

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 28, 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 7:09 p.m. He apologized for the late start and noted that there had been a workshop prior to the Council meeting, which ran over the allotted time.

Item 2. Pledge of Allegiance.

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

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

Prior to public comments, Thomas J. Hall, Town Manager, gave a review on the process that had been followed on the revaluation by KRT Appraisal Company. Approximately 1,000 meetings were held between KRT and residents to review any discrepancies there might be. Notes were taken and in some cases, adjustments were made. Town staff also were reviewing work done by the KRT Group and adjustments were made to certain areas. The rate should be set by the end of the week and bills would be sent out shortly thereafter. All taxpayers have the right to appeal their taxes if they feel they have not been fairly assessed. He then responded to questions from the Town Council.

Item 4. General Public Comments.

- Jacob Smith of Chamberlain Road and one of owners of State Manufactured Homes, spoke on the revaluation and the process. Working with the town assessor on adjusting homes in their two locations. He thanked the town for working with them and making the appropriate adjustments.
- Mo Erickson of Pine Point Road spoke on her property assessment going up 91% [\$254,400 to \$486,300]. Based on the proposed assessment, her taxes would go up 80% - almost doubling what it had been. She felt this assessment was shameful and that the Council should be ashamed of what is happening.
- Mary Ann Passalacqua of Vesper Street felt that the beach area was being targeted. Her home was re-assessed 4 years ago and three years prior to that. We are in a flood zone and that should be taken into consideration.
- Sue Hamill of Bay Street, referenced an article that had been in the Press Herald and how the City of Bath handled their reval. She was not impressed with her meeting with KRT. She noted that the land value has gone down in the Pine Point area. She urged residents to review their property cards to ensure they are correct. She would encourage the Town to send out property cards to all residents with an explanation of all abbreviations and codes.
- Mike Sawyer of Track View Terrace noted that he lives on a fixed income and an increase in taxes does not help. Why should I pay taxes when I do not get any assistance from the town departments?
- Scott Flaherty of Vesper Street noted that he had his house built 2 years ago and value went up \$400,000 in 2.5 years? He noted that DEP allows only a 20% build out on the lot. He felt that the assessments were way out of line and were targeting the beach areas.
- Rob Barbaro of Beech Ridge Road shared his concerns with the KRT Group. He noted that no one came to his home and when he made an inquiry as to why, he was told that individual had been let go. Mr. Barbaro wondered how many other homes had been reviewed by this individual and how could this be rectified.

- Sean Flaherty Black Point Road and spoke in support of the Land Bond Referendum and urged the Town Council to support this request.
- Betsy Gleysteen of Longmeadow Road asked the Town Council to take into consideration that many individuals did not have confidence in the process. She then asked the Town to look at the how the City of Bath handled their revaluation.
- Bruce Turner of Seaveys Landing Road also spoke on the revaluation that had been conducted noting that his home went up 98%. Please review the information.
- Paula O'Brien of Pondview Drive she too spoke on the process that had been conducted and also the errors that happened throughout the town and that they needed to be corrected. She also urged the Town to mail property cards to all homeowners.
- Bonnie Campbell of Seaveys Landing Road state that her taxes have gone up significantly and in meeting with the Assessor he could not explain to her why the taxes had gone up. She felt that the Council were not resident friendly.
- Steve McBrady of Wynmoor Drive spoke on his experience with KRT. He couldn't figure out why homes at Prouts Neck homes went down significantly and other areas of Town went up. He felt that something was very wrong with the process.

Item 5. Minutes: July 17, 2019 - Town Council Meeting and July 30, 2019 - Special Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the minutes of July 17, 2019, regular Town Council meeting and of the July 30, 2019, special Town Council meeting.

Vote: 6 Yeas. [1 Abstain - Councilor Caterina].

Item 6. Adjustment to the Agenda. Councilor Johnson asked that Order No. 19-061 be taken up prior to other agenda items. The Town Council voted in favor of this recommendation.

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

Order No. 19-061. First reading and waive the second reading on the proposed recommendation to change the current interest rate of 9.00% per annum on unpaid taxes, as approved in Order No. 19-029 by the Town Council on May 15, 2019, as follows: 0.00% interest on unpaid taxes after Tuesday, October 15, 2019 and 5.00% per annum on unpaid taxes after Monday, March 16, 2020. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

The following spoke on this Order:

- Sue Hamill of Bay Street stated that she would wait until pay until prior to March 15th. Many others would follow suit.

Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval of the first reading and waive the second reading on the proposed recommendation to change the current interest rate of 9.00% per annum on unpaid taxes, as approved in Order No. 19-029 by the Town Council on May 15, 2019, as follows: 0.00% interest on unpaid taxes after Tuesday, October 15, 2019 and 5.00% per annum on unpaid taxes after Monday, March 16, 2020.

Motion by Councilor Cloutier, seconded by Councilor Caterina, to move approval to amend the main motion by changing the 0.00% to 1.5%.

Vote on Amendment: 5 Yeas. 2 Nay [Councilors Hamill and Johnson]

Vote on Main Motion as amended: 5 Yeas. 2 Nays [Councilors Hamill and Johnson].

Order No. 19-057. 7:00 p.m. Public hearing and action on the following new requests for a Food Handlers License: 1.) Hannah White d/b/a Lake and Co., located at 4 Seal Rock Drive; 2.) Jonathan Carr/Todd Greenquist d/b/a Nothing Bundt Cakes., located at 550 Gallery Blvd, Suite D. and 3.) Daniel Mays d/b/a Firth Farm, LLC, located at 61 Ash Swamp Road. [Town Clerk] The Town Clerk gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the following new requests for a Food Handlers License: 1.) Hannah White d/b/a Lake and Co., located at 4 Seal Rock Drive; 2.) Jonathan Carr/Todd Greenquist d/b/a Nothing Bundt Cakes., located at 550 Gallery Blvd, Suite D. and 3.) Daniel Mays d/b/a Firth Farm, LLC, located at 61 Ash Swamp Road.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-058. First reading and schedule a public hearing and second reading on the order authorizing issuance of up to \$1,600,000 in bonds of the town to fund the cost of replacing the existing artificial turf field and the renovating of the existing track surface and to place the following question on the November 5, 2019, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$1,600,000 IN BONDS OF THE TOWN TO FUND THE COST OF ARTIFICIAL TURF REPLACEMENT AND TRACK RESURFACING AT THE SCARBOROUGH HIGH SCHOOL” be approved? [Town Council] Thomas J. Hall, Town Manager, gave a brief overview on this Order, noting that this item had been part of the 2020 Budget Process. Todd Souza, Director of Community Services, spoke in this Order explaining why the dollar amount had changed.

Motion by Councilor Johnson, seconded by Councilor Caterina, to move approval of the first reading on the order authorizing issuance of up to \$1,600,000 in bonds of the town to fund the cost of replacing the existing artificial turf field and the renovating of the existing track surface and to place the following question on the November 5, 2019, Municipal Ballot and schedule a public hearing and second reading for Wednesday, September 4, 2019, as follows:

Motion by Councilor Foley, seconded by Councilor Johnson, to move approval to amend the main motion to change the \$1,600,000 to the original amount approved in the budget - \$1,050,000.

Vote on amendment: 6 Yeas. 1 Nay [Councilor Caterina]

Main motion as amended:

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

- (1) That the replacement of the Artificial Turf and Track Resurfacing at the Mitchell Sports Complex, budgeted in the 2020 Municipal Capital Equipment Budget by the Town Council, is hereby approved; and,
- (2) That a sum not to exceed \$1,050,000 is hereby appropriated, plus any additional premium, to provide for the costs of this program; and,
- (3) That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$1,050,000 plus any additional premium and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for

redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

BE IT FURTHER ORDERED, that the following referendum question shall be submitted to the voters of the Town of Scarborough, Maine at the regular municipal election to be held Tuesday, November 5, 2019:

Referendum Question No. 1:

Shall the Order entitled **“ORDER AUTHORIZING ISSUANCE OF UP TO \$1,050,000 IN BONDS OF THE TOWN TO FUND THE COST OF ARTIFICIAL TURF REPLACEMENT AND TRACK RESURFACING AT THE SCARBOROUGH HIGH SCHOOL”** be approved?

FINANCIAL STATEMENT

1. Total Indebtedness

A. Bonds outstanding and unpaid:	\$102,720,000
B. Bonds authorized and unissued:	\$ 5,145,348
C. Bonds to be issued if this Article is approved	\$ 1,050,000

2. Costs

At an estimated maximum interest rate of 5%
For a twenty (20) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ 1,050,000
Interest:	\$ 569,375
Total Debt Service:	\$ 1,619,375

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Town Treasurer

Vote: 7 Yeas.

Order No. 19-059. First reading and schedule a public hearing and second reading on the order authorizing issuance of up to \$660,000 in bonds of the town to fund the cost of a new pumper truck surface and to place the following question on the November 5, 2019, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$660,000 IN BONDS OF THE TOWN TO FUND THE COST OF A NEW PUMPER TRUCK” be approved? [Town Council] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Foley, seconded by Councilor Caterina, to move approval of the first reading on the order authorizing issuance of up to \$660,000 in bonds of the town to fund the cost of a new pumper truck surface and to place the following question on the November 5, 2019, Municipal Ballot and schedule a public hearing and second reading for Wednesday, September 4, 2019, as follows:

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

(1) That the purchase of a new Pumper Truck, replacing the existing 31 year old pumper truck, as budgeted in the 2020 Municipal Capital Equipment Budget by the Town Council, is hereby approved; and,

(2) That a sum not to exceed \$660,000 is hereby appropriated, plus any additional premium, to provide for the costs of this program; and,

(3) That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$660,000, plus any additional premium and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

BE IT FURTHER ORDERED, that the following referendum question shall be submitted to the voters of the Town of Scarborough, Maine at the regular municipal election to be held Tuesday, November 5, 2019:

Referendum Question No. 2:

Shall the Order entitled “**ORDER AUTHORIZING ISSUANCE OF UP TO \$660,000 IN BONDS OF THE TOWN TO FUND THE COST OF A NEW PUMPER TRUCK**” be approved?

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	\$102,720,000
B. Bonds authorized and unissued:	\$ 5,145,348
C. Bonds to be issued if this Article is approved:	\$ 660,000

2. Costs:

At an estimated maximum interest of 5.00%
for a maximum fifteen (15) year maturity,
the estimated costs of this bond issue will be:

Principal:	\$ 660,000
Interest:	\$ 283,250
Total Debt Service	\$ 943,250

3. Validity:

The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Town Treasurer

Vote: 7 Yeas.

Order No. 19-060. First reading and schedule a public hearing and second reading on the order authorizing issuance of up to \$2,500,000 bonds of the town to fund purchase of land and interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat and scenic or environmentally sensitive areas and to place the following question the November 5, 2019, Municipal Ballot: Shall the Order entitled “ORDER AUTHORIZING ISSUANCE OF UP TO \$2,500,000 BONDS OF THE TOWN TO FUND THE PURCHASE OF LAND THROUGHOUT THE TOWN FOR FUTURE PURCHASES OF PROPERTIES OR RIGHTS TO PROPERTIES FOR THE FOLLOWING PURPOSES:

- TO PROVIDE OR MAINTAIN PUBLIC ACCESS; AND,**
- TO ALLOW PASSIVE OR ACTIVE RECREATION; AND,**
- TO CONSERVE WATER QUALITY, NATURAL RESOURCES, OR OTHER NATURAL AREAS; AND,**
- TO PROVIDE EASEMENTS FOR WALKING OR BIKING TRAILS; AND,**
- TO PRESERVE SIGNIFICANT HISTORIC SITES; AND,**
- TO PRESERVE SITES WHICH CAN BE CONSIDERED PART OF THE CHARACTER TO THE COMMUNITY; AND,**
- TO ADD TO EXISTING CONSERVATION AND PUBLIC AREAS” be approved?**

[The Scarborough Land Trust]

Thomas J. Hall, Town Manager, noted that members of the Land Trust and the Parks and Conservation Land Board were present and would defer to them to speak on this item.

Suzanne Foley-Ferguson, Chair of the Parks and Conservation Land Board gave a brief overview on the process, noting that it took a number of years to spend the money. Rick Shinay, President of the Land Trust responded to questions from the Town Council. He noted that the monies can be used for any project that these funds would be needed for and application would be vetted through the Parks and Conservation Land Board.

The following spoke on this Order:

- Stephanie Smith, President of the Board of the Friends of the Scarborough Marsh, spoke in support this Order and urged the Town Council to support it and send this to the voters.
- Sue Hamill of Bay Street spoke on the debt she felt that the Town currently had and with the prospect of new school and a library expansion the debt is only going to increase. She did not want this question to go to the voters.
- Rachel Hendrickson of Plantation Drive and a member of the Parks and Conservation Land Board, stated that during Summerfest there was a straw poll conducted and the first on the list was education followed by economy and open space. When a request comes in, there is a very through process that is followed on whether it would be good for the Town or not. She asked that this go to vote.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval of the first reading on the order authorizing issuance of up to \$2,500,000 bonds of the town to fund the purchase of land and interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat and scenic or environmentally sensitive areas and to place the following question on the Municipal Ballot and schedule a public hearing and second reading for Wednesday, September 4, 2019, as follows:

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

(1) That a public improvement program consisting of the acquisition, by purchase or donation of land, real estate rights or other interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat, and scenic or environmentally sensitive areas is hereby approved; and,

(2) That a sum not to exceed \$2,500,000 is hereby appropriated, plus any additional premium, to provide for the costs of this program; and,

(3) That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$2,500,000, plus any additional premium and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

BE IT FURTHER ORDERED, that the following referendum question shall be submitted to the voters of the Town of Scarborough, Maine at the regular municipal election to be held Tuesday, November 5, 2019:

Shall the Order entitled **“ORDER AUTHORIZING ISSUANCE OF UP TO \$2,500,000 BONDS OF THE TOWN TO FUND AND INTERESTS IN THE PURCHASE OF LAND THROUGHOUT THE TOWN FOR FUTURE PURCHASES OF PROPERTIES OR RIGHTS TO PROPERTIES FOR THE FOLLOWING PURPOSES:**

- **TO PROVIDE OR MAINTAIN PUBLIC ACCESS; AND,**
- **TO ALLOW PASSIVE OR ACTIVE RECREATION; AND,**
- **TO CONSERVE WATER QUALITY, NATURAL RESOURCES, OR OTHER NATURAL AREAS; AND,**
- **TO PROVIDE EASEMENTS FOR WALKING OR BIKING TRAILS; AND,**
- **TO PRESERVE SIGNIFICANT HISTORIC SITES; AND,**
- **TO PRESERVE SITES WHICH CAN BE CONSIDERED PART OF THE CHARACTER TO THE COMMUNITY; AND,**
- **TO ADD TO EXISTING CONSERVATION AND PUBLIC AREAS”** be approved?

FINANCIAL STATEMENT

1. Total Indebtedness

A. Bonds outstanding and unpaid:	\$102,720,000
B. Bonds authorized and unissued:	\$ 5,145,348
C. Bonds to be issued if this Article is approved:	\$ 2,500,000

2. Costs

At an estimated maximum interest rate of 5%
for a twenty (20) year maturity, the estimated
costs of this bond issue will be:

Principal:	\$ 2,500,000
Interest:	<u>\$ 1,385,417</u>
Total Debt Service:	\$ 3,885,417

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Town Treasurer

Vote: 5 Yeas 2 Nays [Chairman Hayes and Councilor Hamill]

Order No. 19-062. Act on the request from the Police Department to receive an anonymous donation in the amount of \$3,600.00 for a new speed/radar sign for the Pine Point area. [Police Department] Thomas J. Hall, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the request from the Police Department to receive an anonymous donation in the amount of \$3,600.00 for a new speed/radar sign for the Pine Point area

Vote: 67 Yeas.

Order No. 19-063. Act to authorize the Town Manager to sign documents authorizing acceptance of \$1,565.70 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases]. [Police Department] Thomas J. Hall, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to authorize the Town Manager to sign documents authorizing acceptance of \$1,565.70 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases].

Vote: 7 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 the Finance Committee and from the Appointments/Negotiations Committee, posted name of Ernest Milner, as 2nd Alternate to the Sustainability Committee, with a term to expire in 2020.
- Councilor Caterina gave an update on the Ordinance Committee, noting that there would be a meeting Thursday, August 29, 2019, at 4:00 p.m. at Town Hall.

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

- The Tax commitment later this week.
- The Mediation on the Piper Shores Case will continue
- Beech Ridge School restoration is in full swing – all items are on schedule.
- He thanked Councilors Donovan, Foley, Donovan, Hamill and Johnson for joining him in the Gold Tournament supporting the Scarborough Explorers Group.

Item 12. Council Member Comments.

- Councilor Cloutier noted that he had attended a number of meetings and also have heard the voices regarding the revaluation process. He made further comments relating to the revaluation and felt that we will end up in the right place. He urged anyone have questions, to please contact the Assessor's Office for assistance.
- Councilor Johnson also commented on the revaluation process. The Assessor is very aware of the situation and he will do the right thing, please contact him with any questions.
- Councilor Foley also made comments relating to the revaluation. She also spoke on the Explorers Group Golf Tournament and noted that Councilor Donovan got a hole in one.
- Councilor Caterina noted that the mil rate would be lower. We have one of the lowest mil rates compared to other towns and urged the residents to contact the Town with any questions.
- Councilor Donovan noted that he would be happy to assist anyone with questions relating to the tax assessments and the process.

- Councilor Hamill was encouraged by the spirit and efforts of the Council to assist with the revaluation issues. He read a portion of an email that he had received from a taxpayer regarding his assessment.

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

Vote: 7 Yeas

Meeting adjourned at 9:37 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk