MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 17, 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 7:00 p.m.

Item 2. Pledge of Allegiance.

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

Councilor John R. Cloutier — Councilor Jean-Marie Caterina - Absent
Councilor Paul M. Johnson — Councilor William J. Donovan
Councilor Kathleen M. Foley — Councilor Donald R. Hamill
Chairman Peter F. Hayes

Prior to public comments Assistant Town Manager Crockett presented former Councilor and current Representative Babine with a commendation for his service to the community. Council members also made comments regarding former Councilor Babine's commitment to the community and thanked him for his service.

Item 4. General Public Comments.

- Representative Babine noted that this is the first time speaking from the podium. He commented on how many town councilors, school board members and town managers he had worked with and only one town clerk. He thanked his wife for being there for him and offering support along the way as well as his daughter Olivia, who serves in Washington DC as a legislative aide. He noted that Representative Caiazzo could not be here this evening and he sends his best wishes and he then went on to give an update on what has been happening in Augusta.

Chairman Hayes noted that Councilor Caterina and the Town Manager were away on vacation.

Item 5. Minutes: June 19, 2019 - Town Council Meeting. Motion by Councilor Foley, seconded by Councilor Donovan, to move approval of the June 19, 2019, regular Town Council minutes.

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. 19-041, 7:00 p.m. Public Hearing and second reading on the proposed changes to Chapter 405 – Town of Scarborough Zoning Ordinance, Section VI – Definitions. Affordable Housing. ***[Housing Alliance]*** Councilor Donovan gave a brief overview on this Order. Chairman Hayes opened the public hearing, as there were no comments either for or against, the hearing was closed at 7:16 p.m.

Motion by Councilor Foley, seconded by Councilor Donovan, to move approval of the second reading on the proposed changed to Chapter 405 – Town of Scarborough Zoning Ordinance, Section VI – Definitions. Affordable Housing, as follows:

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

Affordable Housing:

[Adopted 11/03/2004] [Amended 05/03/2006][Amended 12/03/2014][Amended 12-19-18]

Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

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

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

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

(III) The total annual payments of principal and mortgage interest referred to in A(I)(i) may, in the absence of other reasonable estimates, be estimated based on the assumed interest rate and loan term established by the U.S. Department of Housing and Urban Development for housing affordability limits. In the case of a unit which has ~~two~~ one or fewer bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than ~~two~~ one bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI standard for a household of four (4) people.

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

(I) A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.

Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Vote: 6 Yeas.

Order No. 19-049, 7:00 p.m. Public Hearing and second 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. ***[Rules and Policies Committee]*** Councilor Donovan gave a brief overview on this Order. Chairman Hayes opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:18 p.m.

Motion by Councilor Foley, seconded by Councilor Donovan, to move approval of the second 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, 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.

OLD BUSINESS:

Order No. 19-050. 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]*** Larissa Crockett, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Foley, seconded by Councilor Donovan, 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.

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 19-052. Act to adopt the FY2020 School Budget Resolutions, as required by State Statute. ***[School Department]I*** Larissa Crockett, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Foley, seconded by Councilor Donovan, to move approval to adopt the FY202 School Budget Resolution, as required by State Stature, as follows:

Scarborough Public Schools
2019-2020 Budget Resolutions

ARTICLE I. To see what sum the municipality will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

Recommend $ 34,173,090

and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Recommend $ 30,890,079

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

ARTICLE II. To see what sum the municipality will raise and appropriate for the annual payments on debt service previously approved by the municipality for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12.

Recommend $5,244,113

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters.

ARTICLE III. To see what sum the municipality will raise and to appropriate that sum in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, 15690.

Recommend $11,050,269

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the municipality budget for educational programs.

ARTICLE IV. To see what sum the municipality will authorize the School Board to expend for the fiscal year beginning July 1, 2019 and ending June 30, 2020 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommend $51,426,993

Pursuant to Maine Revised Statutes, Title 20-A, section 1485, voters and the Town Council authorize the School Board to expend the above funds in the following State-mandated categories:

ARTICLE IV-A. To see what sum the school administrative unit will be authorized to expend for Regular Instruction.

Recommend $21,692,186

ARTICLE IV-B. To see what sum the school administrative unit will be authorized to expend for Special Education.

Recommend $9,350,922

ARTICLE IV-C. To see what sum the school administrative unit will be authorized to expend for Career and Technical Education.

Recommend $0

ARTICLE IV-D. To see what sum the school administrative unit will be authorized to expend for Other Instruction.

Recommend $1,300,438

ARTICLE IV-E. To see what sum the school administrative unit will be authorized to expend for Student and Staff Support.

Recommend $5,241,321

ARTICLE IV-F. To see what sum the school administrative unit will be authorized to expend for System Administration.

Recommend $1,235,470

ARTICLE IV-G. To see what sum the school administrative unit will be authorized to expend for School Administration.

Recommend $1,802,185

ARTICLE IV-H. To see what sum the school administrative unit will be authorized to expend for Transportation and Buses.

Recommend $1,547,982

ARTICLE IV-I. To see what sum the school administrative unit will be authorized to expend for Facilities Maintenance.

Recommend $4,012,376

ARTICLE IV-J. To see what sum the school administrative unit will be authorized to expend for Debt Service and Other Commitments.

Recommend $5,244,113

ARTICLE IV-K. To see what sum the school administrative unit will be authorized to expend for All Other Expenditures.

Recommend $0

ARTICLE V. To see if the municipality will appropriate **$202,311** for Adult Education and raise **$97,527** as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the Adult Education program.

Recommend $97,527 (Local)

ARTICLE VI. To see if the municipality will appropriate **$1,746,555** for School Nutrition and raise **$200,000** as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the School Nutrition program.

Recommend $200,000 (Local)

Vote: 6 Yeas.

Order No. 19-053. Act on the request of the posting and action on the names to the various Committees/Board as recommended by the Appointments/Negotiations Committee. ***[Appointments/Negotiation Committee]*** Motion by Councilor , seconded by Councilor , to move approval of the names to the various committees/boards, as recommended by the Appointment/Negotiations Committee, as follows:

Coastal Waters & Harbor Committee:
Liam D. Erickson – Full voting member, with a term to expire in 2020

Senior Advisory Board:
Denise P. Smith – 1st Alternate, with a term to expire in 2020

Zoning Board of Appeals:
Jennifer Waters – 2nd Alternate, with a term to expire in 2020

Vote: 6 Yeas.

Order No. 19-054. Act on the Council Chair Committee/Board Appointments. ***[Councilor Chair]*** Motion by Councilor Donovan, seconded by Councilor Foley, to move approval on the Council Chair Committee/Boar Appointments.

Motion by Councilor Hamill, seconded by Councilor Foley, to move approval to amend the main motion to read as follows: move approval of the Council Chair appointments:

Finance Committee:	**Communications Committee:**
Councilor Hamill – Chair	Councilor Foley - Chair
Councilor Johnson	Councilor Cloutier
Councilor Hayes	Councilor Hamill

Vote on amendment: 6 Yeas.

Vote on main motion as Amended: 6 Yeas.

Order No. 19-055. Act on the recommendation of the Scarborough Housing Alliance to utilize funds from the Affordable Housing Initiative Fund in the amount of $300,000 toward the Bessey Commons II Project and authorize the Town Manager to sign any and all documents related to this order. ***[Housing Alliance]*** Councilor Donovan gave a brief overview on this Order. He noted that Marg DeSanctis is Chair of the Housing Alliance and asked that she speak on this Order. Ms. DeSanctis gave a brief history on this item and responded to questions from members of the Town Council. Cynthia Milliken Taylor and Hannah O'Neil of Housing Initiatives also responded to the Council.

Motion by Councilor Foley, seconded by Councilor Donovan, to move approval on the recommendation of the Scarborough Housing Alliance to utilize funds from the Affordable Housing Initiative Fund in the amount of $300,000 toward the Bessey Commons, II Project and authorize the Town Manager to sign any and all documents related to this Order.

Vote: 6 Yeas.

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

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

- Councilor Cloutier noted that he was happy to join the Communications Committee and looks forward to working with the other members.
- Councilor Johnson gave an updated on the Communications Committee; he was glad to be on the Finance Committee and looks forward to seeing what this year brings.
- Councilor Hamill commented on Councilor Cloutier's email with questions and appreciated the communication. He went on to give an update on the Finance Committee and they would be

meeting in a workshop setting with the School Board on Wednesday, July 24, 2019, in Chambers at 5:30 p.m.

- Chairman Hayes gave an update on the Coastal Water & Harbor Committee and the Shellfish Conservation Commission.

Item 11. Town Manager Report. Larissa Crockett, Assistant Town Manager gave the following updates:

- The Route One Construction in front of Town Hall is the gas line to public safety building and will be done next week.
- Phase 1 of the Gorham Road Project is scheduled to be completed by 1st August.
- Call backs on the Residential Re-valuation are complete and the Company is conducting the field review. Residents should be receiving a notice showing the old valuation and the new valuation around the 1st of August. KRT would be conducting meetings with residents who have questions with their valuations.
- It is Parks and & Recreation Month across the country and Community Services has pulled together a month long check out the fb page to see what you can do

Item 12. Council Member Comments.

- Councilor Hamill noted that the pace is slower in the summer, but we can still get a few things done.
- Councilor Donovan commented on the tax exempt lawsuit with Piper Shores; the asylum seekers and the Edge Sports Complex at Scarborough Downs.
- Councilor Foley noted that there has been a record number of Plover fledglings seen this year Summerfest is right around the corner; August 16th. She also commented on the Parks & Rec Events Calendar. She stated that she would not be seeking another term and went on to mention that Nomination Papers would be available the first Wednesday in August and due back on first Wednesday in September by closed of business
- Councilor Johnson commented on the beaches and that he had been able to have a tour of parking area with one of the police officers. He also felt that the Town Council may have to address dogs in Memorial Park. He also mentioned the two committees for the down town center that would need to be in place by September.
- Councilor Cloutier noted that he has been able to meet with many the departments and learn about what they do. He congratulated the Girls Softball team for winning the state title and being Press Herald's team of the week. He went to make comments about the shortage of housing in the area. He would like to challenge fellow business owners to encourage younger workers to come back to Maine to work.
- Chairman Hayes wished everyone a happy summer.

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

Vote: 6 Yeas.

Meeting adjourned at 8:37 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk