

**AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – APRIL 25, 2018  
SPECIAL MEETING – 6:00 P.M.**

***NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.***

**Item 1.** Call to Order

**Item 2.** Pledge of Allegiance.

**Item 3.** Roll Call.

**\*Procedure for Addressing Council** [Posted in Chambers.]

**NEW BUSINESS:**

**Order No. 18-033, 6:00 p.m. Public Hearing** on the recall petition of Donna Beeley, Board of Education, pursuant to Chapter 201 – the Town Charter. Sections 903.6 and 906.1. *[Town Council]*

**Order No. 18-034, 6:00 p.m. Public Hearing** on the recall petition of Cari Lyford, Board of Education, pursuant to Chapter 201 – the Town Charter. Sections 903.6 and 906.1. *[Town Council]*

**Order No. 18-035, 6:00 p.m. Public Hearing** on the recall petition of Jodi Shea, Board of Education, pursuant to Chapter 201 – the Town Charter. Sections 903.6 and 906.1. *[Town Council]*

**Order No. 18-036.** Act on the request to set the date, time and location of the three Recall Elections for the Board of Education for Tuesday, May 8, 2018, at 7:00 a.m. at the Municipal Building, located at 259 U.S. Route One. *[Town Council]*

**Item 5.** Adjournment.

## MEMORANDUM

Date: April 20, 2018

TO: All interested citizens,

From: Council Chair William Donovan

Re: Recall Petition Public Hearing Process

Below I have outlined the process for the Recall Public Hearing.

**Time:** April 25, 6 pm.

**Place:** Council Chambers, Town Hall.

**Capacity:** 130 people. In the event of overflow, we do not plan to move the location because Council Chambers allows us to televise the hearing live to the community and assure broadcast quality. It also promotes the solemnity of these proceedings. Persons wishing to speak but unable to attend for whatever reason may submit written remarks that will be read into the record.

**Separate Hearings:** There will be three separate hearings, each following directly after the other, with a short break between hearings.

**Purpose of the Hearing:** The Town Charter expressly provides for a Public Hearing to give those sought to be recalled the opportunity to defend themselves against the assertions made in the Recall Petitions and against any "public comment" relative to the Petitions. Town Council's role is strictly limited to conducting a fair hearing.

**Public Comment:** We will conduct public comment in the same fashion as at all Town Council meetings. Speakers will be afforded 3 minutes to speak. All comment shall be directed at the reason stated in the Petition as grounds for recall. No overall time limit will be placed upon the length of time for public comment, however, avoidance of repetitious remarks will be encouraged and time limits may be set by the chair as necessary for a fair hearing process.

**Decorum:** The Council's Rules of Decorum apply to all persons attending the hearing. The Rules are posted in Council Chambers and will be read at the outset of the proceedings. Strict adherence to the Council's Rules of Decorum should be respected given the seriousness of these proceedings.

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**Order No. 18-033, 6:00 p.m. Public Hearing** on the recall petition of Donna Beeley, Board of Education, pursuant to Chapter 201 – the Town Charter. Sections 903.6 and 906.1. *[Town Council]*

*Town Council*

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Sponsor

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Recommendation

N/A

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First Reading/Vote

N/A

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Public Hearing

N/A

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Second Reading/Final Approval/Vote

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**Order No. 18-034, 6:00 p.m. Public Hearing** on the recall petition of Cari Lyford, Board of Education, pursuant to Chapter 201 – the Town Charter. Sections 903.6 and 906.1. *[Town Council]*

*Town Council*

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Sponsor

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Recommendation

N/A

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First Reading/Vote

N/A

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Public Hearing

N/A

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Second Reading/Final Approval/Vote

**AGENDA**  
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**WEDNESDAY – APRIL 25, 2018**  
**SPECIAL MEETING – 6:00 P.M.**

**Order No. 18-035, 6:00 p.m. Public Hearing** on the recall petition of Jodi Shea, Board of Education, pursuant to Chapter 201 – the Town Charter. Sections 903.6 and 906.1. *[Town Council]*

*Town Council*

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Sponsor

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Recommendation

N/A

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First Reading/Vote

N/A

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Public Hearing

N/A

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Second Reading/Final Approval/Vote

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – APRIL 25, 2018**  
**SPECIAL MEETING – 6:00 P.M.**

**Order No. 18-036.** Move approval on the request to set the date, time and location of the three Recall Elections for the Board of Education for Tuesday, May 8, 2018, at 7:00 a.m. at the Municipal Building, located at 259 U.S. Route One. *[Town Council]*

*Town Council*

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Sponsor

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Recommendation

*04/25/18 – Vote:*

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First Reading/Vote

*N/A*

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Public Hearing

*N/A*

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Second Reading/Final Approval/Vote

## MEMORANDUM

Date: April 20, 2018

To: Members of the Town Council

From: Council Chair William Donovan

Re: Recall Election Date

Although the matter of scheduling the recall election requires action by the Town Council, as Council Chair it is my responsibility to coordinate with staff and Council in setting the agenda. Given the interest in the recall I have prepared this memo to explain the reasons for selecting May 8 for the election.

In choosing May 8 I have been painfully aware of the emotional trauma experienced by many in our community involved in or affected by the recall. As one councilor wrote me, echoed by most other councilors, "The sooner this issue is concluded I think is in the best interests of the community."

The seriousness of the recall process has also strongly influenced me. Elected officials are accused of incompetence and sought to be removed from office. The right to a speedy trial is a Constitutional principal we all respect. Fairness compels me to not unnecessarily extend the hardship these proceedings have exacted on the Board members sought to be recalled.

Also influencing me is the need to give the Recall its own election forum. Given the limitations and requirements of the Town Charter, the only alternative date to May 8 is the June 12 School Budget Referendum vote. Separating these two school-related issues gives each the chance to be judged on its own merits.

I have also been mindful of meeting the letter and spirit of our Charter provisions that address the scheduling of the election. Scarborough's Charter supersedes State law here and is exclusively controlling. We have confirmed this with both our attorney and the Secretary of State's office. May 8 complies with the Charter provisions and is consistent with our practice in scheduling special elections such as School Budget Referendum votes.

Advance notice is always important in scheduling an election. Our community has been aware of the petition effort since March 6 and aware that an election will occur since the Town Clerk certified the petitions on April 6. Conducting the election more than a month thereafter is appropriate, especially in light of the widespread publicity this matter has drawn. The Town Council will vote to set the election date next Wednesday, April 25. The Town Clerk has confirmed that early voting will begin the next day.

**WARRANT FOR**  
**Special Municipal Recall Elections**  
**TOWN OF SCARBOROUGH, MAINE**  
TUESDAY, MAY 8, 2018  
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 Special Municipal Recall Elections, 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 Special Municipal Recall Elections will be held on Tuesday, May 8, 2018, at the Scarborough Municipal Building, located at 259 US Route One:

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Recall Question: Shall Donna Beeley be recalled from the position of Board of Education?

Recall Question: Shall Cari Lyford be recalled from the position of Board of Education?

Recall Question: Shall Jody Shea be recalled from the position of Board of Education?

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The polls shall open at 7:00 A.M. and close at 8:00 P.M.

In addition to the absentee voting during business hours, the Town Clerk’s Office will be open on Saturday, April 28, 2018, from 9:00 a.m. to 3:00 p.m.

Absentee Ballots shall be processed on Tuesday, May 8, 2018, beginning at 8:00 a.m.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and during the hour that the Polls are open 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.

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Attest to a True Copy:

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Yolande P. Justice, Town Clerk