

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 18, 2015
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Council Chair Holbrook called the regular meeting of the Scarborough Town Council to order at 7:31 p.m. [Workshop prior to the Town Council meeting.]

Item 2. Pledge of Allegiance.

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

Shawn A. Babine	Katherine A. St. Clair
William J. Donovan [Absent]	Edward NMI Blaise, III
Jean-Marie Caterina, Vice Chair	Pete F. Hayes [Absent]
Jessica L. Holbrook, Council Chair	

Item 4. General Public Comments.

- Mike Turek of Bayberry Lane, commented on the great job that the Public Works Department has done over the past few weeks with keeping up with amount of snow that has accumulated - job well done.

Item 5. Minutes: February 4, 2015 – Regular Meeting. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the minutes from the February 4, 2015, regular Town Council meeting.

Vote: 5 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. None at this time.

Order No. 15-012, 7:00 p.m. Public Hearing and action new request for a liquor license from Columbia/Wegman Scarborough, LLC, d/b/a Bellavita of Scarborough, located at 18 Black Point Road. Council Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:33 p.m.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the new liquor license from Columbia/Wegman Scarborough, LLC, d/b/a Bellavita of Scarborough, located at 18 Black Point Road.

Vote: 5 Yeas.

Resolution 15-001. Resolve Urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes. Thomas J. Hall, Town Manager, gave a brief overview on this item.

Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval of Resolution 15-001, Urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes; as follows:

RESOLUTION 15-001

***Urging the Maine State Legislature to Craft a Biennial State Budget
That Prevents a Significant Increase in Property Taxes***

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

WHEREAS, the Governor's unprecedented biennial budget proposal places municipalities in an untenable and uncertain fiscal position during their budget planning and threatens to significantly increase property tax burden; and,

WHEREAS, the proposed biennial budget includes revisions to the tax code, some elements of which benefit the municipal budget; however, the modification to the Homestead exemption and the elimination of Municipal Revenue Sharing, resulting in approximately \$725,000 in lost revenue to the Town of Scarborough, will have direct and deleterious effect on property taxpayers; and,

WHEREAS, services are best provided at the level of government closest to the people and municipalities are willing and able to provide essential services on behalf of the State but we need financial support from the state to do so without having undo impact on property taxpayers; and,

WHEREAS, the budget proposal undercuts the historic partnership between state and local governments of sharing in the responsibility and cost of providing essential services, the cornerstone of this partnership being Municipal Revenue Sharing, which is proposed for elimination; and,

WHEREAS, these proposed changes in state policy would shift a significant financial burden onto the municipalities tax revenue, which would result in an estimated \$230 or 5%, increase in property taxes for the average Scarborough household (under 65 years of age); and,

WHEREAS, any cuts to the current level of municipal services would have a far-reaching and detrimental impact on essential municipal services.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled, hereby urges the Maine State Legislature to craft a biennial budget compromise that recognizes and strengthens the partnership between state and local government; considers the already high property tax burden; seeks balance, progressivity and a comprehensive approach with respect to tax policy; and, identifies alternative cost savings and tax reforms that would prevent a significant increase in property taxes and protect essential municipal services from detrimental cuts.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT, should some, or all of the proposed tax shift take place, the Maine State Legislature should authorize legislation to enable municipalities to consider the adoption of a local option sales tax in an effort to move away from total reliance on the regressive property tax and consider a more progressive tax structure.

Signed and sealed this the 18th day of February, 2015 on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Jessica Holbrook, Town Council Chair and attested by the Town Clerk.

Vote: 5 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-013. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance pertaining to conservation time. Thomas J. Hall, Town Manager, gave an update on the proposed amendments and how it affects those communities that have Shellfish Ordinance. These changes will need to be completed prior to April 1st.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval of the first reading on the proposed amendments to Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance pertaining to conservation time and schedule a public hearing and second reading for the next Town Council meeting scheduled for Wednesday, March 4, 2015; as follows:

**CHAPTER 1002
TOWN OF SCARBOROUGH
SHELLFISH CONSERVATION ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1002, the Town of Scarborough Shellfish Conservation Ordinance, is hereby amended [with strikethroughs and underlines], as shown below:

1. *Amend section 5. D. Limitation of Diggers: This changes allows for all diggers to complete the required conservation time.*

...The conservation year will run from May 1 to ~~October 31~~ November 30.

2. *Amend section 5.D.(c) Limitation of Diggers:*

(c) ~~Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and Over 60 Resident Commercial Bushel Licenses.~~

Shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.D.4(a), except that required conservation times shall be:

Resident & Non-Resident Student Commercial Licenses	4 hours
Over 60 Resident Commercial Bushel Licenses	Eight (8) Hours [03/16/2005] [11/02/2005]
All Commercial License Holders 70 or Older	Four (4) hours [03/16/2005] [11/02/2005]

Applications for ~~new (non-renewal) Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and~~ Over 60 Resident Commercial Bushel License shall be processed in the same manner as applications for non-renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses under Section 5.D.4(b).

(d) Resident Student Commercial Licenses and Non-Resident Student Commercial Licenses. Shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.D.4(a), except the clerk shall continue drawing names after all licenses have been awarded and until all applicants have been placed on a list in the order their names have been drawn. Any Student Commercial License which is surrendered after issuance shall be made available to the remaining applicants on that list in the order their names were drawn, and then to other applicants on a first-come, first-served basis.

Required Conservation Times shall be:

<u>Resident & Non-Resident Student Commercial License Holders under the age of 18.</u>	<u>No conservation time required. [Voluntary participation is encouraged.]</u>
<u>Resident & Non-Resident Student Commercial License Holders over the age of 18 at the time applicant's license is issued.</u>	<u>twelve (12) Hours</u>

Vote: 5 Yeas.

Order No. 15-014. Act on the request to appoint Ms. Susan Russo, Assistant Assessor, as the Interim Town Assessor to take effect upon the departure of Mr. William Healey and to end upon the Town Council's appointment of a successor; and to appoint Mr. William Healey as Special Deputy Assessor for purposes of overseeing, attending to and representing the Town of Scarborough in current tax abatement proceedings; and to authorize the Town Manager to enter into a letter of agreement for compensation and terms of services provided by Mr. Healey. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval on the request to appoint Ms. Susan Russo, Assistant Assessor, as the Interim Town Assessor to take effect upon the departure of Mr. William Healey and to end upon the Town Council's appointment of a successor; and to appoint Mr. William Healey as Special Deputy Assessor for purposes of overseeing, attending to and representing the Town of Scarborough in current tax abatement proceedings; and to authorize the Town Manager to enter into a letter of agreement for compensation and terms of services provided by Mr. Healey.

Vote: 5 Yeas.

Order No. 15-015. Act to authorize the Town Manager to sign the necessary paperwork to sell property located at 75 Broadturn Road to Habitat for Humanity/Greater Portland, upon review of the Town Attorney, and as authorized by the Town Council on February 19, 2014 and reflected in the 2014 Amended and Restated Purchase Option Agreement, including authorization for the Town Manager (i) to execute and deliver all documents necessary for the transfer of the [Property] described in the [Agreement], including without limitation a deed to approximately 5.5 acres of land on Broad Turn Road, including without limitation a deed to Habitat for Humanity of Greater Portland, Inc. and (ii) to take delivery of a note and third-position mortgage on the Property securing the obligation of Habitat for Humanity of Greater Portland, Inc. to develop affordable housing on the Property as contemplated by the Agreement. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to authorize the Town Manager to sign the necessary paperwork to sell property located at 75 Broadturn Road to Habitat for Humanity/Greater Portland, upon review of the Town Attorney, and as authorized

by the Town Council on February 19, 2014 and reflected in the 2014 Amended and Restated Purchase Option Agreement, including authorization for the Town Manager (i) to execute and deliver all documents necessary for the transfer of the [Property] described in the [Agreement], including without limitation a deed to approximately 5.5 acres of land on Broad Turn Road, including without limitation a deed to Habitat for Humanity of Greater Portland, Inc. and (ii) to take delivery of a note and third-position mortgage on the Property securing the obligation of Habitat for Humanity of Greater Portland, Inc. to develop affordable housing on the Property as contemplated by the Agreement.

Vote: 5 Yeas.

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

- Councilor Babine noted that the next SEDCO Board meeting would be on Thursday, March 19th; the next Finance Workshop with the School Department would be on Monday, February 23rd with the next regular Finance Committee scheduled for Wednesday, February 25th. The Annual meeting of ecomaine would be on Tuesday, March 3rd and the presentation of the Eco-awards would be presented at that time.
- Councilor Caterina gave an update on the Conservation Commission as well as the MMA Legislative Policy Committee.
- Councilor St. Clair gave an update on the Ordinance Committee meeting as well as the Communication Committee. She mentioned a very helpful website - nextdoor.com noting that it was a good tool to use. She asked everyone to support Project GRACE filling a Clynk bag, which can be obtained in the Town Clerk's Office.
- Councilor Blaise gave an update on the Planning Board meeting
- Council Chair Holbrook note that the Housing Alliance Committee would be meeting Thursday, February 19th at 6:30 p.m. and the next meeting of the Historic Preservation Committee would be on Tuesday, March 3rd at 6:30 p.m.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave an update on the following:

- Gave an update on the Rules & Policies Committee meeting regarding the Tax Acquired Property Policy noting that this item may come to the Council sometime in March.
- Spoke on the Habitat for Humanity Project. He noted a flyer that had been prepared by the Habitat for Humanity which would listed dates they would be hosting a workshop on educating the public on the proposed housing development located on Broadturn Road.
- The Scarborough Land Trust would be hosting two public meetings regarding the Benjamin Farm at the Wentworth School Cafeteria, one on Tuesday, February 24th and the other on Thursday, March 5th. Both meetings would start at 7:00 p.m.
- The Third Annual Community Dialogue hosted by the School Department is scheduled for 4:30 p.m. on Monday, April 30th at the Wentworth School Cafeteria.
- In response to a question that Councilor Babine had asked regarding the unspent money left from the Wentworth Construction project, Mr. Hall noted that this information would be received before the next Town council meeting. Currently the amount left unspent is just over \$300,000.

Item 11. Council Member Comments.

- Councilor Blaise stated that he felt the workshop with the Legislative Delegation was outstanding and felt that the delegation had heard the Council's concerns.
- Councilor St. Clair also felt the workshop was a good one and would hold the group accountable. She further noted that she along with Council Chair Holbrook and the Manager were working on trying to make the government more open and bring it forward with a facebook page and other venues that would assist the public on obtaining information.

- Councilor Caterina thanked the Legislative Delegation for attending the workshop prior to this Council meeting. She sent a thank you to Public Works and Public Safety for an outstanding job during all the storms that occurred over the past few weeks. She went on to thank those who had adopted a hydrant by shoveling them out – it was really appreciated. She encouraged the public to stay tuned to what was going on in Augusta.
- Council Chair Holbrook thanked the Public Works Department and their families as well as a thank you to Public Safety for a job well done during these storms.

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

Vote: 5 Yeas.

Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk