of a Continuing Care Retirement Community; and (b) any increase in the number of units, decrease in minimum setbacks or increase in maximum building height.

2. Pursuant to Section 7(G)(5)(a) of the Town's Growth Management Ordinance, Chapter 413, in order to permit the dwelling units to be constructed in a timely and efficient manner, the Town hereby authorizes use of growth permits from the reserve pool for the project and authorizes and directs the Planning Board to so allocate from the reserve pool the appropriate number of growth permits to allow Maine Life Care, its successors and assigns, to obtain the requisite building permits for the project, inclusive of the 52 dwelling units.

3. Maine Life Care shall record this Second Amendment to Contract Zoning Agreement in the Cumberland County Registry of Deeds within 90 days after its execution by the Town.
4. In recognition of Scarborough's interest in expanding pedestrian connectivity in the area, Maine Life Care agrees to make a \$25,000.00 contribution to the Town's multimodal reserve account to be used for construction of sidewalks to enhance pedestrian connectivity. In addition, Maine Life Care intends to install a pedestrian crosswalk across Spurwink Road to facilitate a pedestrian connection between the existing trail system at 15 Piper Road and the Dorado Property. In the event that Maine Life Care is unable to install the pedestrian crosswalk across Spurwink Road, Maine Life Care will increase its contribution to the multimodal reserve account to \$40,000.00.
5. In recognition of Scarborough's interest in expanding affordable housing opportunities, Maine Life Care agrees to make a \$250,000.00 contribution payable to the Scarborough Affordable Housing Initiative Fund, to be paid at the time Maine Life Care receives its building permit(s).
6. Maine Life Care agrees that it will donate a conservation easement to the Town, the Scarborough Land Trust, or such other entity/organization qualified to hold conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, Section 476(2)(A) & (B), as amended, and under Internal Revenue Code Section 170(h)(3) and the regulations promulgated thereunder, to wit: government entities or nonprofit Code § 501(C)(3) organizations operated primarily to accept lands, easements, and property for the purpose of preserving and protecting natural, scenic, educational, recreational and open space values of real property, having a commitment to protect the conservation purposes of the donation, and the resources to enforce the restrictions; provided, however, that the Town, the Scarborough Land Trust, or such other qualified entity/organization is willing to accept said donation of the conservation easement under the terms and conditions hereinafter described.

The conservation easement shall encumber approximately 12.5 acres of land at the back of the Dorado Property and shown as the "Proposed Conservation Area" on the plan titled "Subdivision Plan Of Land Owned By: David R. and Patricia R. MacDonald, 5 Dorado Drive, Scarborough, Maine" prepared by Sebago Technics for Maine Life Care Retirement, and attached hereto as Exhibit B and incorporated herein. The conservation easement shall be in a form mutually agreeable to Maine Life Care and the easement holder, shall prohibit the development or installation of permanent structures on or in the conservation area without the prior written consent of the easement holder, and shall permit public access for pedestrian walking trails in accordance with Section 7 below.
7. Maine Life Care agrees that all sidewalks and pedestrian walkways located on the Dorado Property and all walking trails located within the conservation easement area as set forth in Section 6 above as shown on the Subdivision Plan may be used by the general public during daylight hours subject to reasonable rules and regulations adopted by Maine Life Care from time to time. Maine Life Care shall provide seven (7) parking spaces for the general public to access such trails. Maine Life Care shall have the right to relocate such trails and parking spaces from time to time with approval from the Planning Department or Planning Board.
8. Maine Life Care agrees to hire a hydrologist to prepare a groundwater and well motioning plan reasonably acceptable to the Planning Board as part of the final subdivision approval to ensure the project does not materially and adversely impact the water quality or water flow (as measured by gallons per minute) of existing wells within one thousand (1,000)

feet of the property. The groundwater and well monitoring plan will include the following provisions: First, Maine Life Care will evaluate the water quality and water flow of the wells of abutting property owners prior to any blasting on site so long as the abutting property owner consents to such evaluation. Second, Maine Life Care will work with appropriate consultants to ensure that any blasting on the site complies with all applicable laws, rules, and regulations, and general best practices. Third, Maine Life Care will take all reasonable measures to prevent blasting activities from adversely affect the water quality and water flow of the wells of abutting property owners. Fourth, Maine Life Care will monitor the water quality and water flow of the wells of abutting property owners during construction activities and for a period of thirty-six (36) months following substantial completion of the project so long as the abutting property owner consents to such monitoring. Fifth, Maine Life Care will take all necessary and commercially reasonable steps and actions to remediate the water quality and water flow of the wells of abutting property owners if it is determined by a hydrogeologist selected by Maine Life Care and approved by the Town and paid for by Maine Life Care that the construction of the project caused a material deterioration of the water quality and water flow.

9. Unless extended by the Town by further amendment of this Agreement, construction of the additional improvements to the Property authorized by this Second Amendment may commence within five (5) years after execution of this Second Amendment and shall be completed within ten (10) years from the date of this Second Amendment.

10. Maine Life Care acknowledges and agrees that the 52 dwelling units authorized by this Amendment will not be licensed as skilled nursing or assisted living or residential care and that accordingly such independent living dwelling units shall be subject to property tax by the Town.

11. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

WITNESS:

TOWN OF SCARBOROUGH

By: _____
Thomas Hall, Its Town Manager

(Duly authorized by vote of the Scarborough Town Council on _____, 2019)

MAINE LIFE CARE RETIREMENT COMMUNITY, INC.

By: _____
James E. Adamowicz, Its Chief Executive Officer

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared the above-named Thomas Hall, Town Manager of the Town of Scarborough, and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized, and the free act and deed of said Town of Scarborough.

Before Me,

Notary Public

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared the above-named James E. Adamowicz, Chief Executive Officer of Maine Life Care Retirement Community, Inc., and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized, and the free act and deed of said Maine Life Care Retirement Community, Inc.

Before Me,

Notary Public

Exhibits

Attachment 1: Zoning Map Change

Exhibit A: Description of Dorado Property

Exhibit B: Conservation Easement Area

Exhibit C: Public Interest/Public Benefit

Attachment 1
Amendment to Zoning Map



Exhibit A

5 Dorado Drive, Scarborough, Maine

A certain lot or parcel of land, together with any improvements thereon, in Scarborough, Cumberland County, Maine, located on the northerly side of Spurwink Road, being a portion of property now or formerly owned by K. Joseph Newcomb as described in an instrument recorded with the Cumberland County Registry of Deeds in Book 6994, Page 269, and also being a portion of the parcel depicted as "Lot 3, 45.04 Ac. +/-" on a plan entitled "Plan of Property on Spurwink Road, Scarborough, Maine, Made for Joseph Newcomb," prepared by registered Professional Land Surveyor George R. Bauer, Registration #2231, dated July 3, 1998, revised July 23, 1998, as recorded in said Registry of Deeds in Plan Book 198, Page 300 (the "Plan"), and more particularly described as follows:

Beginning at an iron rod set and capped PLS 2231, located at the southwest corner of the parcel described herein, said corner being the intersection of the northerly sideline of said Spurwink Road with the easterly sideline of an area depicted on the Plan as "Newcomb Ridge Road, 50' Wide Right of Way," said point of beginning being located N 78° 50' 08" E a distance of 469.26 feet from a concrete obelisk marked "1920 R11M8E" situated on the northerly sideline of said Spurwink Road as shown on the Plan;

Thence running N 16° 49' 00" W a distance of 164.36 feet along the easterly boundary of said 50' Wide Right of Way to an iron pin set and capped PLS 2231, as shown on the Plan;

Thence turning and running N 24° 43' 33" W a distance of 204.57 feet continuing along the easterly boundary of said 50' Wide Right of Way to an iron rod set and capped PLS 2231, as shown on the Plan;

Thence turning and running N 13° 28' 42" W a distance of 406.61 feet along the easterly boundary of said 50' Wide Right of Way to an iron rod set and capped PLS 2231, as shown on the Plan;

Thence turning and running N 09° 16' 52" W a distance of 104.77 feet along the easterly boundary of said 50' Wide Right of Way to an iron rod set and capped PLS 2231, which iron rod is located S 84° 16' 52" E a distance of 51.76 from a 5/8" iron rod found at the northwesterly corner of said 50' Wide Right of Way and the northeasterly corner of land now or formerly of Frank J. Dirrigl and Sheridan N. Dirrigl, described in an instrument recorded in said Registry of Deeds in Book 6571, Page 122, and depicted on the Plan as "Lot 2, 2.16 Ac. +/- ;"

Thence turning and running N 75° 19' 19" E a distance of 273.87 feet along remaining land now or formerly of K. Joseph Newcomb depicted on the Plan as "Lot 4, 13.33 Ac. +/-" to an iron rod set and capped PLS 2231 at the southeasterly corner of said Lot 4, as shown on the Plan;

Thence turning and running N 16° 39' 08" W a distance of 575.00 feet along the easterly boundary of said Lot 4 to an iron rod set and capped PLS 2231 at the northeasterly corner of said Lot 4 and the southerly or southeasterly boundary of land now or formerly of Camp Fire Girls Hitinowa Council, Inc. described in an instrument recorded in said Registry of Deeds in Book 4345, Page 217, as shown on the Plan;

Thence turning and running N 73° 20' 52" E a distance of 574.08 feet along the southerly or southeasterly boundary of said, land now or formerly of said Camp Fire Girls of Hitinowa Council, Inc. to a pine tree with wire remains, as shown on the Plan;

Thence turning and running N 18° 30' 23" W a distance of 1,352.95 feet along the easterly boundary of said land now or formerly of Camp Fire Girls of Hitinowa Council, Inc. to a 5/8" iron rod found at the northeasterly corner of said land now or formerly of Camp Fire Girls of

Hitinowa Council, Inc. and the southwesterly corner of land now or formerly of Robert W. Hansen and Karen D. Hansen described in an instrument recorded in said Registry of Deeds in Book 11926, Page 37, as shown on the Plan;

Thence turning and running S 86° 49' 32" E a distance of 450.13 feet along the southerly boundary of said land now or formerly of said Hansens to a 5/8" iron rod found at the southeasterly corner of said land now or formerly of said Hansens and the southwesterly corner of land now or formerly of Robert C. Ludwig and Gail T. Ludwig described in an instrument recorded in said Registry of Deeds in Book 10802, Page 271, as shown on the Plan;

Thence turning and running S 80° 58' 54" E a distance of 104.28 feet along the southerly boundary of said land now or formerly of said Ludwigs to a crimped 1/2" pipe found at the northwesterly corner of land now or formerly of Peter B. Talbot and Lorraine D. Talbot described in an instrument recorded in said Registry of Deeds in Book 11668, Page 327, as shown on the Plan;

Thence turning and running S 18° 17' 00" E a distance of 1,679.55 feet along the westerly boundary of said land now or formerly of said Talbots and the westerly boundaries of lands now or formerly of (i) Beverly A. Brennan, described in an instrument recorded in said Registry of Deeds in Book 3210, Page 250; (ii) Jeffrey W. Jones and Luciad Jones, described in an instrument recorded in said Registry of Deeds in Book 11265, Page 82; (iii) Scott D. Dakers and Jane A. Dakers, described in an instrument recorded in said Registry of Deeds in Book 8163, Page 256; (iv) Arnold M. Bushner and Sharon A. Bushner, described in an instrument recorded in said Registry of Deeds in Book 7713, Page 252; and (v) Steven G. Jamison Trent and Susan I. Jamison Trent, described in an instrument recorded in said Registry of Deeds in Book 9480, Page 343, to a 1 1/2" iron pipe found at the southwesterly corner of said land now or formerly of said Trents and the northeasterly corner of land now or formerly of David E. Hefler, described in instruments recorded in said Registry of Deeds in Book 3124, Page 468 and Book 4124, Page 70;

Thence turning and running S 71° 49' 54" W a distance of 606.07 feet along the northerly boundary of said land now or formerly of Hefler to an iron rod found at the northwest corner of said land now or formerly of Hefler, as shown on the Plan;

Thence turning and running S 19° 33' 31" E a distance of 843.18 feet along the westerly boundary of said land now or formerly of Hefler through a bent iron pin found, as shown on the Plan, and continuing to an iron rod set and capped PLS 2231 on the northerly sideline of said Spurwink Road at the southwesterly corner of said land now or formerly of Hefler, as shown on the Plan;

Thence turning and running S 68° 58' 44" W a distance of 788.51 feet along the northerly sideline of said Spurwink Road to an iron rod set and capped PLS 2231 on the northerly sideline of Spurwink Road, as shown on the Plan;

Thence turning and running S 74° 01' 02" W a distance of 26.68 feet along the northerly sideline of said Spurwink Road to the iron rod set and capped PLS 2231 at the southeasterly corner of said 50' Wide Right of Way and the point of beginning.

The above described premises contain 44.02 acres, more or less. Bearings are magnetic, 1960. Reference is hereby made to the Plan. This conveyance is the conveyance contemplated by Note 4 on the Plan, earlier parties having agreed, notwithstanding such Note and notwithstanding the depiction of said Lot 3 on the Plan, to convey only the above-described portion of the parcel said Lot 3, excepting and reserving to K. Joseph Newcomb, his heirs and assigns, the fee ownership in the portion of said Lot 3 which is depicted on the Plan as "Newcomb Ridge Road, 50' Wide Right of Way."

Exhibit B



Exhibit C
Public Benefits to Scarborough and
Consistency with the Comprehensive Plan

1. **SENIOR HOUSING:** The proposed development will provide additional housing and amenities to senior citizens.

The Scarborough Comprehensive Plan calls out the need for additional senior housing in Scarborough, stating: “We know that the senior population continues to grow and with that growth comes an increased need for higher density housing, often with smaller yards, common maintenance agreements, and shared facilities.”

2. **INNOVATIVE DESIGN AND CLUSTER DEVELOPMENT:** The proposed development features highly attractive and innovative design, including clustered development, significant open space preservation, and a mix of housing types (single-family, duplex, and apartments).

The Scarborough Comprehensive Plan promotes these same features in the Limited Growth Sector, stating: “Clustered developments with standards for significant open space protection, an interconnected street network, and a mix of housing types (single-family, duplexes and townhouses) are encouraged”.

3. **CONSERVATION AND OPEN SPACE:** Maine Life Care will donate an easement over an additional 12.5 +/- acres of land for permanent open space and conservation land. This is in addition to more approximately 95 +/- acres of land already under conservation easement on the existing Maine Life Care campus, bringing the total conservation area to more than 107 acres.

The Scarborough Comprehensive Plan states, “Open-space preservation was recognized early on as critical to protect Scarborough’s natural resources.”

4. **RECREATIONAL TRAILS:** Maine Life Care will provide public access to recreational trails located in the conservation area. This is in addition to the extensive trail network already accessible on the existing Maine Life Care campus.

The Scarborough Comprehensive Plan promotes, “Sustain and build our system of parks, trails, and open spaces to enhance our quality of life, protect our environment, and promote the economic well-being of our remarkable town by the sea.”

5. **PUBLIC PARKING/ACCESS:** Maine Life Care will construct seven (7) parking spaces available to the public near the trailhead to make the trails accessible.

The Scarborough Comprehensive Plan states, “Many recreation opportunities within a stunning coast environment significantly contribute to the quality of life enjoyed by current residents and appeal to visitors.”

6. **ENHANCED SETBACKS:** The proposed development will include robust setbacks from all sidelines exceeding the requirements of the existing zoning, including:

- the front yard setback from Spurwink Road shall be a minimum of 200 feet;
- the side and rear yards from the exterior boundary of the Dorado Property shall be a minimum of 50 feet; and
- the setback from Newcomb Ridge on the westerly side of the Dorado Property shall be 75 feet.

7. **BUFFERING/SCREENING:** The side and rear yard setbacks shall comply with the buffering requirements set forth in Section VIII of the Zoning Ordinance of the Town such that

where no natural buffering can be maintained all such side and rear yards abutting residential districts shall be landscaped to provide a visual screen.

The Scarborough Comprehensive Plan states, “Known as “vertical rain gardens,” trees offer multiple benefits, including managing stormwater runoff.”

8. TAX REVENUE: The project will considerably add to the Town’s tax base and increase employment opportunities in the Town. The Scarborough Comprehensive Plan expressly calls out the need to stabilize and diversify the employment base in Scarborough.

The Scarborough Comprehensive Plan states, “Generally, a local government’s capital and operating responsibilities are financed by taxes and other fixed or restricted revenue sources.”

9. AFFORDABLE HOUSING: Maine Life Care will provide a contribution of \$250,000.00 to the Town’s Affordable Housing Initiative Fund.

The Scarborough Comprehensive Plan states, “Having more diverse and affordable housing options is critical to the region’s economic success and will assist businesses in attracting qualified workers.” It also states, “The funds collected through the in-lieu fee provisions can be used to increase the availability of affordable housing beyond what could have been provided under the standard density bonus provision.”

10. PEDESTRIAN CONNECTIVITY: Maine Life Care will provide a contribution of \$25,000.00 to the Town’s multimodal reserve account to fund sidewalks to enhance pedestrian connectivity.

The Scarborough Comprehensive Plan states, “A strong network of pedestrian sidewalks, trails, and bicycle lanes will also work to connect all residents and visitors.”

11. FISCALLY SUSTAINABLE: Maine Life Care will bring many civically-minded volunteers to Scarborough who will devote countless hours and resources to numerous civic and volunteer opportunities in the community; however, Maine Life Care will NOT significantly add to the strain on municipal infrastructure, such as public works and the public school system.

The Scarborough Comprehensive Plan lists in its Guiding Principles: “Fiscally Sustainable. Deliver excellent municipal services to our entire community in a fiscally sustainable manner to minimize the impacts and costs for tax payers.”

Vote: 5 Yeas, 1 Nay [Councilor Foley].

Chair Pro Tem Donovan called for a brief recess at 8:17 p.m. Chair Pro Tem Donovan reconvened the meeting at 8:22 p.m.

NEW BUSINESS:

Order No. 19-049. First reading and schedule a public hearing on the proposed amendments to Chapter 302 – Scarborough Town Council Rules and Procedures, Section 300 – Subsection 304. Policy on Publicly Speaking as a Representative of the Town Council as a body. [Rules and Policies Committee] Chair Pro Tem Donovan gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the first reading on the proposed amendments to Chapter 302 – Scarborough Town Council Rules and Procedures, Section

300 – Subsection 304. Policy on Publicly Speaking as a Representative of the Town Council as a body, and schedule a public hearing for Wednesday, July 17, 2019, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302 - the Town Council Rules and Procedures of the Town of Scarborough, Maine, Section 300.0: Other Town Council Procedures; is amended as follows:

SECTION 300.0: OTHER TOWN COUNCIL PROCEDURES

301. Individual Opinion Disclaimers.

If a Councilor uses town letterhead to express an opinion that is not the official position of the Town Council, then the letter shall include a disclaimer stating the opinions presented are those of the individual Councilor.

302. Council Correspondence Policy [adopted 08/18/99].

Councilors will be reasonable in making personal statements insofar that they will not project a personal opinion as the official position of the Town Council.

303. Town Council Reimbursement for Professional Development.

1. Conference/Workshop Expenditures [adopted 04/19/00].

The Town of Scarborough recognizes the constructive value of professional conferences, seminars, meeting, and training individual Town Councilors may actively participate in that support their elected role. The Finance Committee shall recommend annual funding for Council professional development. The Town Manager shall administer the use of those funds in accordance with the standard operating procedures that are consistent with Scarborough municipal employee rules and policies.

303.2: Repeal of Prior Town Council Travel Policy. This section repeals the Town Council Travel Policy adopted by the Town Council on February 18, 1998 and as amended on April 19, 2000 and replaces it with Chapter 302 – the Scarborough Town Council Rules and Procedures Manual Section 303.0 Reimbursement for Professional Development, adopted by the Town Council on September 7, 2016.

304.0: Town Council policy on publicly speaking as a representative of the Town Council as a Body. Councilors wishing to speak on behalf of the Town Council or as a representative of the Town Council as a body shall present a resolution expressing the content of any public statement to the Council for adoption by a vote of five of its members.

Vote: 6 Yeas.

Order No. 19-050. First reading and schedule a second reading, on the request to approve the expenditure, in an amount not to exceed, \$90,721 from the Land Acquisition Reserve Fund, for the purpose of purchasing a portion of the Blue Point Congregational Church Property, located more specifically identified by the Scarborough Tax Assessors Maps –Map U025/Lot 015, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest. [Parks and Conservation Land Board] Suzanne Foley-Ferguson, Chair of the Parks and Conservation Land Board, gave a brief overview on this Order. Mr Berg of the Land Trust also spoke as die Rick Shinay, President of the Land Trust.

Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval of the first reading on the request to approve the expenditure, in an amount not to exceed, \$90,721 from the Land Acquisition Reserve Fund, for the purpose of purchasing a portion of the Blue Point Congregational Church Property, located more specifically identified by the Scarborough Tax Assessors Maps –Map U025/Lot 015, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town’s interest and schedule a second reading for Wednesday, July 17, 2019.

Vote: 6 Yeas.

Order No. 19-051. Act on the request to authorize the Town Manager to sign an Easement Deed and Release, on the Scarborough Downs Road between the Town of Scarborough, M&R Holdings and Risbara-related entities. *[Town Manager]* Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the request to authorize the Town Manager to sign an Easement Deed and Release, on the Scarborough Downs Road between the Town of Scarborough, M&R Holdings and Risbara-related entities.

Vote: 6 Yeas

Item 9. Non Action Item. None at this time.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Hamill gave an update on ecomaine and the upcoming Finance Committee meeting.
- Councilor Caterina gave an update on Ordinance Committee noting that it would be a workshop style meeting to receive input from the public.
- Councilor Foley gave an update on Cable TV Committee and the Communications Committee.
- Councilor Johnson noted that the Communications Committee would be hosting its quarterly meeting at Blue Point School on Tuesday, June 25, 2019 at 6:00 p.m.
- Chair Pro Tem Donovan gave an update on the Metro Coalition; the GPCOG/PACTS merger and he along with other Councilors would be visiting at least 3 more Sports Complexes to see what would fit here in Scarborough.

Item 11. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Please to be part of the asylum seekers meeting and learn about the regulations that surround the process. He was committed to finding out more about this issue and he would keep the Council informed.
- There is still illegal dumping at the recycling site on Route One. The Town has installed additional signage and now will had a video monitoring system. This has become a serious problem and is costing a lot of money. At this point there is the possibility of prosecution of violators.
- There will be a Topping Off Ceremony at the new Public Safety Building this Friday. This celebration is more for the workers as it is the placement of the final piece of metal – painted white and all workers sign it.
- He would like to meet with Councilors Caterina and Foley and use their expertise in the sale of the old Public Safety Building.
- He congratulated and thanked the Community and the Council on the Piper Shores item.

Item 12. Council Member Comments.

- Councilor Cloutier noted that he was happy to be on the Council and noted that he has had the chance to meet with most all Councilors and looks forward to upcoming meetings.
- Councilor Johnson congratulated Councilor Cloutier on winning the Council race and commented on the turnout on the Election and the budget process. He had gone on a run and noticed many green stickers on the recycling bins and congratulated everyone on participating.
- Councilor Foley welcomed Councilor Cloutier to the Council. Concerts in the Park starts next Thursday. School is out and be aware of kids in the streets playing. She commented on the number of Piping Plovers. She also commented on the Special Amusement Permits and hoped that the Ordinance Committee would revisit this permit.
- Councilor Caterina thanked the Legislative Delegation on obtaining an increase in School Revenue Sharing.
- Councilor Hamill commended the Town Planner and the President of SEDCO on the presentation on Growth in the Town. He commented on the Pipe Shores item. He commented on the parking lot at the Pine Point parking and lot and on the new owners and how they are buying from the local fisherman.
- Chair Pro Tem Donovan commented on the fire at Bayley's Campground. He mentioned the Scarborough High School Sports Season. Higgins Beach Inn has now had new owners for the past couple of years and host a neighborhood picnic at the beginning of the season.

Item 13. Adjournment. Motion by Councilor Foley, seconded by Councilor Caterina, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting adjourned at 9:13 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk