

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M.**

Item 1. Call to Order. Chairman Hayes called the regular meeting of the Scarborough Town Council to order at 6:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll called by Thomas J. Hall, Town Manager. 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	

Order No. 19-081. An on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(C) regarding the sale of property located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66], the Public Safety Building. [Town Manager] Motion by Councilor Donovan, seconded by Councilor Foley, to move approval to go into executive session pursuant to Title 1 M.R.S.A. §405(6)(C) regarding the sale of property located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66], the Public Safety Building, to return to public session.

Vote: 7 Yeas.

The Town Council adjourned to executive session at 6:02 p.m. Chairman Hayes reconvened the regular meeting at 7:01 p.m.

Thomas J. Hall, Town Manager, introduced Chief Police Moulton who brought forward and introduce Marlea Grace the new comfort dog for the Public Safety Team. She arrived on Monday, November 4th and fitting right in. He noted that the first day we had her, she comforted a resident who had been scammed and in distress. The resident asked if we had the new support dog and we brought Marlea out to comfort her and the resident was very grateful.

Thomas J. Hall, Town Manager, introduced Lauren Dembski-Martin, the Social Services Navigator for the Police Department and happens to be a Scarborough resident. Chief Moulton also commented on this new position and thanked the Council for supporting the position. He further noted the she has already been involved situations.

Item 4. General Public Comments. None at this time.

Item 5. Minutes: October 16, 2019 - Regular Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the minutes of the October 16, 2019, regular Town Council meeting.

Vote: 6 Yeas. 1 Abstain [Councilor Donovan].

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. 19-077, 7:00 p.m. Public hearing and second reading on the proposed amendments Chapter 302, Scarborough Town Council Rules & Policies, Section 200 – Town Council Procedures, subsection 200.8 Political Activities. [Rules and Policies Committee] Chairman Hayes opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:08 p.m.

Motion by Councilor Cater, seconded by Councilor, to move approval of the second reading on the proposed amendments Chapter 302, Scarborough Town Council Rules & Policies, Section 200 – Town Council Procedures, subsection 200.8 Political Activities and schedule a public hearing for Wednesday, November 6, 2019, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302 - the Town Council Rules and Procedures of the Town of Scarborough, Maine, Section 200: TOWN COUNCIL PROCEDURES – Subsection 200.8 Political Activities; is amended as follows:

Section 200: TOWN COUNCIL PROCEDURES – Subsection 200.8 Political Activities.

~~**200.8: Political Activities.** No Town Councilor shall participate in any political activity which would be in conflict or incompatible with the performance of his/her official functions and duties for the Town. In conjunction therewith:~~

~~**200.8.a:** No Town Councilor may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he/she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens.~~

Vote: 7 Yeas.

Order No. 19-082, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License for Kasey Perkins, d/b/a Honeycomb Cafe., located at 132 Pleasant Hill Road. [Town Clerk] The Town Clerk gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the new request for a Food Handlers License for Kasey Perkins, d/b/a Honeycomb Cafe., located at 132 Pleasant Hill Road.

Vote: 7 Yeas.

Proclamation 19-002. Act on the request for the proclamation declaring Saturday, November 30, 2019, as Small Business Saturday. [Chairman Hayes] Chairman Hayes gave a quick over on this Proclamation.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on Proclamation 19-002, declaring Saturday, November 30, 2019, as Small Business Saturday, as follows:

Proclamation 19-002

***Recognizing November 30, 2019
as Small Business Saturday***

WHEREAS, the government of the Town of Scarborough, Maine, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and,

WHEREAS, small businesses employ 47.3 percent of the employees in the private sector in the United States; and,

WHEREAS, 94% of consumers in the United States value the contributions small businesses make in their community; and,

WHEREAS, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and,

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

WHEREAS, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

WHEREAS, the Town of Scarborough supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, that the Scarborough Town Council and the Town Manager, does hereby proclaim Saturday, November 30, 2019, as:

SMALL BUSINESS SATURDAY

AND urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Signed and dated this 6th day of November, 2019, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by the Council Chair and attested by the Town Clerk.

Vote: 7 Yeas.

Resolution 19-001. Act on the request to support Resolution 19-001 Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019, to Support Municipal Recycling Programs (LD 1431). *[Councilors Donovan and Hamill]* Councilors Donovan and Hamill, both commented on this Resolve.

Motion by Councilor Donovan, seconded by Councilor Foley, to move approval to support Resolution 19-001 Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019, to Support Municipal Recycling Programs (LD 1431), as follows:

RESOLUTION 19-001
TO SUPPORT MUNICIPAL RECYCLING PROGRAMS [LD1431]

WHEREAS, Maine's communities are struggling to maintain, expand, and in some cases are eliminating, recycling programs due to rising costs and difficult-to-manage materials; and,

WHEREAS product packaging, which includes plastic, metal, glass, and cardboard, constitutes approximately 30-40% of the materials managed by weight in Maine's municipal waste management programs; and,

WHEREAS Maine taxpayers currently unfairly bear 100% of the cost and pay an estimated \$16 million to \$17 million each year to finance the management of this material through fragmented and increasingly expensive disposal or recycling options; and,

WHEREAS producers of product packaging have little incentive to minimize wasteful packaging or increase access to recycling; and there is no organized coordination between the producers of packaging and municipalities that are responsible for disposing of or recycling the packaging materials; and,

WHEREAS producers of product packaging have taken some or all responsibility for the management of post-consumer packaging in other parts of the world, including all European Union member states and five provinces in Canada, and, as a result, have greatly increased recycling rates, expanded infrastructure investment, created jobs, and reduced taxpayer costs.

NOW, THEREFORE BE IT RESOLVED, We, the Town of Scarborough, Maine, supports an Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019 through the passage of the Resolve, To Support Municipal Recycling Programs (LD 1431). We believe that this policy will work to make recycling in Maine:

More effective: Producers of packaging materials would have a direct economic incentive to produce less-wasteful packaging that can easily and profitably be managed by municipal recycling programs. Having shared responsibility between those who create the waste and those who manage the waste would foster recycling system improvements and enable greater participation in recycling across Maine; and,

More sustainable: An EPR law for packaging is an insurance policy for Maine municipalities when global recycling markets are unfavorable. The current approach to recycling is not resilient to fluctuations in the global recycling market. When commodity prices fall unexpectedly, towns and cities may be forced stop or restrict their programs; and,

More equitable: Maine's cities, towns, and taxpayers are currently footing the bill for a problem they didn't create. With recycling reform, taxpayers will no longer pay for the cost of recycling since the net costs of recycling would be reimbursed-and the packaging manufacturers that produce less wasteful, more recyclable packaging would pay less than those who do not. This is a much more equitable way to distribute costs.

Signed and dated this 6th day of November, 2019, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by the Council Chair and attested by the Town Clerk.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-083. Act to authorize the Town Manager to execute any and all documents in the completion of the sale of properties located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66] pursuant to Order No. 17-115, that was approved by the Town Council on November 15, 2017. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order. He responded to questions from Councilor Elect Betsy Gleysteen regarding the zoning on the property and the contingency piece of the agreement.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to authorize the Town Manager to execute any and all documents in the completion of the sale of properties located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66] pursuant to Order No. 17-115, that was approved by the Town Council on November 15, 2017.

Vote: 7 Yeas.

Order No. 19-84. Act on the request from the Police Department to receive a donation from Marla St. Pierre and LeAnn Risbara Dehler in the amount of \$2,500 for a Comfort Support Dog for the Public Safety Department. [Police Department] Police Chief Moulton 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 a donation from Marla St. Pierre and LeAnn Risbara Dehler in the amount of \$2,500 for a Comfort Support Dog for the Public Safety Department.

Vote: 7 Yeas.

Order No. 19-085. Act on the request to certify the results of the Municipal Elections held on Tuesday, November 5, 2019. [Town Clerk] The Town Clerk read the results of the Municipal Election held on Tuesday, November 5, 2019.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to certify the results of the Municipal Elections held on Tuesday, November 5, 2019, as follows:

Presented for certification by the Town Council, are the election results for the Municipal Elections that were held on Tuesday, November 5, 2019:

Town Council – 2 Seats/3 Year Term

Donovan, William J.	1,948
Gleysteen, Betsy B.	2,810*
Johnson, Kenneth W.	2,172*
Rowan, Robert W.	1,972
Blanks	664

Board of Education – 2 Seats/3 Year Term

Giftos, Alicia C.	3,133*
Shumway, Bryan J.	2,218
Turner, Kirsten A.	2,732*
Blanks	1,482

**Trustee for the Sanitary District
2 Seats/3 Year Term**

Carroll, Joseph M.	3,434*
Rodriguez, Paul M.	3,399*
Blanks	2,733

**Trustee for the Sanitary District – Filling a
1 Year Term – Expiring in 2020**

Summers, Ruth A.	2,801*
Blanks	1982

Question 1 – Artificial Turf

Yes	2,097
No	2,504*
Blanks	182

Question 2 – Pumper Truck

Yes	2,497*
No	2,096
Blanks	145

Question 3 – Land Bond

Yes	2,688*
No	1,950
Blank	145

There are approximately 17,365 active voters on our voter registration list for this Election [does not include Election Day registration]. There were 4,783 voters who cast ballots in the November 5th Election. There were 1,893 absentee ballots issued, of which 1,798 were returned and processed. The percentage for voter turnout for this Election was 28%.

Pursuant to Section. 206. Induction of Council into Office. Councilors elect shall be sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk's designee and shall assume their duties at the commencement of second meeting (2nd), whether regular, special, or emergency, of the Town Council following the regular Town election. (amended November 7, 2000; effective January 1, 2001). Therefore, the newly elected officials will be sworn in on Wednesday, November 20, 2019, and at this meeting a new Council Chair and Vice Chair will be elected.

*The winners are indicated with an asterisk.

Vote: 7 Yeas.

Item 8. Non Action Item. Report of the Finance Committee: Councilor Hamill gave a brief overview and then introduced Larissa Crockett, Assistant Town Manager

a. Review of the Fiscal Health Metrics Dashboard. Ms. Crockett presented a power-point presentation and reviewed the data that she had gathered. Councilor Hamill also made comments. Ms. Crockett responded to questions from the Town Council.

b. Joint Finance Committee proposed Budget Goals. Councilor Hamill spoke on joint workshops between the Finance Committee of the Town and School. He noted that there would be goals coming forward for Council action that would assist in the budget process. There would a be formal document on the next Town Council Agenda that would address this.

Item 9. Standing and Special Committee Reports and Liaison Reports.

- Councilor Cloutier gave an update on the Ad-Hoc Community Center Advisory Committee.
- Councilor Johnson made further comments on the Ad-Hoc Community Center Advisory Committee and gave an update on the Board of Education and their Steering Committee.
- Councilor Foley gave an update on the Communications Committee.
- Councilor Caterina gave an update on the Ordinance Committee
- Councilor Donovan gave an update on the PEST Management Committee.
- Councilor Hamill gave an update on the Appointments/Negotiations Committee.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Update on the Recycling Program. He noted that as of December 1st the recycling bins would be moved from the Route One location to the Public Works area
- He went on to mention the debt discussion that has been held at a prior meeting, adding that the Town would not be pursuing this.
- The second round of interview for the Assessor's position would be occurring and Councilor Cloutier would be part of the interview team.

- The Credit Enhancement Agreement with the Downs contained an Annual Report would be conducted and the first one would be on December 18th.
- He thanked both Councilors Donovan and Foley for their service on the Council. He welcomed Councilors Elect Gleysteen and Johnson and looked forward to working with them.

Chairman Hayes noted that at the next meeting Councilors Donovan and Foley would be recognized for their service.

Item 11. Council Member Comments.

- Councilor Hamill thanked Town Staff and the Town Clerk's Office for all the work on the Election.
- Councilor Donovan thanked every on the Council and town staff. He looks forward to serving again in the future and would be back to serve on a board or committee.
- Councilor Caterina thanked Chairman Hayes for his service as Chair; thanked Councilor Foley for her service and Councilor Donovan for his 6 years for his yeoman's service to the Town. She went on to mention a few of his attributes. He is a great worker and friend.
- Councilor Foley thanked the Town for allowing her to serve and went on to thank her fellow Councilors, both past and present. It is a big commitment. She congratulated the two new members to the Council. She thanked the Town Manager and Town staff.
- Councilor Johnson thanked Councilor Foley, noting that she was the reason that he ran for Town Council. He went on to mention a few of her attributes. He also thanked Councilor Donovan for his assistance and have a deep respect for what you have done.
- Councilor Cloutier stated that he did not really have a lot to say. He has really learned a lot and was sad and excited. Excited for what lies ahead.
- Chairman Hayes thanked both Councilors for their service and congratulated the two new Councilors and all the candidates who ran. He commented how he felt that this year had been.

Item 12. Adjournment. Motion by Councilor Foley, seconded Councilor Johnson, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk