

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 18, 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	

Item 4. General Public Comments.

- Betsy Gleysteen of Longmeadow Road spoke on her concerns with Scarborough and noted that she was running for Town Council. At this point Councilor Caterina questioned whether announcing a candidacy was appropriate during this period. After a brief discussion and agreement by the majority of the Town Council, Ms. Gleysteen continued on with her comments.
- Sue Hamill of Bay Street spoke on the revaluation process. She is asked that more information on the outcome of the revaluation be made available. She went on to insist that the property cards be sent out to all property owners so they can be reviewed to ensure that they contain accurate information.

Item 5. Minutes: September 4, 2019 - Regular Town Council Meeting and September 10, 2019 - Special Town Council Meeting. Motion by Councilor Foley, seconded by Councilor Caterina, to move approval of the minutes of the September 4, 2019 - Regular Town Council Meeting and September 10, 2019 - Special 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.

Item 8. Non Action Items.

a. **Update from the Scarborough Historical Society on the School House Restoration Project.** Becky Delaware, representative of the Historical Society, gave a brief overview on the progress of the renovation taking place at the Beech Ridge School House; from moving the building, putting support beams in, foundation poured, excavation of the area and many other items that were required. There were a few obstacles that came up and were dealt with. She thanked the Town Council for their support and to Brian Longstaff, Zoning Administrator, who has been very helpful during this whole process.

Order No. 19-068, 7:00 p.m. Public hearing with the Planning Board and the Town Council on the proposed second Contract Zone amendment on Larrabee Farms from Grondin Aggregates, LLC. [Applicant] Chairman Hayes gave a brief overview on this hearing, noting the hearing would meet the requirement of the Contract Zone process for the Planning Board and the Town Council.

Those present:

Planning Board Members

Rachel Hendricks, Planning Board Vice-Chair
Jay Chace, Town Planner
Roger Beeley
Jennifer Ladd
Richard DuPerre, 1st Alternate
Rick Meinking, 2nd Alternate
Jamel Torres, Assistant Town Planner

Town Council Member

Peter Hayes, Town Council Chair
Thomas Hall, Town Manager
Councilor Caterina
Councilor Cloutier
Councilor Foley
Councilor Hamill
Councilor Johnson

Applicant Contingent

Larry Grondin, Owner

[For full content of discussion, please review the Town Council meeting tape, located on www.scarboroughmaine.org]

PRESENTATION BY THE APPLICANT

Larry Grondin, Owner/Applicant noted that he is looking for a small contract zoning amendment. He then went on to give a brief history on this Contract Zone and how it came about. The original COnttract Zone had been approved in 2006, then in 2008 the first amendment to the COnttract Zone was approved and went on to review the time-line that brought them to this point. When the amendment was made in 2008 the timeframe for reporting went from 20 years to 10 years; the window has lapsed. IN discussion with the Planning Department it was suggested that an extension be asked for from the Town Council and would be easier to go back to the original timeline to end in 2026.

COMMENTS FROM TOWN STAFF

Jay Chace, Town Planner, gave a brief overview, noting that this past spring it was realized that the timeframe for reporting had lapsed. He noted that there were good things that had happened on the property, but there are a few items that still need to be addressed and the Department and the applicant were working on those items.

Thomas Hall, Town Manager, noted that he had visited the site and was amazed at what was being offered to the public. A real resource to the Town.

Jay Chace, Town Planner, noted that there has been an email received and provided to the Town Council. Mr. Grondin added that when this project is done this will go to the Scarborough Land Trust.

Mr. Grondin responded to questions from the Town Council relating to the acreage to be given to the Land Trust; the maps that had been presented at the meeting and going back to the original time-frame. He also explained the process once there has been a contract signed - it is 10 year turn around - multiple reports done within that 10 years. There could be a site tour arranged as well if the Council would like.

COMMENTS FROM MEMBERS OF THE PLANNING BOARD CONCERNING THE LAND USE IMPLICATIONS OF THE PROPOSED CONTRACT ZONING AMENDMENT

Rachel Hendrickson, Planning Board Vice-Chair, introduced the Planning Board members present. In response to the request for an amendment from the application, they voiced their support for this recommendation.

Mr. Grondin responded to questions from the Planning Board regarding the traffic coming in and out of the area.

Ms. Hendrickson suggested that additional language be added at some point noting that the applicant would be responsible until the total project is complete. It would not be given to the Land Trust until the total project was complete.

COMMENTS FROM MEMBERS OF THE PUBLIC (This shall constitute the public hearing by the municipal reviewing authority required by 30-A M.R.S.A. § 4352(8).)

Chairman Hayes opened the public hearing. The following spoke on this Order:

- Mike Mason of Amanda Lane and an abutter on the Beech Ridge Side, noted that Mr. Grondin had been a good neighbor and thanked Mr. Grondin for his transparency. He voiced his concern on the any future blasting and if fill would have to be brought in. He went on to comment on the traffic and the volume that Beech Ridge Road has. He noted that traffic from this site should not be exiting left onto Beech Ridge Road and would like see the applicant address this and to adhere to it. He went on to comment on public use and who is to develop the trails in this area; is there a time-line and how will it be maintained.

There being no further comments either for or against, the hearing was closed at 8:18 p.m.

RESPONSE OR REBUTTAL FROM APPLICANT

Mr. Grondin responded to some of the concerns from Mr. Mason. He would look at the truck traffic issue and he went on to address the public use concern. He added that there were a few trails on the East side of the property and that the current roads would eventually become trails.

DISCUSSION AMONG MEMBERS OF THE PLANNING BOARD AND THE TOWN COUNCIL, WHICH MAY INCLUDE QUESTIONS POSED TO THE APPLICANT, STAFF AND THE PUBLIC

None at this time.

PRELIMINARY TOWN COUNCIL DISCUSSION OF CONTRACT ZONING AMENDMENT

After a brief discussion the following motion was made:

Motion by Councilor Donovan, seconded by Councilor Foley, to move approval pursuant to Chapter 405 Section I. Sub-section 4. Procedures – a- iii: advise the applicant; (2) to continue to process the request for contract zoning, without modifications suggested by the Council.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-069. First reading and schedule a public hearing on the proposed amendment to Chapter 311 – Schedule of Fees pertaining in-lieu fees for Affordable Housing and Development Transfers. [Housing Alliance/Conservation Commission] Thomas J. Hall, Town Manager, gave a brief overview on this Order and then introduced Jay Chace, Town Planner, gave a brief overview on this Order. HE noted that Marg DeSanctis, Chair of the Housing Alliance was also present. She too made comments on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the first reading on the proposed amendment to Chapter 311 – Schedule of Fees pertaining in-lieu fees for Affordable Housing and Development Transfers and schedule a public hearing for Wednesday, October 2, 2019, as follows:

Chapter 311 – Schedule of Fees

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 311 - the Schedule of Fees for the Town of Scarborough, Maine, is amended as follows:

Proposed Amendments to Chapter 311, the Schedule of Fees for the Town of Scarborough:
(Additions shown as underlined, deletions shown as ~~strikethrough~~)

Chapter 405 – Zoning	Fee
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00
Contract Zoning – Non-Refundable Application Fee (11/20/02)(amended 05/05/04)	\$500.00
Zoning Determination Letter (adopted 05/07/2014)	\$35.00
Planning Administrative Review Fee (adopted 05/07/2014)	\$75.00
Review Fee for Private Way Registration (amended 06/02/04)	\$100.00
One (1) Dwelling Unit Credit (<i>as per Section VIID(E)1, Development Transfer Provisions</i>) (July 18, 2007)	<u>\$50,000.00</u>
Affordable Housing In-Lieu Fee Per Dwelling Unit [Adopted 11/06/2013]	<u>\$50,000.00</u> ~~\$20,000.00~~

Vote: 7 Yeas.

Order No. 19-070. Act on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 5, 2019, at the Scarborough High School – Alumni Gym; appoint the warden and deputy warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary. [Town Clerk] The Town Clerk gave a brief overview on this Order.

Motion by Councilor FOley, seconded by Councilor Johnson, to move approval on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 5, 2019, at the Scarborough High School – Alumni Gym; appoint the warden and deputy warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary, as follows:

**WARRANT FOR
Regular Municipal Election
TOWN OF SCARBOROUGH, MAINE
TUESDAY, NOVEMBER 5, 2019
DAY AND DATE OF ELECTION**

County of Cumberland, ss

State of Maine

To: Robert A. Moulton, the Police Chief of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Regular Municipal & Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a Regular Municipal Election will be held on Tuesday, November 5, 2019, at the Scarborough High School Alumni Gymnasium, located at 11 Municipal Drive:

FOR COUNCIL MEMBER
EDUCATION MEMBER

Vote for TWO (2)

DONOVAN, William J.

GLEYSTEN, Betsy B.

JOHNSON, Kenneth M.

ROWAN, Robert W.

FOR BOARD OF
SCARBOROUGH
SANITARY DISTRICT

Vote for TWO (2)

GIFTOS, Alicia C.

SHUMWAY, Bryan J.

TURNER, Kristen A.

FOR TRUSTEE OF

Vote for TWO (2)

CARROLL, Joseph M.

RODRIQUEAZ, Paul M.

FOR TRUSTEE OF
SCARBOROUGH
SANITARY DISTRICT

Vote for ONE (1)

1 Year Term to fill a vacancy
created by the resignation of
Charles Andreson, with a
term to expire in 2020

Vote for ONE (1)

SUMMERS, Ruth A.

QUESTIONS TO BE VOTED ON:

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:	<u>\$ 665,000</u>
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

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

Principal:	\$ 660,000
Interest:	<u>\$ 283,250</u>
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

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Referendum Question No. 3:

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

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The Polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Saturday, November 2nd, Monday, November 4th and on Election Day, Tuesday, November 5, 2019, starting at 8:00 a.m. - 10:00 a.m. - 1:00 p.m. - 4:00 p.m. and 7:30 p.m. until finished.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter in the Town of Scarborough may not vote in any Scarborough election.

Approved on Wednesday, September 18, 2019, by the Scarborough Town Council.

First Name	Last Name	Position
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Joyce	Alden	Ward Clerk
Suzanne	Beckerley	Election Clerk
Carol	Bellino	Election Clerk
Rhonda	Bernard	Election Clerk
Ann	Blaisdell	Election Clerk
Bruce	Blaisdell	Election Clerk
Thomas	Bradley	Election Clerk
Jan	Breton	Election Clerk
Edward	Campbell	Election Clerk
Constance	Carlson	Election Clerk
Joyce	Clark	Election Clerk
Harold	Clough	Election Clerk
Nancy	Cohen	Election Clerk
Ashley	Collins	Election Clerk
Julie	Collins	Election Clerk
Melissa	Cooledge	Election Clerk
Jacqueline	Curlew	Election Clerk
Beverly	Dahms	Election Clerk
Marjorie	DeSanctis	Election Clerk
Nicole	DiBiase	Election Clerk
Vera	Dobbs	Election Clerk
Gail	Dobriko	Election Clerk
Marie	Downs	Election Clerk

First Name	Last Name	Position
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Catherine	Hendrix	Election Clerk
Timothy	Hendrix	Election Clerk
Geraldine	Holton	Election Clerk
James	Horrigan	Election Clerk
Donna	Jackman	Election Clerk
Shirley	Jackson	Election Clerk
Joyce	Jensen	Election Clerk
Ann	Johnson	Election Clerk
Sheila	Johnson	Election Clerk
Lydia	Jopp	Election Clerk
Pamela	Joy	Election Clerk
David	Kortz	Election Clerk
Cynthia	Kueck	Election Clerk
Lorraine	LaChapelle	Election Clerk
Andrew	Lebauer	Election Clerk
Alfred	LeDoux	Election Clerk
John	Lord, Jr.	Election Clerk
Geoff	MacLean	Election Clerk
Nancy	MacLean	Election Clerk
Marie	Malloch	Election Clerk
Kathleen	Markan	Election Clerk
Colette	Mathieson	Election Clerk
Deborah	McDonough	Election Clerk

Mary	Duca	Election Clerk
Patricia	Dunn	Election Clerk
Sandra	Elder	Election Clerk
Emilie	Estes	Election Clerk
Barbara	Fagnant	Election Clerk
Charlene	Fenlason	Election Clerk
Connie	Flaherty	Election Clerk
Charlene	Gillchrest	Election Clerk
Jean	Giroux	Election Clerk
Wilfred	Giroux	Election Clerk
Elizabeth	Grant	Election Clerk
Georgia	Hanson	Election Clerk
Kenneth	Happel	Election Clerk
Donna	Hazard	Election Clerk
Susan	Helms	Election Clerk

Nina	McKee	Election Clerk
Marion	Nielsen	Election Clerk
Gilbert	Olson	Election Clerk
Marion	O'Roak	Election Clerk
Robert	Osborn	Election Clerk
Jane	Palmer	Election Clerk
Allen	Paul	Deputy Warden
Janice	Paul	Election Clerk
William	Penley	Warden
Cheryl	Plowman	Election Clerk
Richard	Reid	Election Clerk
Deborah	Rideout	Election Clerk
Sarah	Rose	Election Clerk
Denise	Smith	Election Clerk
Sandy	Sullivan	Election Clerk

Vote: 7 Yeas.

Order No. 19-071. Act on the request to approve the names of residents to serve on the Ad-Hoc Community Center Advisory Committee, as recommended by the Town Council. [Town Council]
Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor , seconded by Councilor , to move approval on the request to approve the names of residents to serve on the Ad-Hoc Community Center Advisory Committee, as per the Committee Charge that was approved per Order No. 19-066, on September 4, 2019, by the Town Council.

Motion by Councilor Johnson, Seconded by Councilor Foley, to move approval to amend the main motion to add Sarah Leighton as the second Board of Education Member.

Vote on amendment: 7 Yeas.

Main Motion as follows:

Voting Members

Sarah Boone & Esia Do
Kevin Freeman & Amelia Kurtz
Stacey Newman & Patrick O'Reilly
Matt Sither & Denise Smith & Matt Tonello

Non-Voting Members

John Cloutier - Town Council
Paul Johnson – Town Council
Leanne Kazilionis – Board of Education

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 updates on the Planning Board, the Finance Committee and the Town Council/School Board Joint Finance Committee meeting. He would be attending a meeting at ecomaine this week.
- Councilor Donovan gave an update on the Sustainability Committee.
- Councilor Caterina gave an update on the Ordinance Committee.
- Councilor Foley gave updates on the Communications Committee and the Conservation Commission.
- Councilors Johnson & Cloutier were excited about the Ad-Hoc Community Center Advisory Committee.

Item 11. Town Manager Report. Thomas J. Hall, Town Manager, gave an update on the following:

- The FEMA Flood maps have been an issue for the past 10 years. There had been an appeal filed with concerns on property in and around the marsh area and it had been denied just this past week. This will be discussed and moved forward.
- Public Safety Building update and added that the Building Committee would like to report back to the Council soon.
- The Tower is in place. It goes 180 feet in the air and will serve the dispatch center and will also provide enough space for 5 carriers to rent space for their services.
- The process for the Navigator Position is underway and a selection should be made soon.
- Ongoing tax appeal will have oral arguments on September 24th at 11:10 a.m.
- Our Fire Team would be assisting with the tragedy in Farmington. One of our own, Jim Butler is from the area and is lending his experience with Code Inspections.
- There will be a workshop on October 2nd regarding the revaluation. The Town Assessor will meet residents until it is no longer needed. As quickly as we get information, it is be made available to the public as quickly as possible.

Item 12. Council Member Comments.

- Councilor Cloutier commented on the voting and how to get out the vote.
- Councilor Johnson also commented on the revaluation information that is out there and to make the data accessible to the public. He would like to as much information that is available on Facebook live or YouTube.
- Councilor Foley thanked all the individuals who applied for the Ad-Hoc Community Center Committee.
- Councilor Caterina she would like to see the Town Council take a look at the public comment section and to not allowing political comments during that time frame.
- Councilor Donovan echoed the support on the Ad-Hoc Community Center Advisory Committee. He reminded the public that Cell phones go hands free tomorrow - be mindful. He too commented on the cell tower. He had attended the open house for Southgate and it is very nice.
- Councilor Hamill thanked the Town Manager for comments on his open and willingness on the use of technology and getting information out to the public. He too commented on the tour of Southgate. He did have questions related to the amendment to the Affordable Housing fees and the comments that had been made during the presentation.
- Chairman Hayes also commented on the Ad-Hoc Community Center Advisory Committee and that everyone had agreed to the time-line. He issued a warning to all the parents and students relating the vaping has become a scary issue.

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

Vote: 7

Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk