

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 18, 2017
REGULAR MEETING – 5:30 P.M.**

Item 1. Call to Order. Vice Chair St. Clair called the regular meeting of the Scarborough Town Council to order at 5:30 p.m. She noted that Chairman Babine would be joining the meeting shortly.

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.

William J. Donovan [Absent]	Katherine A. St. Clair, Vice-Chair
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo
Shawn A. Babine, Chairman [Arrived Late]	

Order No. 17-005. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals. [Town Manager] Motion by Councilor Caiazzo, seconded by Councilor Rowan, to move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals.

Vote: 5 Yeas.

Recessed to executive session at 5:33 p.m. Chairman Babine reconvened the regular meeting of the Scarborough Town Council at 7:07 p.m.

Item 4. General Public Comments. None at this time.

Item 5. Minutes: January 4, 2017 – Regular Meeting. Motion by Councilor St. Clair, seconded by Councilor Foley, to move approval of the minutes of the January 4, 2017, regular Town Council meeting.

Vote: 6 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. 17-006, 7:00 p.m. Public Hearing and action on the new request for a Special Amusement Permit from Patrick O’Reilly, d/b/a O’Reilly’s Cure, located at 264 US Route One. [Town Clerk] Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:09 p.m.

Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval on the new request for a Special Amusement Permit from Patrick O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One.

Vote: 6 Yeas.

Order No. 17-007, 7:00 p.m. Public Hearing and action to add additional growth permits to the reserve pool in accordance with subsection 7.F.6 of Chapter 413 the Town of Scarborough Growth Management Ordinance. [Planning Department] Prior to public comments, Dan Bacon, Town Planner, gave a brief history on the Growth Management Ordinance and the recommendations that came forward from this Ordinance and went on to explain how changes have been made over the years. He then went on to explain the growth permits and how they were utilized. The Long Range Planning Committee is recommending 285 permits to the Reserve Pool. Chairman Babine opened the public hearing. The following individuals spoke on this Order:

- Larry Hartwell of Puritan Drive spoke in favor of this Order. He did have concerns with the number of permits being requested, but having attended the workshop and after listening to the Town Planner this evening, what questions he had have been answered. He hoped the Council voted in favor of this.
- Patrick Donahue of Coulthard Farms Road asked where the demand was coming from and what was the definition of affordable housing? The only place the demand could be coming from is Portland – which could mean section 8 housing. He asked the Council to table this item or decline it.
- Suzanne Foley-Ferguson of Black Point Road asked the Council to wait on this item. She felt the permits in the reserve pool should be used for something other than what there are for. She was concerned with what the impact on the town would be with the developments being proposed adding, the council should be doing what the community wants. There are those who feel that the community is still growing too fast. She felt that the new housing complexes have affordable units and the town council should mandate it.
- Rich Axelson of Colby Drive agreed with the last two speakers. He and his wife have been in Scarborough just this past year. He too asked “what is affordable housing” and urged the council to really look at this before taking action.
- Mo Erickson of Pine Point Road spoke on the character of Scarborough and stated the number of permits were too high. She added that she would be back to complain on taxes and still no pool.
- Kerry Anderson of Ward Street spoke on this issue. All points raised at legitimate. The current rate of housing is not sustainable. If builders do not build here, they will go to another town. He spoke on his current project [Eastern Village] – there are only 10 kids in the development. He supported the increase in permits.
- Ben Howard of Windsor Pines noted that he had not been aware that some of the units were us for affordable housing. He referenced an article regarding how the family dynamics has gotten smaller. This article also noted the fears of the community with multifamily housing development- it is coming and things are changing.

There being no further comments either for or against, Chairman Babine closed the hearing at 7:48 p.m.

Motion by Chairman Babine, seconded by Councilor Caiazzo, to move approval to increase the reserve pool permits from 215 to a total of 500 in an effort to meet the current demands and thus allowing the proposed projects to proceed as allowed for under zoning.

Prior to the vote, Mr. Bacon, Town Planner, and Mr. Hall, Town Manager, responded to questions from the Town Council.

Motion by Councilor Hayes, seconded by Councilor Foley, to move approval to table Order No. 17-007.

Vote: 2 Yeas. 4 Nays [Chairman Babine, Councilors Caiazzo, Rowan and St. Clair].

Motion Fails.

Motion by Councilor Foley, seconded by Councilor Hayes, to move approval to table Order No. 17-007 to a public hearing to a date specific of Wednesday, February 1, 2017.

Vote: 2 Yeas. 4 Nays [Chairman Babine, Councilors Caiazzo, Rowan and St. Clair].

Motion Fails.

Vote on Main Motion: 5 Yeas. 1 Nay [Councilor Foley].

OLD BUSINESS:

Order No. 17-008. Act to approve the names posted to the various committees/boards, as recommended by the Appointments Committee on January 4, 2017. [Town Clerk] Motion by Councilor Caiazzo, seconded by Councilor St. Clair, to move approval of the names posted to the various committees/boards, as recommended by the Appointments Committee on January 4, 2017, as follows:

Board of Assessment Review: Appoint Jean-Marie Caterina as a full voting member, with a term to expire in 2019.

Coastal Waters & Harbor Advisory Committee: Appoint Travis Turner, as 2nd Alternate with term to expire in 2019.

Community Services/Rec Advisory Board: Re-appoint Roger Chabot and Art Dillon as full voting members and Liam Somers, as 1st Alternate, for another three year term, terms to expire in 2019.

Conservation Commission: Re-appoint Peter Slovinsky and Charles Spanger, as full voting members for another three years, with a terms to expire in 2019.

Energy Committee: Re-appoint Sandi Dargi and Michael Wallace, as full voting members, for another three years, with terms to expire in 2019.

Housing Alliance: Re-appoint Brian Shumway and Tim Peters as full voting members, for another three years, with terms to expire in 2019.

Parks and Conservation Land Board: Re-appoint Suzanne Foley-Ferguson and Douglas Williams, as full voting members, for another three years, with terms to expire in 2019.

Personnel Appeals Board: Re-appoint Penney Whitney-Asdourian as a full voting member and Art Dillon, as the 2nd Alternate for another three years, terms to expire in 2019.

Planning Board: Re-appoint Susan Auglis and Nicholas McGee, as full voting member, for another three years, term to expire in 2019

Pest Management Advisory Board: Re-appoint Terri Eddy as an At-Large member, for another three years, with a term to expire in 2019.

Zoning Board of Appeals: Re-appoint James Herbert as a full voting member and Karen Shupe as 1st alternate, terms to expire in 2019.

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 17-009. Act to set the date for nominations papers to be available to fill a seat on the Board of Education vacated by Kathryn Miles [with a term to expire in 2018] from Thursday, January 19, 2017, to close of business on Monday, January 30, 2017, and set the Special Municipal Election date for Tuesday, February 28, 2017, to be held at the Scarborough Municipal Building, located at 259 US Route One. [Town Clerk] Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval to set the date for nominations papers to be available to fill a seat on the Board of Education vacated by Kathryn Miles [with to expire in 2018] from Thursday, January 19, 2017, to close of business on Monday, January 30, 2017, and set the Special Municipal Election date for Tuesday, February 28, 2017, to be held at the Scarborough Municipal Building, located at 259 US Route One.

Vote: 6 Yeas.

Order No. 17-010. Discussion with action on the following:

- 1. Act on the appointment of Susan Russo, currently the Assistant Assessor, on an interim basis as the Assessor for the Town of Scarborough, effective January 30, 2017, her appointment being necessitated in light of the new position Mr. Mathew Sturgis has taken and to ensure that the Town continues to have a duly appointed Assessor in charge of the Department of Assessment, Ms. Russo's appointment to go forward under her current terms of employment with the Town and to continue to such time as the Council appoints a successor; and,**
- 2. Act on the appointment of Mr. Mathew Sturgis, as a Special Deputy Assessor effective January 30, 2017, for the Town of Scarborough for purposes of overseeing, attending to and representing the Town of Scarborough in ongoing tax abatement proceedings and authorization of reasonable consideration to be paid to Mr. Mathew Sturgis for his services to be set forth in a letter of agreement from the Town Manager. [Town Manager]**

Motion by Chairman Babine, seconded by Councilor Caiazzo, to move approval on Order 17-010, as written.

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 Senior Advisory Board.
- Councilor Foley gave an update on the Rules and Policies Committee; the Eastern Trail Alliance and the Conservation Commission – she read the following statement into the record from the Conservation Commission: *“The Commission, as a point of principle and consistent with the Town’s existing Comprehensive Plan, supports continued promotion of expanded public access to the ocean and supports continued public ownership of access points to the ocean. It is a cause of concern to the Commission that private control of access points, even with easements that would allow current public access to the ocean, could be potentially abrogated at some point in the future.”*
- Councilor Caiazzo gave an update on the Long Range Planning Committee; the Appointments Committee and GPCOG.
- Councilor Hayes gave an update on the Finance Committee and the Public Safety Committee.
- Councilor St. Clair gave an update on the Communications Committee.
- Chairman Babine gave an update on the Board of Education.

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

- Annual evaluations are under way with senior staff.
- Two Director Positions – Community Services 3 internal candidates and the other is the Assessor. Discussions of share services with Cape Elizabeth will be on the table.
- The 5th Annual Fuel Rally to Keep Your Neighbors Warm will be held on Saturday, Feb 4th from 10:00 a.m. to Noon at the Oak Hill Public Safety Building. Their goal this year is to raise \$15,000.
- Mr. Hall would be doing his annual presentation to Portland Chamber on Thursday, February 9th at 7:30 a.m. at Maine Karting here in Scarborough located in the industrial park.

Item 11. Council Member Comments.

- Councilor Caiazzo commended the group for the healthy discussion this evening.
- Chairman Babine noted the Town Council Workshop scheduled for Monday, January 30th will be at the Library Conference room from 5:00 to 7:00 p.m. and the focus will be on Goal Setting. The Audit Report will be presented at the next Town Council meeting on February 1st. There would be a workshop for Avenue 2 prior to the Feb 1st Council meeting. He will continue the one on ones with Councilors. He went on to congratulate Nancy Crowell for being Scarborough’s Great Person of the Year – her service has been over 40 years. He then read a prepared statement on Executive sessions. He thanked everyone who made comments with regards to the growth permits.

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

Vote: 6 Yeas.

Meeting adjourned at 9:29 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk