

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – JULY 15, 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 7:08 p.m. She noted that there were some technical difficulties and apologized for the delay.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** 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                      | Edward NMI Blaise, III |
| Jean-Marie Caterina, Council Vice Chair | Pete F. Hayes          |
| Jessica L. Holbrook, Council Chair      |                        |

**Item 4. General Public Comments.**

- Margaret DeSanctis of Beech Ridge Road spoke on the hotel located on Route One that had burnt down and was wondering when the structure would be removed. Thomas J. Hall, Town Manager responded by indicating the town was in the process of working with the owner and the structure should be down before the end of summer.

**Item 5. Minutes: June 17, 2015 – Regular Meeting and June 24, 2015 – Special Meeting.** Motion by Councilor Blaise, seconded by Councilor Babine, to move approval of the minutes of the June 17, 2015, regular Town Council meeting and of the minutes of the June 24, 2015, 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.

**Order No. 15-049, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405 the Scarborough Zoning Ordinance allowing for Food Processing Facilities within the Haigis Parkway Zoning District (HP) and to establish Food Processing Facility Performance Standards.** Council Chair Holbrook opened the public hearing. As there were no comments either for or against the hearing was closed at 7:12 p.m.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the seconding reading on the proposed amendments to Chapter 405 the Scarborough Zoning Ordinance allowing for Food Processing Facilities within the Haigis Parkway Zoning District (HP) and to establish Food Processing Facility Performance Standards; as follows:

**Proposed Amendment to the Zoning Ordinance  
Updating the Haigis Parkway (HP) District and Establishing  
Standards for Food Processing**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Amend SECTION XVIII.B HAIGIS PARKWAY DISTRICT (HP), Subsection B. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS, NON-RESIDENTIAL USES to add the following (additions are underlined; deletions are struck through):

25. Food processing facilities, subject to the performance standards of Section IX.(M.2.)

2. Amend SECTION IX. PERFORMANCE STANDARDS by adding a new performance standard subsection M.2. as follows (additions are underlined; deletions are struck through):

M.2. PERFORMANCE STANDARDS – FOOD PROCESSING FACILITIES IN THE HAIGIS PARKWAY DISTRICT

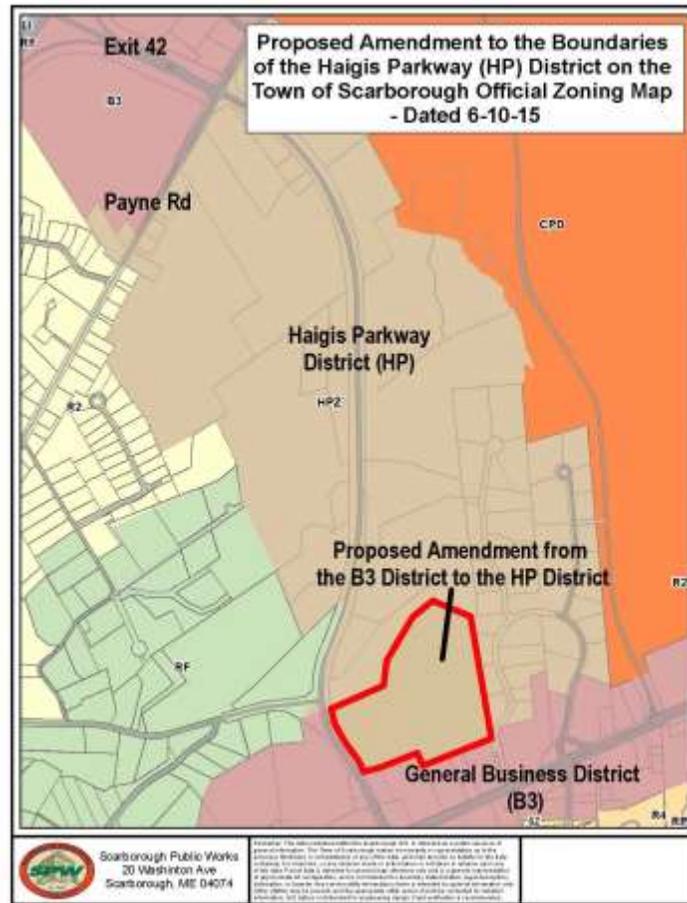
Food processing facilities permitted in the HP District may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and has found that the proposed use will conform to the following performance standards and locational requirements:

1. The food processing facility shall be located within two thousand two hundred fifty (2250) feet of the point of intersection of the centerlines of Scottow Hill Road and the Haigis Parkway;
2. The food processing facility shall be sited in a location, and designed in a manner, that is compatible with surrounding uses. This may include the need for screening and buffering between the facility and adjacent uses and properties. The buffering and visual screen may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard;
3. The design and external appearance of the food processing facility and site improvements will constitute an attractive and compatible addition to the zoning district and be consistent with the Design Standards for Scarborough’s Commercial Districts;
4. The facility will not create any unhealthy or offensive odor, emissions or other airborne discharges;
5. The facility will not include any outdoor storage of equipment, materials or processing byproduct or waste; and
6. The facility will not create any offensive noise or vibration to abutting landowners.

Vote: 7 Yeas.

**Order No. 15-050, 7:00 p.m. Public hearing and second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to adjust the boundary of the Haigis Parkway Zoning District (HP).** Council Chair Holbrook opened the public hearing. As there were no comments either for or against the hearing was closed at 7:14 p.m.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to adjust the boundary of the Haigis Parkway Zoning District (HP); as follows:



Vote: 7 Yeas.

**Order No. 15-055, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Lisa Harmon, d/b/a Harmon's Dairy Bar, located at 3 Spurwink Road.** Council Chair Holbrook opened the public hearing. As there were no comments either for or against the hearing was closed at 7:15 p.m.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the new request for a Food Handlers License from Lisa Harmon, d/b/a Harmon's Dairy Bar, located at 3 Spurwink Road.

Vote: 7 Yeas.

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:**

**Order No. 15-056. First reading and schedule a public hearing and second reading on the proposed FY2016 School Budget.** The following individuals spoke on this Order:

- Katherine Mills, resident, spoke on the proposed budget and stated that she would be happy to pay higher taxes so that the School can have the money they need. She urged the Town Council to reconsider the School Budget and add more money.

- Mike Turek of Bayberry Lane spoke on the proposed School Budget, adding that the taxes need to be kept down so those on a fixed income can afford to stay where they are.
- Kerry Goulder of Thomas Drive, spoke on the proposed School Budget adding that her daughters would not have the one on one if the current Budget passes.
- Lexie Jamieson of Kerryman Circle and a Senior at the high school and President of the Key Club – which is the largest club at the high school. She stated that if the current budget is approved the Key Club will not be and the community would lose a large volunteer base for the seniors in the community.
- Karen Fream of Horseshoe Drive spoke on the professional development of the teachers and the need to bring the schools into the 21<sup>st</sup> century as our students need to be prepared after graduation. She urged the Town Council to reconsider the budget and add more money back in.
- Jackie Perry of Black Point Road and a member of the Board of Education also spoke on the proposed budget. She then stated the Board members are not lairs or cheats, we are not hiding money. Classroom teachers come first – Schools and students matter.
- David Cleary of Meeting House Road stated that residents chose Scarborough to live because of the schools. The Town competes with other communities for homeowners – people who decide not to live in Scarborough causes erosion over the years causing monies to be lost to the school. Please reconsider the budget.
- Jennifer Jubulis of Haystack Circle spoke on the proposed budget, adding the schools are a vital part of our community. She urged the Council to reconsider the budget.
- Kim Gambardella of Howard Lane spoke on the proposed budget and read a letter to the Town Council from her 8 year old daughter regarding the proposed budget and what could possibly cut. Ms. Gambardella asked the Town Council to reconsider the budget.
- Josh Caiazzo of Elmwood Avenue and a recent graduate of Scarborough High School, spoke on the extra curricula programs that helped him expand himself and urged the Town Council to reconsider its vote and give back the funding to the school budget.
- Justin Caiazzo of Elmwood Avenue also spoke on the extra curricula programs that his brother had the opportunity to participate in and hoped the he too would be able to participate as well and urged the Town council to reconsider is vote on the school budget.
- Michelle Arpin of Coulthard Farms Road spoke on the proposed budget and the Town Council to reconsider its vote on the state funding and give it to the school. She would like to see tax assistant programs and a joint Town/School budget.
- Christine Cascio of Howard Lane asked the Town Council to stop taking from the children and to look at the Municipal Budget.
- Omer Durdag of Haystack Circle told the Town Council that it had a moral obligation for the well of the children; a physical obligation to ensure students are hirable and a governance obligation to the community. Please do not divide the community.
- Drew Stephens of Surrey Lane noted that everything the Town Council does effects the school. He went on to speak about the vote that had been taken and we need to keep a certain standard for the schools.
- Andy Mallar of Gunstock Road spoke on the school budget and asked the Town Council to support level services.
- Cindy Kucek of Moors Point Road spoke on the school budget and noted that she and her family had to re-evaluate their budget and stay within their means. She felt that the total budget should be reviewed.
- Daina Nathanson of Windsor Pines Drive as the Council not to cut the programs that are being proposed.

- Seth Jackson of Black Point Road and an incoming Senior stated that the school has shaped him to who he is today and urged the Town Council to invest in the students and reconsider the funding for the school budget.
- Hillory Durgin of Sequoia Lane stated that the vote said NO – Too Low and urge the Town Council to look at the vote and add back the funding.
- Hugh Morgenbesser of Hope Lane thanked everyone who had turned out this evening and thanked the Council for allowing time public comment. He noted that our schools are very important and we need to invest in our students.
- Anne Colton of Hope Lane voice her concerns with the school budget that could come forward and added that if the schools decline then people would move away. She urged the Town Council to please put the \$500,000 back in the school budget.
- Robin Twombly of Pondview Drive stated that she had moved here 3 years ago and bought in Scarborough because of the school system. Education is very important and she could not believe that is even happening and urged the Council to add the money back into the school budget.
- Scott Furr of Old Colony Lane spoke on voter apathy and urged the Council to give more money to the school budget.
- Kate Foley of Lucky Lane commented that very few people would switch seats with any councilor. She spoke on threats that some Councilors had received and of fecal matter being left on the lawns of residents. She felt sad that these events were even happening. She felt there was a process problem and that everyone needed to work together.
- Ryan Elsemore of Maple Avenue stated that he was flabbergasted at the whole budget process; it has been hard to find information about the budget and urged the Town Council to support level funding for the Schools.
- Drew Gwyer of Ocean Avenue stated that there is a group who is not being represented this evening – the seniors. They too are a vital part of this community. He then stated that the onus is on the Board of Education not the Town Council; these comments should have been at the School Board meetings.
- Andrea Fravert of Sarah Liberty Lane spoke on the proposed cuts relating to the afterschool care program – asked the Town Council to reconsider its vote.
- Jason McGovern of Sequoia Lane commented on the proposed school budget and added that both the kids and the seniors need to be taken care of.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the first reading on the propose FY2016 School Budget and schedule a public hearing and second reading for Wednesday, July 22, 2015.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval to amend the main motion as follows:

**ADD:**

**WHEREAS**, in an effort to reach a compromise the Town Council appreciates the need to share in the responsibility of minimizing the impact on the property tax rate and therefore agrees to amend the FY2016 Municipal Budget.

**REPLACE:**

**NOW THEREFORE, BE IT ORDERED**, that the Scarborough Town Council moves approval of the amended Fiscal Year 2016 Town and School Budget in first reading and schedule a public hearing at 7:00 PM on Wednesday, July 22, 2015, as well as second reading; and,

**BE IT FURTHER ORDERED**, that School Budget be increased by a total of \$180,000 and therefore the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the new sum of \$43,473,756, and that the additional GPA allocation of \$884,891 be included as School revenue, resulting in the Town of Scarborough raising the sum of \$37,589,488 as the local share for the Education Operating Budget.

**BE IT FURTHER ORDERED**, that the Town Budget is hereby amended to include an additional \$200,000 in Excise Tax Revenue and to reduce Town appropriations by \$180,000, details of specific cuts to be recommended by the Town Manager and approved by the Finance Committee, for a new Operating Budget of \$30,505,367, resulting in the local share for the municipal budget, the sum of \$17,391,450.

**BE IT FURTHER ORDERED**, that the final result of these changes produces a new Total Net Budget of \$57,760,277, resulting is a projected property tax rate of 2.8%.

**Fiscal Note:**

Through shared reductions in expenditures and additional revenue, this amendment provides for a total reduction in the net budget (from the original budget) of \$1,584,891, resulting in a projected tax rate increase of **2.8%**

|                           |                            |                           |
|---------------------------|----------------------------|---------------------------|
| Reduced Expenditures----- |                            | \$ 500,000                |
| School -                  | \$320,000                  |                           |
| Town -                    | \$180,000                  |                           |
| Increased Revenues-----   |                            | \$1,084,891               |
| School – Additional GPA   | \$884,891                  |                           |
| Town- Excise Tax Receipts | \$200,000                  |                           |
|                           | <b>TOTAL NET REDUCTION</b> | <b><u>\$1,584,891</u></b> |

Vote on amendment: 7 Yeas.

Vote on Main motion as amended:

**WHEREAS**, the Scarborough Town Council adopted FY2016 Operational and Capital Budgets for the Town and the School on May 20, 2015, with the passage of Order No. 15-026 and subsequently adopted an amended school budget on June 24, 2015 with the adoption of Order No. 15-048; and,

**WHEREAS**, pursuant to State law, the School Budget must be validated by the voters and it failed at a Special Elections held on June 9, 2015 and July 7, 2015; and,

**WHEREAS**, the Town Council must resubmit an adjusted School Budget to the Voters for validation no less than ten (10) days and no more than forty-five (45) days from July 7, 2015; and,

**WHEREAS**, in an effort to reach a compromise the Town Council appreciates the need to share in the responsibility of minimizing the impact on the property tax rate and therefore agrees to amend the FY2016 Municipal Budget.

**NOW THEREFORE, BE IT ORDERED**, that the Scarborough Town Council moves approval of the amended Fiscal Year 2016 Town and School Budget in second reading; and,

**BE IT FURTHER ORDERED**, that School Budget be increased by a total of \$180,000 and therefore the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the new sum of \$43,473,756, and that the additional GPA allocation of \$884,891 be included

as School revenue, resulting in the Town of Scarborough raising the sum of **\$37,589,488** as the local share for the Education Operating Budget.

**BE IT FURTHER ORDERED**, that the Town Budget is hereby amended to include an additional \$200,000 in Excise Tax Revenue and to reduce Town appropriations by \$180,000, details of specific cuts to be recommended by the Town Manager and approved by the Finance Committee, for a new Operating Budget of **\$30,505,367**, resulting in the local share for the municipal budget, the sum of **\$17,391,450**.

**BE IT FURTHER ORDERED**, that the final result of these changes produces a new Total Net Budget of **\$57,760,277**, resulting is a projected property tax rate of 2.8%.

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**Fiscal Note:**

Through shared reductions in expenditures and additional revenue, this amendment provides for a total reduction in the net budget (from the original budget) of \$1,584,891, resulting in a projected tax rate increase of **2.8%**

|                           |           |             |
|---------------------------|-----------|-------------|
| Reduced Expenditures----- |           | \$ 500,000  |
| School -                  | \$320,000 |             |
| Town -                    | \$180,000 |             |
| Increased Revenues-----   |           | \$1,084,891 |
| School – Additional GPA   | \$884,891 |             |
| Town- Excise Tax Receipts | \$200,000 |             |

**TOTAL NET REDUCTION                    \$1,584,891**

Vote: 7 Yeas.

Council Chair Holbrook recessed the meeting at 8:50 p.m. The meeting was reconvened at 9:00 p.m. At this point of the meeting Councilor St. Clair left.

**Order No. 15-057. First reading and schedule a public hearing and second reading on the proposed Contract Zone from Avesta to establish a 50 unit affordable housing development at 577 U.S. Route One.** Dan Bacon, Town Planner, gave a brief overview on the proposed Contract Zone and Daniel Riley, Senior Project Manager from Sebago Technics reviewed the Contract Zone that was before the Town Council and responded to questions from the Town Council.

Motion by Councilor Babine, seconded by Councilor Blaise, to move approval of the first reading on the proposed Contract Zone from Avesta to establish a 50 unit affordable housing development at 577 U.S. Route One and schedule a public hearing and second reading for Wednesday, August 19, 2015:

**CONTRACT ZONING AGREEMENT  
BETWEEN THE TOWN OF SCARBOROUGH AND  
AVESTA HOUSING DEVELOPMENT CORPORATION**

This Contract Zoning Agreement made as of the \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the TOWN OF SCARBOROUGH, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the “Town”), and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation, with an address of 307 Cumberland Avenue, Portland, Maine 04101 (together with its successors and assigns, including subsequent record owners of the property described in this Agreement, hereinafter “Avesta”), pursuant to the Contract Zoning provisions of Section II, Subsection I of the Scarborough Zoning Ordinance:

WHEREAS, Avesta intends to purchase a parcel of real estate located at 577 U.S. Route One, Scarborough, Maine, consisting of approximately 3.05 acres with the buildings and improvements thereon, being Parcel 37 on the Town's Tax Map U034 (hereinafter the "Property"); and

WHEREAS, the Property is currently in the Town and Village Centers Fringe (TVC3) District and a portion of the Property is also subject to the Shoreland Overlay District provisions of the Shoreland Zoning Ordinance; and

WHEREAS, the TVC3 District presently allows, as a permitted use, multifamily dwellings limited to no more than twelve (12) units per building, so long as such building is serviced by public sewer, and accessory units subject to certain performance standards, but not multifamily dwellings containing a greater number of units per building; and

WHEREAS, Avesta wishes to develop the Property as an affordable rental housing complex consisting of the existing 7-unit historic building that will be renovated to include 8 units, a to-be-constructed 42-unit building, an existing barn that will be renovated and may include community space for occupants, and a second existing barn that may be preserved due to its historic value (the "Project"). The new 42-unit building will exceed the maximum number of units per building currently permitted in the TVC3 Zone; and

WHEREAS, Avesta demonstrates that the proposed use can be carried on with fewer parking spaces than required by the off-street parking regulations in Section XI of the Zoning Ordinance; and

WHEREAS, the maximum density within the TVC3 Zone for multi-family dwellings is 5 dwelling units per acre of net lot area, and the Project will exceed this maximum density; and

WHEREAS, the Project would qualify for Additional Residential Density Thru Affordable Housing pursuant to Section XVIII.D(E)(3) of the Scarborough Zoning Ordinance, the Project as proposed would still exceed the maximum density; and

WHEREAS, the Property contains an existing multi-family building and a barn that will be rehabilitated in a good and worker-like manner; and

WHEREAS, the Planning Board, pursuant to Section II(I)(4), of the Zoning Ordinance and 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid; and

WHEREAS, the Project will serve the Town's objective of encouraging affordable housing both generally and through density bonus provisions within the Town's residential areas and districts (Chapter 5, Objective A.4.a. of the Comprehensive Plan) by constructing an affordable housing opportunity within a growth area; and

WHEREAS, the Project serves the goals of Chapter 5 (Objective A.2.) of the Comprehensive Plan by using public sewer and water facilities; and

WHEREAS, the Project fulfills the goals of Chapter 5 (Objective A.4.b.) of the Comprehensive Plan encouraging a choice of housing for residents of all ages and incomes by providing affordable housing within a growth area;

WHEREAS, the Project helps to achieve the objectives of Chapter 5 (Objective H.2), in which the Town endeavors to assure that at least ten percent of new housing units created in Scarborough are affordable; and

WHEREAS, the rezoning provided in this Agreement, therefore, would be consistent with the Policies and Future Land Use Plan of Part B of the Scarborough Comprehensive Plan; and

WHEREAS, the Town of Scarborough, by and through its Town Council, therefore, has determined that the said rezoning would be pursuant to and consistent with the Town's local growth program and Comprehensive Plan adopted pursuant to Title 30-A, Maine Revised Statutes, Chapter 187, Subchapter 2, and consistent with the existing and permitted uses within the original zoning district classification and has authorized the execution of this Contract Zoning Agreement.

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The Town hereby amends the Zoning Map of the Town of Scarborough, by adopting the map change amendment shown on Attachment 1.

2. Avesta is authorized to create the Project, including the renovation of the existing 7-unit building such that it includes 8 units, construction of a new 42-unit building, renovation of an existing barn to provide community space for Project occupants, and preservation of a second barn on the Property. Construction and use of the Project shall be subject to the following conditions:

- (a) Building Height: The maximum building height for the new 42 unit building shall be four (4) stories and as shown on the Site Plan approved by the Town of Scarborough Planning Board. The new 42 unit building shall be a maximum height of approximately 45 feet. The final building height for the Project shall be approved by the Planning Board as part of site plan and subdivision approval.
- (b) Permitted Uses: The uses allowed or permitted on the Property shall be limited to (i) an affordable housing complex with one 8-unit building and one 42-unit building, (ii) a separate building for community space, for use by Project occupants, and (iii) accessory uses. Avesta also may either (a) retain and maintain the existing barn on the Property furthest from Route 1 which will not be converted into community recreation and/or meeting space, the use of which will be consistent with, and incidental to the affordable housing use, such as equipment storage, security or maintenance, office and staff accommodations, or merely historic preservation; or (b) remove and/or demolish said barn, provided that such removal or demolition shall be approved by the Planning Board prior to any such action.
- (c) Building Design: Project design, style and materials shall be substantially as depicted on the building elevations submitted during site plan and subdivision review, with any changes thereto as approved by the Planning Board.
- (d) Landscaping: The Property shall be landscaped to enhance the general appearance of the project from surrounding properties as determined by the Planning Board at the time of site plan and subdivision approval. The landscaping shall be maintained by Avesta or its successors or its successors in interest. After the date of approval of this Contract Zoning Agreement, there shall be no significant amount of removal of existing trees or other vegetation except as indicated on an approved Site Plan.
- (e) Density: The maximum net residential density shall be fifty (50) dwelling units, including the renovation of the existing building such that it includes eight (8) units and the construction of a new 42 unit building.

- (f) Residents: The Project shall be “Affordable Housing” as defined on the zoning Ordinance, and occupancy of the Project shall be limited to individuals or families with an income that is less than or equal to Eighty Percent (80%) of area median income as more particularly defined in Article VI of the Zoning Ordinance.
- (g) Sewer and Water: The facility will be served by both public water and public sewer.
- (h) Setbacks: The front yard shall be a minimum of 25 feet, and side and rear yards shall be a minimum of 15 feet, excluding accessory buildings and excluding the existing location of a barn within 15 feet from the sideline of the Property. The existing, nonconforming setback of the barn will be maintained. Additionally, the maximum front yard shall be increased to allow for the removal of an existing porch. All of the setbacks and building locations shall be as shown on the Site/Subdivision Plan, approved by the Planning Board.
- (i) Parking: The Project shall provide a minimum of fifty five (55) off-street parking spaces. The dimensions and arrangement of the parking spaces shall be as generally shown on the Site/Subdivision Plan, approved by the Planning Board.
- (j) Site/Subdivision Plan: The property subject to this Contract Zoning Agreement shall be developed and used only in accordance with the preliminary site and subdivision plan approved by the Scarborough Planning Board on June 22, 2015, as that site plan may be amended from time to time pursuant to the provisions of the Scarborough Site Plan Ordinance. Any amendment which involves the following changes will require an amendment to this Contract Zoning Agreement:
  - (a) any change to the use of the Property; and
  - (b) any increase in the number of units.

3. Avesta shall record this Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its execution by the Town Council.

4. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the Property except as this Contract Zoning Agreement may be amended by future written agreement with the Town of Scarborough and Avesta or its successors in interest. This Agreement shall be binding upon subsequent record owners of the Property.

The provisions of this Contract Zoning shall operate as an “overlay” zone and except as otherwise set forth in the aforesaid conditions, all other requirements of the underlying Zoning District shall apply (other than the maximum net residential density, use, height, setbacks and parking). The restrictions, provisions and conditions of this Agreement are an essential part of the rezoning, shall run with the Property, shall bind Avesta, its successors in interests and assigns of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town of Scarborough.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Zoning Ordinance of the Town of Scarborough (as applicable) and any applicable amendments thereto or replacement thereof.

The Town shall have the power to enforce all conditions and restrictions of this Agreement, both through enforcement action pursuant to Section IV of the Scarborough Zoning Ordinance and

through legal action for specific performance of this Agreement. In the event that Avesta, or its successors, or assigns, fail to develop the project in accordance with this Contract, or in the event of any other breach hereof, and such failure or breach continues for a period of thirty (30) days after written notice of such failure or breach cannot reasonably be remedied or cured within such thirty (30) day period, if Avesta, its successors or assigns, fails to commence to cure or remedy such failure or breach within said thirty (30) day period and thereafter fails to diligently prosecute such cure or remedy to completion in a reasonable time, then this Contract may be terminated by vote of the Scarborough Town Council. In that event, the Property may then be used only for such uses as otherwise allowed by law.

WITNESS:

\_\_\_\_\_

TOWN OF SCARBOROUGH

By: \_\_\_\_\_

Thomas Hall, its Town Manager  
duly authorized by vote of the  
Scarborough Town Council on  
\_\_\_\_\_, 2015

WITNESS:  
CORPORATION

\_\_\_\_\_

AVESTA HOUSING DEVELOPMENT

By: \_\_\_\_\_

Dana Totman, its President

STATE OF MAINE  
CUMBERLAND, SS

\_\_\_\_\_, 2015

PERSONALLY APPEARED the above named Thomas Hall, Town Manager of the Town of Scarborough as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Scarborough.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name:

My commission expires:

STATE OF MAINE  
CUMBERLAND, SS

\_\_\_\_\_, 2015

PERSONALLY APPEARED the above named Dana Totman, President of Avesta Housing Development Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said nonprofit corporation.

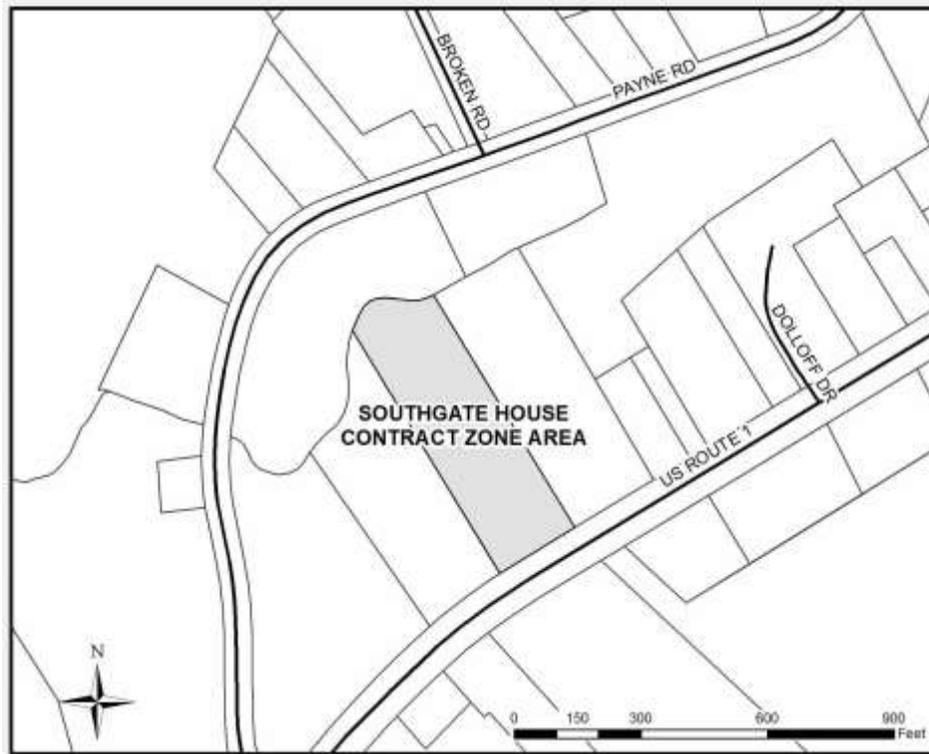
Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name:

My commission expires:

Attachment 1  
Zoning Map Amendment



Vote: 6 Yeas.

**Order No. 15-058. Act to certify the results of the July 7, 2015, School Budget Validation Referendum.** Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to certify the results of the July 7, 2015, School Budget Validation Referendum:

The Yes vote was 496  
The No vote was 3,584  
Invalid was 37  
Too High vote was 1,838  
Acceptable vote was 177  
Too Low vote was 2,047

Vote: 6 Yeas.

**Order No. 15-059. Act on the request to set the date, time and location of the School Budget Validation Referendum.** Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval to set the date, time and location of the School Budget Validation Referendum, as noted in the Warrant.

Motion by Councilor Hayes, seconded by Councilor Babine, to move approval to amend the main motion to remove the “Goldie Locks” question from the Ballot.

Vote on amendment: 6 Yeas.

Main motion as amended:

**WARRANT**  
**SCHOOL BUDGET VALIDATION REFERENDUM**  
**(20-A M.R.S.A. § 1486 and 2307)**  
**TOWN OF SCARBOROUGH**  
**Tuesday, August 4, 2015**

**Municipality:** Scarborough

**Voting District:** Town Wide

**Voting Place Name:** Municipal Building

**Voting Location:** 259 US Route One

**Polls Open at 7:00 A.M.**

**Polls Close at 8:00 P.M.**

**Absentee Ballot Processing (check all that apply):**

**Processed by:** Clerk (Centrally)                       Clerk (At Polls)

**Date/Time of Processing:**

**During** Election Day (8/04) Processing Time(s): After 8:00 a.m.

**Only** after 8:00 p.m. on Election Day (8/04)

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**WARRANT**  
**SCHOOL BUDGET VALIDATION REFERENDUM**  
**(20-A M.R.S.A. § 1486 and 2307)**  
**TOWN OF SCARBOROUGH**  
**Tuesday, August 4, 2015**

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, Police Chief of the Town 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 School Budget Validation Referendum Election, as described in this warrant.

**To the Voters of the Town of Scarborough:**

You are hereby notified that a School Budget Validation Referendum will held at the Scarborough Municipal Building in Council Chambers, located at 259 US Route One, in the Town of Scarborough on Tuesday, August 4, 2015, for the purpose of determining the following questions:

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**School Budget Validation Referendum Question No. 1:**

- YES            Do you favor approving the Scarborough School budget for the upcoming school  
 NO                year that was adopted at the latest Town of Scarborough budget meeting?

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The Registrar of Voters will hold office hours while the polls are open to correct any error in 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 may not vote in any Scarborough election.

Given under our hand this 15th day of July, 2015, at Scarborough, Maine. Signed by a majority of the municipal officers of the Town of Scarborough.

Vote: 6 Yeas.

**Item 8. Non Action Items.** None at this time.

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

- Councilor Donovan gave an update on the Energy Committee.
- Councilor Caterina gave an update on PACTS noting that there would be a follow-up Tuesday, August 25<sup>th</sup> regarding the Route 114 Corridor. She also noted that she had attended a broad band meeting.
- Council Chair Holbrook noted that the Historic Preservation Implementation Committee would hold its first meeting on Tuesday, July 21<sup>st</sup> at 6:30 p.m. in the Manager's Conference room.

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

- There had been a ribbon cutting ceremony at a new Lobster processing plant located on the Pine Point Road.
- Retaining wall at the skate board park is being repaired.
- There have been requests to clean beach more often – normally it is only Friday mornings. Mr. Hall noted that have a new type of seaweed that is very smelly.
- Tri-Gen update – the main engine will be delivered
- Comments regarding the cut further in the Municipal Budget. This will not be easy for staff and expect staff to be thorough in where the cuts are.

**Item 11. Council Member Comments.**

- Councilor Hayes commented on the budget process and see what can happen differently next year. He thanked the municipal staff for their support. He spoke on some emails that Councilors had received that had crossed the line. He hoped that people
- Councilor Caterina commented on the budget process. She was proud on the Council for supporting the computers; share the pain by reducing the Municipal Budget; pushed the tax increase down to below 3% - working together with fellow councilors. Would like to see all groups stay involved.
- Councilor Donovan commended Chief Moulton on the newspaper article on courtesy. He commended the Town Department Administrators on work with the Manager and be part of the solution on this budget. There is a need to help the low income seniors. He too commented on the not so nice instances that have happened – it is very disrespectful.
- Councilor Babine will be joining the Cumberland County Budget Advisory Committee representing our area. On a positive note – there was a young lady setting in the front row who gave him a picture and said thank you for doing what you do. He commented on the budget that was presented – he supported both referendums and would support the next one. He also commented on the emails that some of the Councilors had received that are not very nice and this is wrong – the personal attacks on families is wrong and needs to stop. He then congratulated Ms. Donna Beeley, Chair of the Board of Education on the birth of her grandson.
- Council Chair Holbrook also spoke on the “low blows” that have happened. We all have to give a little and we need to support each other.

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

Vote: 6 Yeas.

Meeting adjourned at 9:48 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk