

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – OCTOBER 19, 2016  
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.

Chairman Donovan introduced Councilor Caiazzo who introduced the members of Boy Scout Troop 47. Councilor Caiazzo noted that he had attended one the meetings where the Troop had been working on their Civics Badge and he had asked if the Troop would like to attend a Council meeting and lead the meeting in the Pledge of Allegiance. The following members were present: Oliver Capone-Sprague of South Portland; Srikarthik Muddna, Liam Murphy, Nathan Clive, Bryce Jackson-Parise and Jeremiah Gilliam.

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

**Item 4. General Public Comments.**

- Jessica Holbrook of Beech Ridge Road – spoke on a recent clean- up project of the King Burial Ground and thanked all the volunteers who assisted as well as to Public works for their assistance. There will be further clean-up done at a later date. She then gave a quick history of the King Burial Ground.
- Larry Hartwell of Puritan Drive spoke on the teacher’s contract, which was approved by the Board and felt that it had not been negotiated very well.
- Sue Foley-Ferguson of Black Point Road and a member of the Parks and Conservation Land Board noted that she had attended the presentation of the New England Cotton Tail and pointed out that not everyone agrees with the program. She then handed out a map of the proposed area that would be effective
- Maura Erickson of Pine Point Road spoke on the new bridge and there being no sidewalk. She felt that it was poor planning for not including a sidewalk. There needs to be a sidewalk.

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

Vote: 5 Yeas. [Councilor Rowan - Abstained].

**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. 16-063, 7:00 p.m. 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. Chairman Donovan opened the public hearing. As there were no comments either for or against the hearing was closed at 7:18 p.m.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendment to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, Subsection A, 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.

**Resolution 16-007. Resolution to proclaim October 16-22, 2016, as Friends of Libraries week in Scarborough. [Chairman Donovan]** Chairman Donovan gave a brief overview on this Resolution.

The following spoke on this

Sue Helms, President of Friends of Library, noted that the Treasurer and the Library Director were also present. She went on to thank the Council for the Proclamation and went on to thank the Public Works Department for use of its facility for storing and sorting the books for the Annual Book Sale. She then asked for volunteers who would like assist in the Annual Book Sale held in the Spring.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval of Resolution 16-007, proclaiming October 16-22, 2016, as Friends of Libraries week in Scarborough, as follows:

**RESOLUTION 16-007**

*National Friends of Libraries Week  
Proclamation – Public Libraries*

**WHEREAS**, Friends of the Scarborough Library raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year;

**WHEREAS**, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

**WHEREAS**, the Friends understand the critical importance of well-funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

**WHEREAS**, the Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

**NOW, THEREFORE, BE IT RESOLVED** that the Scarborough Town Council proclaims October 16-22, 2016, as Friends of Libraries week in Scarborough, Maine and urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

Signed and dated this 19<sup>th</sup> day of October, 2016, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by William Donovan, Council Chair and attested by the Town Clerk.

Vote: 6 Yeas.

### **OLD BUSINESS:**

**Order No. 16-064. Act on the request to accept the Policy Establishing a Methodology for Calculation of Projected Valuation. [Rules and Policies Committee] [Tabled from the October 5<sup>th</sup> Council Meeting]** Councilor Hayes, Chair of the Rules & Policies Committee spoke briefly on this Order and responded to questions from the Town Council.

The following spoke on this order:

- Mike Turek of Bayberry Lane asked why the Assessor couldn't do his work in February. The Town Manager stated that there are certain State requirement and that the Assessor has to have the Work done by August.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval to accept the Policy Establishing a Methodology for Calculation of Projected Valuation.

Motion by Councilor Rowan, seconded by Councilor Caterina, to move approval to amend the main motion to include a fourth line under the definition of the formula as follows:

“The values used are the Total Property Valuation assessed for the given year.”

Vote on amendment: 6 Yeas.

Main motion as amended:

### **Policy Establishing a Methodology for Calculation of Projected Valuation**

When presenting the estimated tax rate computation during the budget process, an estimated town wide valuation is to be provided for the purposes of discussing any modification to the tax rate as impacted by the proposed total net budget for the upcoming fiscal year.

For the purpose of providing an estimated valuation, an average of the past 10 years of growth shall be calculated using a compound annual growth rate formula\*. Two values for the estimated valuation shall be provided; one illustrating a pessimistic scenario, using 50% of the ten year average for the growth as previously calculated, and another representing an optimistic scenario, using 150% of the ten year average. In the event of a full town-wide revaluation it may be necessary to make appropriate adjustments to the methodology.

This policy shall in no way impinge upon the independence of the Office of the Tax Assessor.

\*CAGR =  $(EV / BV)^{(1 / n)} - 1$

EV = Ending Value

BV = Beginning Value

n = number of years

The values used are the Total Property Valuation assessed for the given year.

Vote: 6 Yeas.

### **NEW BUSINESS:**

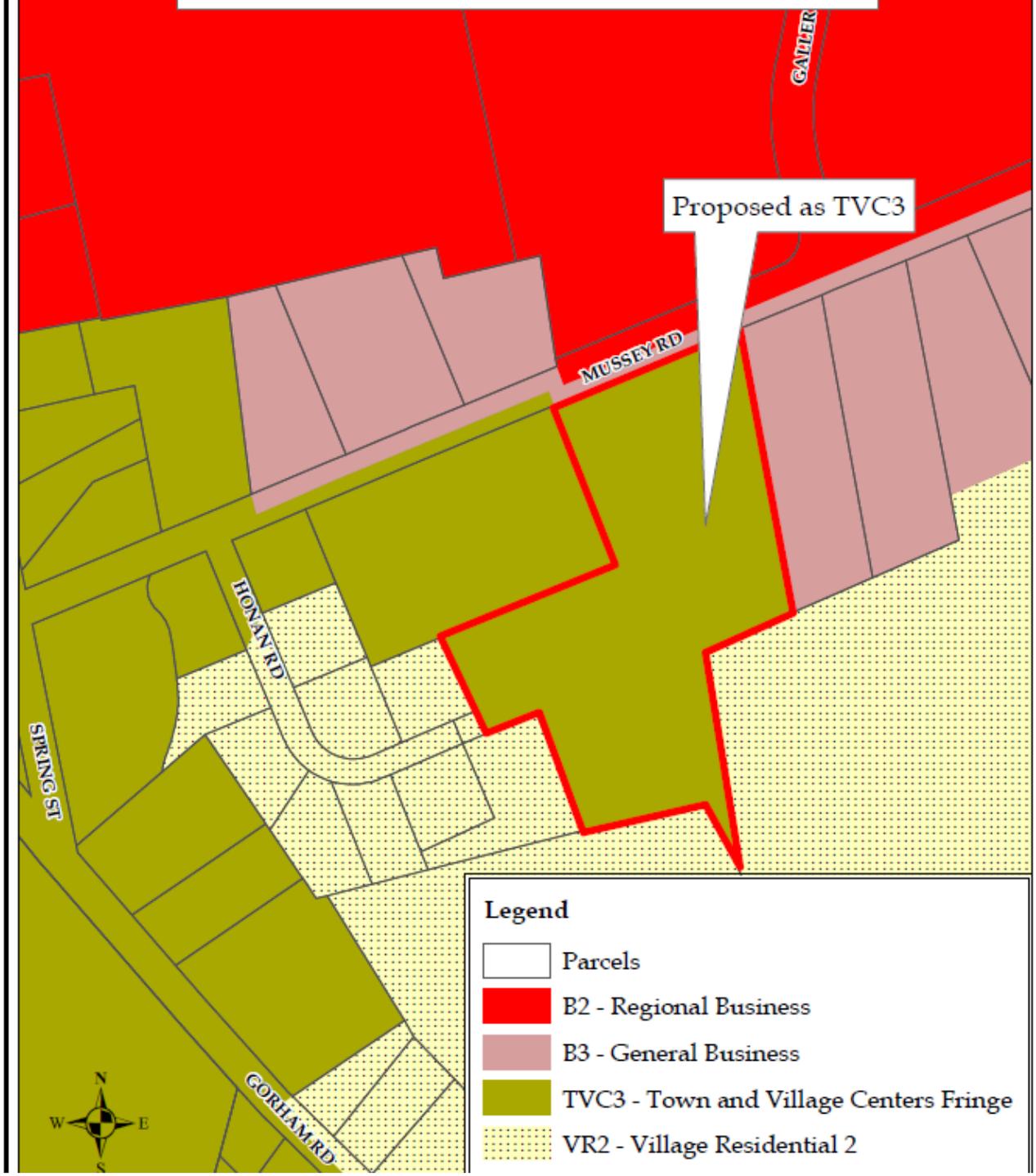
**Order No. 16-067. First Reading and refer to the Planning Board for a public hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to rezone property located at 79 Mussey Road from B-3 [Business] and VR-2 [Village Residential] to TVC-3 [Town and Village Center]. [Long Range Planning Committee]** Dan Bacon, Town Planner, gave a brief overview on this Order. He then introduced Rocco Risbara of Black Point Road. Mr. Risbara then presented the information on the reason for the change in the zoning being requested and responded to questions from the Town Council.

The following spoke on this Order:

- Marjorie DeSanctis of Beech Ridge Road spoke in support of the project, but wished that one building could be for affordable housing.

Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval of the first reading and refer to the Planning Board for a public hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to rezone property located at 79 Mussey Road from B-3 [Business] and VR-2 [Village Residential] to TVC-3 [Town and Village Center], to come back to the Town Council for a public hearing after the filing of the Planning Board's recommendations, as follows:

Proposed Amendment to the Town of Scarborough  
Official Zoning Map for the Parcels at 79 Mussey Rd  
Dated 10-14-16



Vote: 6 Yeas.

**Order No. 16-068. First Reading and schedule a second reading to approve the charge for the Ad Hoc Public Safety Complex Building Committee and authorize the Town Manager to expend monies from the Public Safety Building Capital Improvement Account in an amount not to exceed \$50,000.00.** [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order and responded to questions from the Town Council. The following spoke on this Order:

- Joan Lory of East Grand Avenue voiced her concern with the low number of members and suggested that a few more members be added, e.g. citizens.
- Larry Hartwell of Puritan Drive spoke in support of this proposal. He too spoke on the makeup of the members and spoke of increasing the membership.
- Mike Turek of Bayberry Lane also spoke on this item and suggested the Council listen to the Superintendent at the School Board meeting as there might be something the School Department has planned for future buildings.

Motion by Councilor St Clair, seconded by Councilor Caterina, to move approval of the first reading to approve the charge for the Ad Hoc Public Safety Complex Building Committee and authorize the Town Manager to expend monies from the Public Safety Building Capital Improvement Account in an amount not to exceed \$50,000.00.

Motion by Councilor Rowan, seconded by Councilor Caterina, to move approval to amend the main motion to increase the membership on the committee by increasing the Council member from one to two and increasing the At-Large membership from three to six.

Vote on amendment: 6 Yeas.

Main Motion as amended:

### **Ad-Hoc Public Safety Complex Building Committee**

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

**WHEREAS**, a new Public Safety Complex, combining Police and the central Fire Station, has been identified as the highest priority in the Long Range Facility Plan; and,

**WHEREAS**, the Town previously considered the feasibility of such a facility in 2007 and created the Public Safety Building Capital Improvement Account as a “town reserve fund for the financing of a public safety building and property and/or funding for property that would enhance existing public safety buildings”, the current value of which is in excess of \$617,000; and,

**WHEREAS**, The Police and Fire Departments have historically shared an unprecedented level of collaboration and this cooperation can be strengthened and encouraged through the construction of a modern combined Public Safety Building; and,

**WHEREAS**, the existing facility continues to fail to meet the needs of Police and Fire and the operational and maintenance costs continue to increase; and,

**WHEREAS**, in an effort to advance this important project , the Town Council wishes to draw upon the resources of the community and qualified consultants to prepare a plan with sufficient detail to seek voter approval.

**NOW, THEREFORE, BE IT RESOLVED**, by the Scarborough Town Council in Town Council assembled, that there is hereby an Ad Hoc Public Safety Complex Building Committee created, and the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Building Committee is to work with staff and qualified consultants in an effort to advise the Town Manager and Town Council on the preferred site, design and probable cost estimates for a new combined Police and Fire Public Safety Building. Such recommendations shall be sufficient to serve the purpose of preparing to seek voter approval for the facility. The following is a general overview of the discussion points, expectations and deliverables the Committee should consider in arriving at its recommendations:

- **Review of Prior Work**-The Committee shall familiarize itself with the prior work accomplished for the project. In particular, the Committee should review the Feasibility Study prepared by Gawron Turgeon Architects in 2007/2008.
- **Deliverables**- The Committees work and final recommendations should include the following elements:
  1. **Site Selection**- The Committee shall conduct a complete site selection process that considers all reasonable options for locating the facility, including public and private property;
  2. **Space Needs Analysis**- A complete evaluation of space needs for Police and Fire that considers existing needs as well as some accommodation for future growth;
  3. **Schematic Design**- Prepare a conceptual design, including lot layout and building elevations, that will provide sufficient detail to describe the facility;
  4. **Probable Cost Statement** - Prepare a probable cost estimate of the proposed facility with sufficient detail to forward to the voters for consideration.
- **Consideration of Other Town Facility Needs** - Review the Long Range Facility Plan to determine if other identified Town needs may be able to addressed in the facility. Combined use is encouraged to maximize value and overall cost savings.
- **Energy Efficiency-Life-Cycle Costs Considered** - Evaluate the expected life-cycle costs of proposed systems and consider energy efficiency with an evaluation of return on investment.
- **Public Involvement** - The Committee shall incorporate public input into the process, which will culminate in a public presentation of its findings and recommendations to the Town Council.
- **Best Practices** - Research and review other similar projects to determine best practices that may be incorporated into the project. Tours of similar facilities is encouraged.

The Committee's powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.

2. **Membership.** The membership intends to provide fair representation of key stakeholders and unique expertise in the construction or development field. The Committee shall be limited to Scarborough residents and comprised of ~~seven (7)~~ eleven (11) members as follows:

Fire Chief Mike Thurlow (or designee)  
Police Chief Robbie Moulton (or designee)  
~~One (1)~~ Two (2) Members of the Town Council

~~Three (3)~~ Six (6) Residents- at –Large:

Bruce Bell

Construction Expert: Rocco Risbara

3. Although official membership is limited to ~~seven (7)~~ eleven (11) members, the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceeding as they feel appropriate.
4. **Timeframe.** The Committee shall recommend and report, including the deliverables noted above, to the Town Council by August 2017, at which time the Committee shall cease to exist unless otherwise extended by the Town Council.
5. **Staff Resources Available.** The Town Manager will serve as support to this Committee and all Town Departments will be made available as may be necessary for the Committee to complete its task. In particular, it is expected that the Committee will involve the Town Engineer, Planning Director and the Sustainability Coordinate to supplement their efforts.
6. **Financial Support** – It is understood that the Committee will require the services of qualified design professionals to conduct its work. As an initial authorization, the Town Council hereby authorizes an amount not to exceed \$50,000 from the Public Safety Building Capital Improvement Account to engage competent consulting professionals. These monies will be under the control of the Town Manager who will be responsible for consultant selection and payment for services rendered. The Committee may request additional funds as may be necessary to complete the project.
7. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.
8. **Officers.** The Committee shall elect a Chair and Recording Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
9. **Quorum and Voting.** A quorum shall consist of four (4) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
10. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the deadline set and shall strive to meet weekly on a date and time specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least three (3) members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk’s Office.

Vote: 6 Yeas.

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

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

- Councilor Rowan gave an update on the Historic Implementation Committee
- Councilor Caterina gave updates on the Long Range Planning Committee and the Conservation Commission.
- Councilor St. Clair gave an update on the Appointments Committee adding that the following names be posted:

**Planning Board - 2 Vacancy due to a resignation [Michael Wood & Ron Mazer].**

Move the 1<sup>st</sup> Alternate, Roger Beeley, to full voting member with a term to expire in 2017 and move the 2<sup>nd</sup> Alternate, Robyn Saunders, to full voting member with a term to expire in 2018. Appoint Rachel Hendrickson as 1<sup>st</sup> Alternate with a term to expire 2019 and appoint Richard DuPerre as the 2<sup>nd</sup> Alternate with a term to expire in 2017.

**Coastal Waters & Harbor Committee: 1 Vacancy due to a resignation [Chris Rule].**

Move the 1<sup>st</sup> Alternate, Erica Downs, to full voting member with a term to expire in 2019 and move the 2<sup>nd</sup> Alternate, Moira Erickson, to 1<sup>st</sup> alternate with a term to expire in 2019.

- Councilor Hayes gave updates on the Shellfish Conservation Commission; the Coastal Waters Committee and the Senior Advisory Committee
- Councilor Caiazzo gave an update on Energy Committee, - School Board Meeting

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

- Spoke on the how information is dispersed out to the public [E-newsletter, facebook, etc.]
- There will be a new Town Council Orientation Packet that is being developed and will be shared with the Town Council soon.
- The property at 9 Partridge Lane has been taken care of.
- Due to complaints regarding the Horse Beach Ordinance it will be reviewed.
- Kerry Strout will be the new Sustainability Co-Coordinator and will starting at the end of November.
- Gave an update on the Habitat Housing project at Carpenter Court.

**Item 11. Council Member Comments.**

- Councilor Rowan thanked the Police Department on the fundraiser for Operation Hope.
- Councilor Caterina also commented on Operation Hope. She reminded voters that Absentee Ballots were available at Town Hall and then commented on the all the comments regarding “rigged elections.”
- Councilor Hayes thanked the Town Clerk’s Office for the work on the elections. He then commented on the rumors that there could be violence at the polls and that is why voters are voting by absentee ballot. He urged the public to responsible
- Councilor Caiazzo congratulated the couple who got engaged at the gazebo in Memorial Park. He commented on statements that been made by the public regarding the school. He thanked Chairman Donovan for running a tight ship and leading by example
- Chairman Donovan commented on the Scarborough Education Foundation event that had been held this past weekend; also commented on the Fireworks survey and noted there could be a workshop on this on November 17<sup>th</sup>. He mention the Low income relief Program through the town and that 280 applicants were approved for funding. He mentioned the soft opening of O’Reilly’s Cure that had been held.

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

Vote: 6 Yeas.

Meeting Adjourned at 8:58 p.m.

Respectfully submitted,

Yolande P. Justice  
Town Clerk.