

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 6, 2016
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Vice Chairman Babine called the regular meeting of the Scarborough Town Council to order at 7:01 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.

Shawn A. Babine, Vice-Chair	Katherine A. St. Clair [Absent]
Robert W. Rowan	Peter F. Hayes
Jean-Marie Caterina	Christopher J. Caiazzo
William J. Donovan, Chairman [Absent]	

Item 4. General Public Comments.

- Mike Turek of Bayberry Lane spoke on last year's school budget and comments that Mr. Somers made encouraging those who supported the School Budget to write a check for \$100; he was the only one who has donated. Mr. Turek added that at the end of his campaign he had pledged to give what money he had left to the School PTA and he did. He would like to challenge the other candidates to do this to.

Item 5. Minutes: December 16, 2015 – Regular Meeting. Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval of the minutes of the December 16, 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.

Order No. 16-001, 7:00 p.m. Public hearing and action on the new request for a Liquor ~~Innkeepers~~ License and a Food Handlers from Salt Pump Climbing Center d/b/a Salt Pump Climbing Co., located at 36 Haigis Parkway. Prior to the public hearing the Town Clerk noted that the Order should read "Liquor License not Innkeepers License." Vice Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:05 p.m.

Motion by Councilor Rowan, seconded by Councilor Caterina, to move approval on the new request for an Innkeepers License and a Food Handlers from Salt Pump Climbing Center d/b/a Salt Pump Climbing Co., located at 36 Haigis Parkway.

Vote: 5 Yeas.

OLD BUSINESS:

Order No. 16-002. Act on the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee. Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval of the names posted to the various Town Committees/Boards, as recommended by the Appointments Committee, as follows:

Board of Assessment Review:

Kathy Fuente and Matthew Chamberlain – full voting members, terms to expire in 2018.

Coastal Waters & Harbor Advisory Board:

Timothy Downs and Robert Willette – full voting members, terms to expire in 2018.

Community Services & Recreation Advisory Board:

Richard Murphy – full voting member, term to expire in 2018; move Roger Chabot from 1st Alternate to a full voting member, term to expire in 2016 and move Liam Somers from 2nd Alternate to 1st, term to expire in 2016 and appoint Donnamarie Collins as 2nd Alternate for three years, term to expire in 2018.

Conservation Commission:

J. Anton Bodor and Rachel Hendrickson – full voting members, terms to expire in 2018.

Employee Incentive Committee:

Edward Blaise – full voting member, term to expire in 2018.

Energy Committee:

Rick Meinking David Kirstein and Ronald Allen – full voting members, terms to expire in 2018.

Housing Alliance:

Suzanne Foley-Ferguson and Robert Porter – full voting members, terms to expire in 2018.

Parks and Conservation Land Board:

Paul Austin and Rachel Hendrickson – full voting members, terms to expire in 2018.

Personnel Appeals Board:

J. Anton Bodor and Sandra Ahlquist – full voting members, terms to expire in 2018.

Planning Board:

Corey Fellows – full voting member, term to expire in 2018; move Susan Auglis from 1st Alternate to a full voting member, term to expire in 2016 and move Roger Beeley from 2nd Alternate to 1st Alternate and Robyn Saunders as 2nd Alternate, term to expire in 2018.

Pest Management Advisory Board:

Tim Lindsay and Marla Zando – full voting members, terms to expire in 2018.

Senior Advisory Board:

Troy Hendrickson and Penny Boles – full voting member, term to expire in 2018.

Zoning Board of Appeals:

Leroy Crockett – full voting member, term to expire in 2018; move James Herbert to full

Vote: 5 Yeas.

NEW BUSINESS:

Order No. 16-003. Act on the request to approve the Findings and Order Pursuant to Title 17 M.R.S.A. §§2851-2859 (Dangerous Buildings) on property owned by Douglas S. Brown, located at 9 Partridge Lane – Scarborough. Thomas J. Hall, Town Manager, gave a brief overview on this Order. Brian Longstaff, Zoning Administrator, gave a brief update as to the status of the property.

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval on the request to approve the Findings and Order Pursuant to Title 17 M.R.S.A. §§2851-2859 (Dangerous Buildings) on property owned by Douglas S. Brown, located at 9 Partridge Lane – Scarborough, as follows:

FINDINGS AND ORDER

Pursuant to Title 17 M.R.S.A. §§ 2851-2859
(Dangerous Buildings)

TO: Douglas S. Brown
9 Partridge Lane – Scarborough, ME 04074

On Wednesday, December 16, 2015, at 7:00 p.m. at Town Hall, the Municipal Officers of the Town of Scarborough, Maine held a hearing to determine whether the building owned by you and located on land at 9 Partridge Lane and shown on Map U008, Lot 087, of the current Tax maps of the Town of Scarborough, Maine, is dangerous and a nuisance within the meaning of Title 17 M.R.S.A. § 2851. Notice of this hearing was duly served on you as the owner and on all parties in interest.

The following persons were present and testified:

Brian Longstaff, Zoning Administrator – Town of Scarborough; Officer Brian McNeice, Scarborough Police Department; and Douglas S. Brown, Property Owner. Additionally, a letter from Dr. Stephen Kirsch, Scarborough Local Health Officer was read into the record. Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

- a) Douglas Brown (Brown) is the current owner of the property at 9 Partridge Lane (the Property), but has not resided there for nearly 18 months.
- b) Brown allowed the Property to fall into a state of neglect and disrepair to the extent that an inspection of the property was necessary to determine if it was habitable.
- c) Beginning in March 2015, the Zoning Administrator made several written requests to the owner to allow the codes department access to the property for inspection. The owner Mr. Brown did not respond to the requests.
- d) On July 7, 2015, the Scarborough Police Department was called to investigate a possible unattended death due to conditions observed at the premises, including odor and fly infestation, which was ultimately caused by a large amount of spoiled meat. Guns and ammunition were among the belongings observed during the investigation. Affidavits from responding officers are on file in the Codes Office.
- e) As Brown was unresponsive to repeated requests from Scarborough Code Enforcement for permission to inspect the premises, an administrative warrant to inspect the premises was granted by the Maine District Court on August 5, 2015, and an inspection was carried out on August 13, 2015. The inspection team included the Zoning Administrator, Fire Inspector, Code Enforcement Officer, Health Officer, and Animal Control Officer. Inspection reports by the Local Health Officer and the Zoning Administrator are on file in the Codes Office, and are a part of the record.
- f) Following the execution and inspection of the premises, violations of 17 M.R.S. § 2851; 22 M.R.S. §§ 461, 1561 and other related statutes were found, including:
 - i) Failing floor framing adjacent to second story sliding door;
 - ii) Collapsed second story deck;
 - iii) Water damaged ceiling in danger of collapse;
 - iv) Non-functioning plumbing;
 - v) Non-weather tight building shell;
 - vi) Filth, insect, rodent, and animal infestation;
 - vii) Unsanitary conditions; and
 - viii) Stored human waste.

- g) The Property was posted as uninhabitable on August 13, 2015.
- h) A return of warrant was filed by the Town on August 18, 2015.
- i) Brown testified that his job has kept him from giving the structure the necessary attention to repair and maintain it. He stated that the time constraints imposed by his employment will be resolved through restructuring.
- j) Brown testified that he agreed that the building was in a dangerous condition but desires the opportunity to rehabilitate the structure rather than demolish it if Council will allow it.
- k) Based on the testimony of Zoning Administrator/Code Enforcement Officer Brian Longstaff, the current condition of the structure will make rehabilitation extremely difficult, though not impossible. In his opinion, demolition would appear to be a more feasible option.

Based on the foregoing findings, the Municipal Officers conclude that the building/structure is dangerous and/or a nuisance because it is structurally unsafe, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put, constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, and abandonment. The Municipal Officers recognize the right of Brown to attempt to rehabilitate the structure and correct the dangerous conditions, but could only approve a rehabilitation effort under specific conditions that mandate Brown's adherence to certain benchmarks and timetables.

THEREFORE IT IS ORDERED that said building be secured by Brown within 24 hours of the public hearing, and that within 30 days from the date of service of this Order all rubbish, debris, unsalvageable contents, household/human/hazardous waste, and dangerous materials be removed from the dwelling and properly disposed. Brown will then have 120 days from the date of service of this Order to abate all other dangerous conditions and bring the property back to a habitable state. To accomplish this, Brown must work with the Town Manager and Codes Department to create an agreement setting forth a series of reasonable milestones to be met by Brown in order to demonstrate forward progress toward correcting the dangerous conditions, and that when completed, will be acceptable to the Codes Department for issuance of a Certificate of Occupancy. Additionally, Brown must take steps to ensure that the dwelling and the grounds of the property are maintained to a healthy and safe condition, including but not limited to the mowing of grass and removal of all accumulations of rubbish, harborage for rodents or other pests; and that any further use of the property shall conform to all local and state regulations as applicable. This corrective action shall be completed within 120 days from the date of service of this order.

AND BE IT FURTHER ORDERED that the Town Clerk record this Order and cause attested copies of this Order to be served upon the persons as required by law.

AND BE IT FURTHER ORDERED that, if this Order is not complied with, the Town Manager is hereby authorized and directed to ask for bids for the abatement or demolition of said dangerous building.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Signed by the majority of the Municipal Officers of the Town of Scarborough and witnessed by the Town Clerk.

Vote: 5 Yeas.

Order No. 16-004. Act on the request to authorize the Town Manager to sign any and all documents relating to a Confirmatory Recreational Easement on property located at Higgins Beach, relating to the handicapped access path. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval to authorize the Town Manager to sign any and all documents relating to a Confirmatory Recreational Easement on property located at Higgins Beach, relating to the handicapped access path.

Vote: 5 Yeas.

Order No. 16-005. Act to approve the Resolve to accept donations for the Fuel Assistance Program. Motion by Vice Chair Babine, seconded by Councilor Rowan, to move approval of the Resolve to accept donations for the Fuel Assistance Program, as follows:

**TOWN OF SCARBOROUGH
IN TOWN COUNCIL ASSEMBLED**

January 6, 2016

RESOLVE Accepting Donations for the Fuel Assistance Program.

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL AS FOLLOWS:

THAT THE Town of Scarborough gratefully accepts the donations from the following business and/or persons, that have been collected to date, to be used for the Fuel Assistance Program:

Mr. & Mrs. Robert W. Beal

AND, be it further Resolved that each business, organization and/or person be recognized for their generous donations as a token of the Town's appreciation.

Sponsor: Town Council
Originator: Town Council

Vote: 5 Yeas.

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

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

- Councilor Caiazzo noted that the Appointments Committee had met earlier and had table the appointment on the Conservation Commission, but would like to post the following names:

Shellfish Conservation Commission

Appoint Paul Erickson as a full voting member, term to expire in 2018

Re-Appoint Erica Downs as a full voting member, term to expire in 2018

Appoint Dwayne O'Roak as the 1st Alternate, term to expire in 2018

Zoning Board of Appeals

Appoint Karen Shupe as 2nd Alternate, term to expire in 2018

Housing Alliance

Appoint Eric Boucher as a full voting member, term to expire in 2018

Councilor Caiazzo also gave an update on the School Board and the process being used in the Superintendent's search.

- Councilor Rowan spoke on SEDCO Meeting; gave an update on the Senior Advisory Board meeting adding the Maine Senior Games would be held in Scarborough. He went on to give an update on the Housing Alliance and the Historic Preservation Implementation Committee.
- Councilor Caterina gave an update on the Conservation Commission; Long Range Planning Committee and the Communications Quarterback. She would like to see a Town Council Table at the Polls this year.
- Vice Chair Babine gave an update on the Finance Committee adding there would be a meeting on Wednesday, January 13th at 4:00 p.m. and then a joint workshop between the Council/Board at 2:00 p.m. on Thursday, January 14th.

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

- Staff evaluations are underway.
- Evening hours on Wednesdays the Town Hall stays open until 6:30 p.m.; however, there is a possibility that would change to only the first and third Wednesday as it is a Town Council meeting night and it would start in February.
- WinterFest is scheduled for Saturday, January 16th 1:00 to 5:00 p.m.

Item 11. Council Member Comments.

- Councilor Rowan stated that he was still trying to understand State Subsidy Formula. He had been reviewing the Municipal Audit reports and thought that there could be some benchmarking, he would talk with the Town Manager. He would be checking Habitat for Humanity for possibly having a Volunteer Work Day on a Saturday.
- Councilor Caterina wished everyone a Happy New Year. She encouraged fellow Council Members to be more visible in the community; one way would be to make an appearance at functions.
- Councilor Caiazzo also wished everyone a Happy New Year. Would encourage outreach to the School as well on the communications piece.
- Councilor Hayes wished everyone a Happy New Year. He was Impressed with the Police Department and their involvement in locating a missing person here in Scarborough.
- Vice Chair Babine wished everyone a Happy New Year. He then spoke on the Workshop that had been held earlier on "Complete Streets" and how everything ties in together. He sent condolences to the families of Henry Bellavance and George Lawson. He then noted that he had created "Shawn's Coffee Corner" and would like to touch base with all members and appreciated those who had responded – this would be only himself and one other Councilor.

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

Vote: 5 Yeas.

Meeting adjourned at 7:44 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk