

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 4, 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. 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	

Thomas J. Hall, Town Manager, noted that the new tax rate had been set at \$14.70 per thousand. There were 8,800 parcels evaluated over time by an outside entity. There were 1,250 individual hearings that were held and some adjustments were made. He really felt good about the values that were committed. The Assessor's Department conducted an internal audit and there were areas of town that were adjusted [Hillcrest Manufactured Housing Community and Higgins Beach areas]. Tax bills would be going out the week of September 15th and he urged those who had questions, to please make an appointment with the Assessor. Now that the commitment has been set it is officially the abatement period. Residents have 180 days to file an appeal. He then welcomed David Bouffard, the Town Assessor, to make comments.

Mr. David Bouffard, Town Assessor, noted that his department has been busy taking phone calls and responding to questions from residents. The office would print property cards and will assist the owner on any questions they might have after reviewing their cards. He too noted that those who are not happy can file an appeal, but he would like to meet with individuals first. He responded to comments and questions from the Town Council. A correction on filing an appeal is 185 days from commitment. Further discussion ensued.

Item 4. General Public Comments.

- Sue Hamill of Bay Street stated that she was not confident in the revaluation. How do we know that there are no similar issues in other areas as noted in the State Manufactured Housing Communities and Higgins Beach? She then listed ideas that might be useful to the public. She then suggested that all information relating to the revaluation be put on-line and that all property cards be sent out to all property owners.
- Paula O'Brien of Pondview Drive had wished that KRT would have sent out the property card with the letter that residences received. After meeting with KRT and indicating what was wrong on her revaluation, the information on her property card had not been updated. She was glad that the Assessor was going to meet with property owners.

Item 5. Minutes: August 28, 2019 - Town Council Meeting. Motion by Councilor Foley, seconded by Councilor Johnson, to move approval of the Minutes of the August 28, 2019, Town Council meeting.

Vote: 7 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. 19-058, 7:00 p.m. Public hearing and second reading on the order authorizing issuance of up to \$1,050,000 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 \$1,050,000 IN BONDS OF THE TOWN TO FUND THE COST OF ARTIFICIAL TURF REPLACEMENT AND TRACK RESURFACING AT THE SCARBOROUGH HIGH SCHOOL" be approved? [Town Council] Thomas J. Hall, Town Manager gave a brief update on this order, noting the memo from Todd Souza, the Community Services Director. Chairman Hayes opened the public hearing. The following individuals spoke on this Order:

- Allen Cornwall of Hidden Creek Drive asked what concession, if any, were made on the track side of this request. We have great track teams and did not want this area to be short changed. Supported this Order.

There being no further comments either for or against, the hearing was closed at 8:02 p.m.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval of the second reading on the order authorizing issuance of up to \$1,050,000 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 \$1,050,000 IN BONDS OF THE TOWN TO FUND THE COST OF ARTIFICIAL TURF REPLACEMENT AND TRACK RESURFACING AT THE SCARBOROUGH HIGH SCHOOL" be approved?

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval to amend the main motion to adjust the amount of \$1,050,000 to \$1,200,000.

Todd Souza, Director of Community, responded to further questions from the Town Council regarding the change in the dollar amount.

Vote on amendment: 4 Yeas. 3 Nays [Chairman Hayes, Councilors Hamill & Foley].

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 \$1,200,000 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	\$ 1,200,000

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:	\$ 1,200,000
Interest:	\$ 665,000
Total Debt Service:	\$ 1,865,000

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. 19-059, 7:00 p.m. 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 update on this order. Chairman Hayes opened the public hearing. As there were no comments either for or against the hearing was closed 8:21 p.m.

Motion by Councilor Johnson, seconded by Councilor Caterina, to move approval of the second reading on the order 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, 7:00 p.m. 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 gave a brief update on this order. Chairman Hayes opened the public hearing. The following individuals spoke on this Order:

- Rich Bard, Executive Director of the Scarborough Land Trust spoke in support of this Order.

There being no further comments either for or against, the hearing was closed at 8:23 p.m.

Motion by Councilor Donovan, seconded by Councilor Foley, to move approval of the second 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. 19-064. 7:00 p.m. Public Hearing and action on the request for a Special Amusement Permit from Davric Maine Racing, LLC – d/b/a Scarborough Downs, located at 1 Scarborough Downs Road. [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 for a Special Amusement Permit from Davric Maine Racing, LLC – d/b/a Scarborough Downs, located at 1 Scarborough Downs Road.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 19-065. Act on the request to approve of the name of Ernest Milner as 2nd Alternate to the Sustainability Committee, with a term to expire in December 2020, that was posted at the August 28, 2019 Town Council meeting and recommended by the Appointments/Negotiations Committee. [Appointments/Negotiations Committee] Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of Ernest Milner as 2nd Alternate to the Sustainability Committee, with a term to expire in December 2020.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 19-066. Act on the request to establish an Ad-Hoc Community Center Advisory Committee and approve the charge for said Committee. [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 establish an Ad-Hoc Community Center Advisory Committee and approve the charge for said Committee.

First motion to amend:

Motion by Chairman Hayes, seconded by Councilor Caterina, to move approval to amend the main motion, to make minor changes throughout the document.

After a brief discussion around what constitutes a quorum and agreeing that 5 members should be recommended, the above motion to amend was withdrawn and the following motion to amend was made:

Motion by Chairman Hayes, seconded by Councilor Donovan, to move approval to amend the main motion to make minor changes throughout the document and change Section 9, from four (4) voting members to five (5), as follows:

Ad-Hoc Community Center Advisory Committee

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, interest in a community center to meet the recreational and cultural needs of all demographics of the Town was previously explored and most recently was a consistent theme of the community conversations related to the update to the Comprehensive Plan; and,

WHEREAS, local developers have begun to develop the Scarborough Downs property into a mixed-use development, the center of which intends to be a "Downtown"; and,

WHEREAS, the Town and the developers have entered into a financial partnership through a Credit Enhancement Agreement to advance this development in a mutually beneficial manner and such agreement contemplates the potential siting of a community center in the downtown portion of the development; and,

WHEREAS, the developers have expressed interest in advancing the community center concept and have partnered with the Edge Sports Group for the construction of a commercial sports complex and they have approached the Town as a potential lease tenant in the facility; and,

WHEREAS, the developers have requested that the Town indicate interest in a public/private partnership as soon as possible following a public process and the Town is willing to enter into a Memorandum of Understanding to describe mutual expectations and responsibilities required to fully explore this option. Therefore, understanding the time sensitive circumstances of the Developer and in an effort to be responsive to this request, the Town Council wishes to prioritize and explore this opportunity, reserving for further review alternative opportunities for the development of a community center.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that there is hereby an Ad Hoc Community Center Advisory Committee created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Advisory Committee is to draw upon the collective skills and expertise of committee members, the public and to work with staff in an effort to advise Town Council on the financial and practical viability of a public/private partnership for a community center. The following is a general overview of the discussion points, expectations and deliverables the Advisory Committee should consider in arriving at it's recommendations:

- **Review of Prior Efforts-**The Advisory Committee shall familiarize itself with the prior efforts regarding a community center. Although prior efforts considered a different ownership and operational arrangement it will be important to learn from this experience.
- **Schematic Design and Layout-** Review the proposed schematic design prepared by staff to determine the appropriateness of amenities to be included in the premises to be leased by the Town. Final design and layout should maximize recreational opportunities, while at the same time recognizing the importance of limiting expense and maximizing revenue potential. A complete understanding of the space and what recreational amenities it includes must be accomplished before an accurate financial analysis can be performed. Public input on the proposed schematic design shall be solicited, with particular emphasis on gauging community support for an indoor swimming pool.
- **Financial Analysis-** The Town's involvement in a public/private partnership must make financial sense to the Town; therefore the Committee's work and final recommendation(s) should specific financial analyzes.
 1. **Analysis of Expected Lease/Build Costs-**The Committee shall work with the developer to finalize the design of the space and obtain a lease/build cost from the developer;
 2. **Analysis of Estimated Operational Costs-** ~~It is expected that the lease terms will be based on a triple-net lease arrangement.~~ A complete evaluation of expected operational costs is essential for this analysis;
 3. **Projected Revenue Forecast-** Prepare an analysis of the likely projected revenue that can be expected through membership, rentals and contractual relationships. This analysis should consider a reasonable rate structure that is consistent with similar facilities in the region;
 4. **Combined Analysis –** The lease/build and operational expenses should be considered against the expected revenue so as to identify any gap that

may need to be covered by other sources of revenue. The Committee shall offer recommendations regarding potential other revenue sources (ie. fundraising, sponsorships or general tax support).

5. **Baseline Comparison-** The analysis for the public/private partnership shall be compared to a traditional approach whereby the Town would issue debt and construct a facility on town-owned land and operate it as a municipal facility. The baseline option should consider a facility (size and amenities) generally consistent with those considered for the public/private option so as to ensure the comparison is of similar sized and appointed facilities.

These analyzes shall be shared with the Town Finance Committee for review and input.

- **Recommendations and Optional Analysis-** If the recommendation is to pursue this public/private relationship, it is anticipated that the Committee will offer specific recommendation(s) regarding the preferred lease/build terms and conditions. The Committee is not limited to a financial analysis on a conventional lease relationship with triple-net terms, and the Committee is encouraged to consider other variations such as "lease-to-own" and make recommendations as may be advantageous to the Town.
- **Energy Efficiency-Life-Cycle Costs Considered-** To the extent possible the Advisory Committee shall consider and evaluate the expected life-cycle costs of proposed systems and consider energy efficiency so the analysis of operational costs is as accurate as possible.
- **Public Involvement** - The Committee shall incorporate public input into the process, which will culminate in a public presentation of its findings and recommendations to the Town Council. Specifically, public input should be solicited regarding the inclusion of an indoor swimming pool.
- **Best Practices** – Review of the Community Center/Recreation Center Study prepared in May 2019 by Intern Marguerite Fleming. Research and review other similar projects to determine best practices that may be incorporated into the project. Tours of similar facilities is encouraged.

The Committee's powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.

2. **Membership.** The membership intends to provide fair representation of key stakeholders and unique expertise in the construction or development field. The Committee is expected to be an active working group, with all members actively participating and contributing to task. Given the limited and specific charge to the Committee, membership should include individuals whom possess specific expertise to the task at hand, in particular representing professions in recreation/community services, business/financial business/financial analysis and design/construction. The Committee shall be appointed by the Town Council and shall be comprised of thirteen (13) members, only nine (9) of which are voting members as follows:

Nine (9) Residents At-Large

Two (2) Members of the Town Council*

Two (2) Members of the Board of Education*

*Ex-Officio, Non-voting

Although official membership is limited to nine (9) voting members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceeding as they feel appropriate.

3. **Timeframe.** The Committee shall focus their review and recommendation to the public/private partnership and shall advise the Town Council as soon as possible with their recommendation(s), but in no event later than December 4, 2019 at the regular public meeting. In the event that the Committee is unable to complete its task by this date, the Town Council will consider a reasonable extension of time. Once the Committee has completed its work it shall cease to exist unless otherwise extended by the Town Council.
4. **Expanded Charge.** If in the opinion of the Committee the public/private partnership is not worthy of consideration by the Town, Town Council will consider expanding the charge to the Committee to consider other alternatives for a community center.
5. **Staff Resources Available.** The Director of Community Services will serve as support to this Committee and other Town and School resources will be made available as may be necessary for the Committee to complete its task. In particular, it is anticipated that the Committee will involve the Town Manager, Town Engineer, Planning Director, Sustainability Coordinator, School Facilities Director and Athletic Director to supplement their efforts.
6. **Consulting Support.** If in the opinion of the Committee that outside consulting support is required to accomplish the task, the Committee is encouraged to advise the Town Council immediately, with specific detail of the type of support required and an approximate cost for these services. The Town Council will consider all reasonable requests for assistance.
7. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance.
8. **Officers.** The Committee shall elect a Chair and Recording Secretary from among its voting members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
9. **Quorum and Voting.** A quorum shall consist of ~~four (4)~~ five (5) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
10. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the deadline set and shall strive to meet at least bi-weekly on a date and time specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least ~~three (3)~~ five (5) voting members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

Vote on first amendment: 7 Yeas.

Second motion to amend:

Motion by Chairman Hayes, seconded by Councilor Caterina, to move approval to amend the main motion as amended, Section 1. Purpose, bullet: Schematic Design and Layout, as follows:

Schematic Design and Layout- ~~Review the proposed schematic design prepared by staff to determine the appropriateness of amenities to be included in the premises to be leased by the Town. Conduct a statically valid survey of the community to determine the critical amenities to be included in the schematic design review and to modify the staff proposed schematic as appropriate.~~ Final design and layout should maximize recreational opportunities, while at the same time recognizing the importance of limiting expense and maximizing revenue potential. A complete understanding of the space and what recreational amenities it includes must be accomplished before an accurate financial analysis can be performed. Public input on the proposed schematic design shall be solicited, with particular emphasis on gauging community support for an indoor swimming pool.

After a brief discussion, the above motion to amend was withdrawn and the following motion to amend was made:

Motion by Councilor Caterina, seconded by Councilor Donovan, to move to amend the main motion as amended, Section 1. Purpose, bullet: Schematic Design and Layout, as follows:

Schematic Design and Layout- The first priority shall be to solicit public input on the proposed schematic design, with particular emphasis on gauging community support for an indoor swimming pool. Review the proposed schematic design prepared by staff to determine the appropriateness of amenities to be included in the premises to be leased by the Town and to modify the staff proposed schematic as appropriate. Final design and layout should maximize recreational opportunities, while at the same time recognizing the importance of limiting expense and maximizing revenue potential. A complete understanding of the space and what recreational amenities it includes must be accomplished before an accurate financial analysis can be performed. ~~Public input on the proposed schematic design shall be solicited, with particular emphasis on gauging community support for an indoor swimming pool.~~

Vote on second amendment: 7 Yeas.

Third motion to amend:

Motion by Chairman Hayes, seconded by Councilor Donovan, to move approval to amend the main motion as amended, under 3. Projected Revenue Forecast, as follows:

3. Projected Revenue Forecast- Prepare an analysis of the likely projected revenue that can be expected through membership, rentals and contractual relationships. This analysis should consider a reasonable rate structure that is consistent with similar facilities in the region and confirmed by an industry expert;

After a brief discussion, the above motion to amend was withdrawn and the following motion to amend was made:

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval to amend the main motion as amended, under 3. Projected Revenue Forecast, as follows:

3. Projected Revenue Forecast- Prepare an analysis of the likely projected revenue that can be expected through membership, rentals and contractual relationships. This analysis should consider a reasonable rate structure that is consistent with similar facilities in the region in consultation with subject matter experts, experienced with the services and amenities agreed to by the Committee;

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

Fourth motion to amend:

Motion by Councilor Donovan, seconded by Councilor Foley, to move approval to amend the main motion as amended, under 3. Timeframe, as follows:

3. Timeframe. ~~The Committee shall focus their review and recommendation to the public/private partnership and shall advise the Town Council as soon as possible with their recommendation(s), but in no event later than December 4, 2019 at the regular public meeting. The Committee Report is to be done by December 15, 2019.~~ In the event that the Committee is unable to complete its task by this date, the Town Council will consider a reasonable extension of time. Once the Committee has completed its work it shall cease to exist unless otherwise extended by the Town Council.

Vote on fourth amendment: 7 Yeas.

Fifth motion to amend:

Motion by Councilor Hamill, seconded by Councilor Donovan, to move approval to amend the main motion as amended to Financial Analysis, by adding the following verbage:

- 1. Analysis of Expected Capital Costs – Our ability to undertake them without detrimental impact on the debt burden as well as the Town’s bond ratings;**

After a brief discussion, the above motion to amend was withdrawn and the following motion to amend was made:

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to amend the main motion as amended, to include “Capital” to where the word “build” was added in the first motion [lease/build/capital].

Vote on fifth amendment: 7 Yeas.

Sixth motion to amend:

Motion by Councilor Hamill, seconded by Councilor Caterina, to move approval to amend the main motion as amended, to add the following verbiage under 5. Baseline Comparison bullet 2:

- Establish a Budget – Determine what the Town can afford in terms of the essential elements of a community center and related facilities. Develop a budget with various levels of amenities, equipment and services (good, better, best). Discuss and recommend a process and timing for initial review and approval to the Finance Committee for subsequent approval by the Town Council. In the past we have scoped similar efforts in terms of an ideal. The focus for this effort should be aimed at what is realistic to us for funding and voter approval without incurring a financial burden for the Town or be detrimental to other essential priorities such as education and housing.**

After a lengthy discussion, the above motion to amend was withdrawn and the following motion to amend was made:

Motion by Councilor Hamill, seconded by Councilor Caterina, to move approval to amend the main motion as amended, to add the following verbiage under 5. Baseline Comparison bullet 2:

- **Establish a Budget –Develop a budget with various levels of amenities, equipment and services (good, better, best). Discuss and recommend a process and timing for review and approval by the Town Council.**

Vote on sixth amendment: 2 Yeas [Chairman Hayes and Councilor Hayes].

4 Nays [Councilors Caterina, Cloutier, Donovan and Johnson].

1 Abstain [Councilor Foley].

Motion fails on sixth amendment.

Main Motion as amended:

Ad-Hoc Community Center Advisory Committee

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, interest in a community center to meet the recreational and cultural needs of all demographics of the Town was previously explored and most recently was a consistent theme of the community conversations related to the update to the Comprehensive Plan; and,

WHEREAS, local developers have begun to develop the Scarborough Downs property into a mixed-use development, the center of which intends to be a "Downtown"; and,

WHEREAS, the Town and the developers have entered into a financial partnership through a Credit Enhancement Agreement to advance this development in a mutually beneficial manner and such agreement contemplates the potential siting of a community center in the downtown portion of the development; and,

WHEREAS, the developers have expressed interest in advancing the community center concept and have partnered with the Edge Sports Group for the construction of a commercial sports complex and they have approached the Town as a potential lease tenant in the facility; and,

WHEREAS, the developers have requested that the Town indicate interest in a public/private partnership as soon as possible following a public process and the Town is willing to enter into a Memorandum of Understanding to describe mutual expectations and responsibilities required to fully explore this option. Therefore, understanding the time sensitive circumstances of the Developer and in an effort to be responsive to this request, the Town Council wishes to prioritize and explore this opportunity, reserving for further review alternative opportunities for the development of a community center.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that there is hereby an Ad Hoc Community Center Advisory Committee created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Advisory Committee is to draw upon the collective skills and expertise of committee members, the public and to work with staff in an effort to advise Town Council on the financial and practical viability of a public/private partnership for a community center. The following is a general overview of the discussion points, expectations and deliverables the Advisory Committee should consider in arriving at it's recommendations:

- **Review of Prior Efforts-**The Advisory Committee shall familiarize itself with the prior efforts regarding a community center. Although prior efforts considered a different ownership and operational arrangement it will be important to learn from this experience.
- **Schematic Design and Layout-** The first priority shall be to solicit public input on the proposed schematic design, with particular emphasis on gauging community support for an indoor swimming pool. Review the proposed schematic design prepared by staff to determine the appropriateness of amenities to be included in the premises to be leased by the Town and to modify the staff proposed schematic as appropriate. Final design and layout should maximize recreational opportunities, while at the same time recognizing the importance of limiting expense and maximizing revenue potential. A complete understanding of the space and what recreational amenities it includes must be accomplished before an accurate financial analysis can be performed.
- **Financial Analysis-** The Town's involvement in a public/private partnership must make financial sense to the Town; therefore the Committee's work and final recommendation(s) should specific financial analyzes.
 1. **Analysis of Expected Lease/Build/Capital Costs-**The Committee shall work with the developer to finalize the design of the space and obtain a lease/build/capital cost from the developer;
 2. **Analysis of Estimated Operational Costs-** A complete evaluation of expected operational costs is essential for this analysis;
 3. **Projected Revenue Forecast-** Prepare an analysis of the likely projected revenue that can be expected through membership, rentals and contractual relationships. This analysis should consider a reasonable rate structure that is consistent with similar facilities in the region in consultation with subject matter experts, experienced with the services and amenities agreed to by the committee;
 4. **Combined Analysis –** The lease/build/capital and operational expenses should be considered against the expected revenue so as to identify any gap that may need to be covered by other sources of revenue. The Committee shall offer recommendations regarding potential other revenue sources (ie. fundraising, sponsorships or general tax support).
 5. **Baseline Comparison-** The analysis for the public/private partnership shall be compared to a traditional approach whereby the Town would issue debt and construct a facility on town-owned land and operate it as a municipal facility. The baseline option should consider a facility (size and amenities) generally consistent with those considered for the public/private option so as to ensure the comparison is of similar sized and appointed facilities.

These analyzes shall be shared with the Town Finance Committee for review and input.

- **Recommendations and Optional Analysis-** If the recommendation is to pursue this public/private relationship, it is anticipated that the Committee will offer specific recommendation(s) regarding the preferred lease/build/capital terms and conditions. The Committee is not limited to a financial analysis on a conventional lease relationship with triple-net terms, and the Committee is encouraged to consider other variations such as "lease-to-own" and make recommendations as may be advantageous to the Town.
- **Energy Efficiency-Life-Cycle Costs Considered-** To the extent possible the Advisory Committee shall consider and evaluate the expected life-cycle costs of proposed systems and consider energy efficiency so the analysis of operational costs is as accurate as possible.
- **Public Involvement** - The Committee shall incorporate public input into the process, which will culminate in a public presentation of its findings and recommendations to the Town Council. Specifically, public input should be solicited regarding the inclusion of an indoor swimming pool.
- **Best Practices** – Review of the Community Center/Recreation Center Study prepared in May 2019 by Intern Marguerite Fleming. Research and review other similar projects to determine best practices that may be incorporated into the project. Tours of similar facilities is encouraged.

The Committee's powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.

2. **Membership.** The membership intends to provide fair representation of key stakeholders and unique expertise in the construction or development field. The Committee is expected to be an active working group, with all members actively participating and contributing to task. Given the limited and specific charge to the Committee, membership should include individuals whom possess specific expertise to the task at hand, in particular representing professions in recreation/community services, business/financial business/financial analysis and design/construction. The Committee shall be appointed by the Town Council and shall be comprised of thirteen (13) members, only nine (9) of which are voting members as follows:

Nine (9) Residents At-Large

Two (2) Members of the Town Council*

Two (2) Members of the Board of Education*

*Ex-Officio, Non-voting

Although official membership is limited to nine (9) voting members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceeding as they feel appropriate.

3. **Timeframe.** The Committee Report is to be done by December 15, 2019. In the event that the Committee is unable to complete its task by this date, the Town Council will consider a reasonable extension of time. Once the Committee has completed its work it shall cease to exist unless otherwise extended by the Town Council.

4. **Expanded Charge.** If in the opinion of the Committee the public/private partnership is not worthy of consideration by the Town, Town Council will consider expanding the charge to the Committee to consider other alternatives for a community center.
5. **Staff Resources Available.** The Director of Community Services will serve as support to this Committee and other Town and School resources will be made available as may be necessary for the Committee to complete its task. In particular, it is anticipated that the Committee will involve the Town Manager, Town Engineer, Planning Director, Sustainability Coordinator, School Facilities Director and Athletic Director to supplement their efforts.
6. **Consulting Support.** If in the opinion of the Committee that outside consulting support is required to accomplish the task, the Committee is encouraged to advise the Town Council immediately, with specific detail of the type of support required and an approximate cost for these services. The Town Council will consider all reasonable requests for assistance.
7. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance.
8. **Officers.** The Committee shall elect a Chair and Recording Secretary from among its voting members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
9. **Quorum and Voting.** A quorum shall consist of five (5) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
10. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the deadline set and shall strive to meet at least bi-weekly on a date and time specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least five (5) voting members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

Vote: 6 Yeas. 1 Nay [Councilor Hamill]

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

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

- Councilor Caterina gave an update on the Historic Implementation Preservation Committee and the progress of the Beech Ridge School House.
- Councilor Hamill gave an update on the Finance Committee.

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

- The cell tower at the Public Safety Building would be going up shortly and could take up to 5 weeks for completion. The parking row closet to the building will be closed off during this time and employees have been asked to park in the lower parking so customers will have room to park and conduct business.

- Oral arguments relating to a Board of Assessment Appeal decision would be heard before the Law Court for second time on Wednesday, September 25th at 10:20 a.m.
- A ribbon cutting ceremony on Carpenter Court would be taking place on October 17th at 5:00 p.m. Further information would be forth coming.

Item 12. Council Member Comments.

- Councilor Hamill commented on the revaluation process and proposed that a workshop be scheduled to review on going issues.
- Councilor Donovan also agreed on a workshop. He also spoke on the mediation process which has been ongoing with Piper Shores.
- Councilor Caterina felt that it had been a good meeting with respectful dialogue. She too commented on the assessment issue.
- Councilor Foley agreed with comments made by fellow Councilors relating to the revaluation process. Happy back to School!
- Councilor Johnson commented on the Ad-Hoc Committee. He looked forward to the executive session to review applications for new committee. He thanked the clerk for her assistance on the proposed motions made this evening. He would like to know of the bonds that have been voted on, what is the percentage that has been expended on those bonds.
- Councilor Cloutier noted that he had been meeting with the Finance Director on exactly what Councilor Johnson had mentioned relating to the bonds. He also noted that some bonds that might still have monies left are brought back to the Town Council to be rescinded. He went on comment on the revaluation and felt the data had been great. He too would support a workshop on the revaluation process, adding that he did not feel that there were any conspiracy surround this. Happy to see there are candidates running for office in November.
- Chairman Hayes read the list of candidates who would be running this November. He also commented on the revaluation process and supported a workshop.

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: 7 Yeas

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Yolande P. Justice
Town Clerk