

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 5, 2016
SCARBOROUGH WENTWORTH SCHOOL
GUIDED TOURS OF SCHOOL – 6:15 P.M.
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 7:00 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. The following Town Councilors were present:

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

Item 4. General Public Comments.

- Jackie Perry, School Board Member and part of the Building Committee for the Wentworth School spoke regarding the upcoming Town Council meeting being held at the Wentworth School and encourage residents to attend.

Item 5. Minutes: September 21, 2016 – Regular Meeting. Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval of the minutes of the September 21, 2016, regular Town Council meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. Thomas J. Hall, Town Manager noted that a new item would be

Item 7. Items to be signed: a. Treasurer’s Warrants. Treasurer’s Warrants were signed during the meeting.

PRESENTATION: Kelli Crosby, Principal and Julie Kukenberger, Superintendent. Chairman Donovan commented on the tours that had been held prior to the Town Council meeting at Wentworth and then introduced Julie Kukenberger, Superintendent and Kelli Crosby, Wentworth Principal, who went on to conduct a power point presentation on the Wentworth School as well as a video showing the life in the day of a Wentworth student. Chairman Donovan thanked Ms. Crosby and Ms. Kukenberger for the presentation.

Thomas J. Hall, Town Manager, took the opportunity to introduce the new Assistant Town Manager Larissa Crockett.

Ms. Crockett thankful for being in town and looks forward to working for opportunity.

Order No. 16-061, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 1002, the Town of Scarborough Shellfish Ordinance, Section 5. Licensing - D. Conservation Activities. [*Shellfish Conservation Commission*] Councilor Hayes, Liaison to the Shellfish Committee, gave a brief overview on this Order. Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:37 p.m.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to Chapter 1002, the Town of Scarborough Shellfish Ordinance, Section 5. Licensing - D. Conservation Activities, 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 the following amendment to the Town of Scarborough Shellfish Conservation Ordinance, be and hereby amended as follows:

5. Licensing – Municipal Shellfish Digging is required.

D. Conservation Activities: [Adopted 06-03-15]

The Town encourages all shellfish diggers to protect and enhance the resource by participating in conservation activities such as seeding clam beds, participating in shellfish surveys, and participating in other approved resource management activities. All Commercial License holders 18 years of age or older may be required to participate in shellfish seeding as deemed necessary by the Shellfish Conservation Committee. Seeding or other approved conservation activities also may be undertaken on a volunteer basis. Commercial License Holders who complete the specified number of hours of conservation activities which may include required shellfish seeding hours and volunteer hours for a total of twelve (12), will be eligible for priority license renewal pursuant to Section 5.E.4.(a) of this Ordinance.

The Shellfish Conservation Committee will approve all accepted conservation activities by a majority vote. The names and number of hours completed on an accepted conservation activity will be recorded in writing by the Shellfish Conservation Officer and submitted to the Shellfish Committee on a monthly basis for their records.

It shall be the sole responsibility of the Commercial License holder to contact the Shellfish Committee Members or the Shellfish Officer to determine the conservation available to participate in. The Shellfish Committee Chair, with consent of the majority membership of the Committee, may designate special conservation work during any period of State closure of the Town of Scarborough shellfish beds. The Chair may poll the Committee by telephone, email, fax or in person for the purposes of this section. Each Commercial License holder is encouraged to contribute at least half of their voluntary conservation activity in the form of low tide work. All crab trapping is considered low tide work. The conservation year will run from May 1st to November 30th. School conservation activities have a deadline of December 31st and are limited to a maximum of three (3) hours per project and six (6) hours total allowed.

The Shellfish Conservation Committee may waive all or part of the requirement for shellfish seeding for an applicant who provides the Committee with a written statement from a physician indicating that the applicant was not able to participate in any regularly scheduled shellfish seeding do to incapacitation by illness or injury. The Committee may also allow the following alternative conservation work, on an hour for hour basis, upon the request of an applicant made at a regular monthly meeting of the Committee. Such alternative work may be used to meet the shellfish seeding requirement or may be used to qualify as additional volunteer conservation activity:

- i. Another time to complete conservation time for an applicant who demonstrates to the Committee that the illness or incapacitation of a parent, spouse or child prevented that person from participating in regularly scheduled conservation time; or,
- ii. Alternate, less strenuous work for an applicant who provides the Committee with a written statement from a physician indicating that the applicant is not physically able to participate in regular conservation work.
- iii. At the discretion of the Project Leader, any scheduled conservation project may be canceled and/or terminated due to severe weather or safety concerns for those involved. Any participate present or arriving within ten minutes at the designated meeting area and start time must still sign in and sign out. These participants will receive the allotted hours of conservation time for that particular project regardless of performing the activity.

Vote: 6 Yeas.

Order No. 16-062, Public hearing and action on the new request for a Liquor License and a Food Handlers License from Thao P. Kieu, d/b/a Pho Hong Vietnamese Restaurant, located at 285 US Route One, Unit #2. [Town Clerk's Office] Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:38 p.m.

Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval on the new request for a Liquor License and a Food Handlers License from Thao P. Kieu, d/b/a Pho Hong Vietnamese Restaurant, located at 285 US Route One, Unit #2.

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 16-063. First Reading and schedule a public hearing and second reading on the proposed amendment to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, subsection A. [Ordinance Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Councilor Caterina, Chair of the Ordinance Committee, also spoke on this Order.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the first Reading on the proposed amendment to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, Subsection A and schedule a public hearing and second reading for Wednesday October 19, 2016, as follows:

**CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to Chapter 601 - the Traffic Ordinance of the Town of Scarborough, Maine, be and hereby amended by adding the new subsection XI. Orchard Street, as follows:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

XI. ORCHARD STREET.

No parking shall be allowed on Orchard Street, except for three (3) parking spaces located along the southerly side of Orchard Street [Church side of street].

Vote: 6 Yeas.

Order No. 16-064. Act on the request to accept the Policy Establishing a Methodology for Calculation of Projected Valuation. *[Rules and Policies Committee]* Thomas J. Hall, Town Manager gave a brief overview on this Order and recommended that this item be tabled to the next meeting so that Councilor Rowan could present this order.

Motion by Councilor St. Clair, seconded by Councilor Babine, to move table Order No. 16-064 to the October 19th Town Council meeting.

Vote to Table: 6 Yeas.

Order No. 16-065. Act on the request to authorize the Town Manager to sign a Municipal Release Deed on land lying southerly of the Bayview Avenue right of way and westerly of the centerline of Ashton Street Extension, so called, to the low water mark of the Atlantic Ocean, said extension shown on a plan captioned “Plan of Lots at Higgins Beach” dated June 10, 1913 and recorded June 19, 1913 in the Cumberland County Registry of Deeds at Book 12, Page 81. *[Town Manager]* Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman Donovan also spoke on this Order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to authorize the Town Manager to sign a Municipal Release Deed on land lying southerly of the Bayview Avenue right of way and westerly of the centerline of Ashton Street Extension, so called, to the low water mark of the Atlantic Ocean, said extension shown on a plan captioned “Plan of Lots at Higgins Beach” dated June 10, 1913 and recorded June 19, 1913 in the Cumberland County Registry of Deeds at Book 12, Page 81, as follows:

MUNICIPAL RELEASE DEED

TOWN OF SCARBOROUGH, a Maine municipal corporation and body politic having a mailing address P.O. Box 360, Scarborough, Maine 04074 (“Grantor”), FOR GOOD AND VALUABLE CONSIDERATION, releases unto **PRESTON L. LEAVITT**, an individual having a mailing address of 17 Becker Drive, Lilitz, Pennsylvania 17543 (“Grantee”), the following described real property:

All Grantor’s right, title and interest in and to the land lying southerly of the Bayview Avenue right of way and westerly of the centerline of Ashton Street

Extension, so called, to the low water mark of the Atlantic Ocean, said extension shown on a plan captioned "Plan of Lots at Higgins Beach" dated June 10, 1913 and recorded June 19, 1913 in the Cumberland County Registry of Deeds at Book 12, Page 81.

Reference is made to paragraph 5 of a certain Confirmatory Recreational Easement dated January 11, 2016 and recorded in the Cumberland County Registry of Deeds in Book 32864, Page 174 pursuant to which Grantor agreed to release all Grantor's right, title and interest in and to that portion of Ashton Street Extension lying westerly of the centerline to Preston and Ann Leavitt, Ann Leavitt now being deceased.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed under seal by Thomas Hall, its Town Manager, thereunto duly authorized, this _____ day of _____, 2016.

WITNESS:

TOWN OF SCARBOROUGH

Print Name:

By: _____
Thomas Hall, Town Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2016

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 the Town of Scarborough.

Before me,

Print Name:
Notary Public/Attorney-at-law
My Commission Expires:

Vote: 6 Yeas.

Order No. 16-066. Act on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 8, 2016; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary. [Town Clerk] Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 8, 2016; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary, as follows:

**WARRANT FOR
Regular Municipal Election
TOWN OF SCARBOROUGH, MAINE**

TUESDAY, NOVEMBER 8, 2016
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 Regular Municipal & Referendum Election, 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 Regular Municipal Election will be held on Tuesday, November 8, 2016, at the Scarborough High School Alumni Gymnasium:

FOR COUNCIL MEMBER

FOR BOARD OF
EDUCATION MEMBER

FOR TRUSTEE OF
SCARBOROUGH
SANITARY DISTRICT

Vote for TWO

Vote for TWO

Vote for TWO

DESANCTIS, Marjorie L.

LYFORD, Cari S.

NELSON, David J.

DONOVAN, William J.

SHEA, Jodi

STRAUSE, Aubrey L.

FOLEY, Kathleen M.

ROSENBLATT, Annalee Z.

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The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Monday, November 7, 2016, from 9:00 a.m. to 4:00 p.m. and on Election Day, Tuesday, November 8, 2016, starting at 8:00 a.m. and hourly thereafter.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls 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.

Approved on Wednesday, October 5, 2016, by the Scarborough Town Council.

Joyce	Alden	Timothy	Hendrix
Annie	Archibald	Geraldine	Holton
Sue	Beckerley	Donna	Jackman
Rhonda	Bernard	Mark	Jackson
Ann	Blaisdell	Shirley	Jackson
Bruce	Blaisdell	Joyce	Jensen
Edward	Campbell	Ann	Johnson
Constance	Carlson	Sheila	Johnson
			Jolly-
Harold	Clough	Deborah	Schofield
Julie	Collins	Patricia	Jones
Melissa	Cooledge	Elaine	Killelea

Tristan	Corriveau		Teresa	Konczal	
Kerry	Corthell		Cindy	Kueck	
Jackie	Curlew		Lorraine	LaChapelle	
Beverly	Dahms		Alfred	LeDoux	
Dolores	Davio		Susan	Libby	
Joseph	Davio		Janet	Love	
Marjorie	DeSanctis		Geoff	MacLean	
Marie	Downs		Nancy	MacLean	
Mary	Duca		Marion	Nielsen	
Sandra	Elder		Marion	O'Roak	
Emilie	Estes		Janice	Paul	
Barbara	Fagnant		William	Penley	Deputy Warden
Charlene	Fenlason		Robert	Pendleton	
Connie	Flaherty		Cheryl	Plowman	
June	Gillis		Richard	Reid	
Jean	Giroux		Deborah	Rideout	
Wilfred	Giroux		Doris	Smith	
Guy	Gledhill	Warden	Drew	Serbin	
Elizabeth	Grant		Martha	Smick	
Libby	Greenleaf		Emily	Ward	
Georgia	Hanson		Maureen	Weeks	
Ken	Happel		Mary Lou	Wiley	
Donna	Hazard		Eska	Wink	
Carl	Helms		Michael	Wygant	
Sue	Helms				
Catherine	Hendrix				

Vote: 6 Yeas.

Order No. 16-067. Act on the request to authorize the Town Manager to sign a *Letter of Support* for the Eastern Trail Alliance regarding their grant application to People for Bikes for the Eastern Trail “Close the Gap” Fundraiser. Thomas J. Hall, Town Manager and Councilor Hayes spoke on this Order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to authorize the Town Manager to sign a *Letter of Support* for the Eastern Trail Alliance regarding their grant application to People for Bikes for the Eastern Trail “Close the Gap” Fundraiser.

Vote: 6 Yeas.

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

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

- Councilor Caterina commented on the Long Range Planning Committee

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

- He had approved an RFP to hire a consultant to work with the Long Range Planning Committee.
- MMA Convention he had been invited to sit on a panel regarding energy.
- He thanked the School Dept. for hosting the meeting; however, in the future we could do the meetings in the cafeteria.
- He noted that Mike Shaw, Public Works Director, had informed him that crews were cleaning up retentions ponds and one of the town's excavator had gotten stuck in the mud and was successfully

Item 11. Council Member Comments.

- Councilor Babine thanked the Superintendent and Principle for hosting the meeting this evening. He welcomed Ms. Crockett for coming on board. He went on to speak on the SEDCO Board meeting last night. He then noted that he would not be at the next meeting on October 19th.
- Councilor Caterina also thanked School for hosting the meeting. It brought back memories of when she was a teacher. She too spoke on the Annual SEDCO Board meeting. She welcomed Ms. Crockett for coming on board and she seems like a great fit.
- Councilor Caiazzo thanked the school for hosting. He too attended the Annual SEDCO Board Meeting.
- Councilor Hayes echoed the comments that had already been said with regards to Annual SEDCO Board meeting. He thanked his tour guide this evening adding that the young man had a lot of passion for the school.
- Councilor St. Clair stated that Wentworth is a fabulous school and they do amazing things do and offer.
- Chairman Donovan also spoke on the SEDCO Annual Board meeting. He went on to note that David Nelson passed away on Monday, he had served as a member of the Sanitary District since 1993.

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

Vote: 6 Yeas.

Meeting adjourned at 8:14 p.m.

Respectfully submitted:

Yolande P. Justice
Town Clerk