

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 6, 2017
SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Babine called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Swearing in of newly elected officials. Yolande P. Justice, Town Clerk, swore in Shawn Babine, Jean-Marie Caterina and Peter Hayes as Town Councilors with a term to expire in 2020. Those sworn in earlier to office were Hillory Durgin and Leann Kazilionis for the Board of Education; Charles Andreson, Judith Cavalero and Jason Greenleaf, for Trustees of the Sanitary District.

Order No. 17-117. Act on the request for nominations and election of a new Town Council Chair. *[Town Clerk]* Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the nomination of Councilor Donovan, as Chair of the Town Council.

Vote: 7 Yeas.

Chairman Donovan thanked the Council for elected him chair and for the town who elected three individuals to serve the community. He went on to thank Kate St. Clair for her service to the town and also went on to list his goals

Order No. 17-118. Act on the request for nominations and election of a new Town Council Vice-Chair. *[Town Clerk]* Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the nomination of Councilor Caiazzo, as Vice Chair of the Town Council.

Vote: 7 Yeas.

Item 4. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Shawn A. Babine	Jean-Marie Caterina
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo – Vice Chair
William J. Donovan, Chairman	

Item 5. General Public Comments.

- Michael Doyle, of Falmouth and owner of Falmouthtoday.com presented the Town Manager, Officer Pearson and Councilor Babine documents regarding a lawsuit stating, “you have been served.”
- Paula O’Brian of Pond View Drive commented on closing remarks that had been made at the last town council meeting relating to the sign ordinance. She also went on to comment about defacing of signs.

Item 6. Minutes: November 15, 2017 – Regular Meeting. Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval of the minutes of the November 15, 2017, regular Town Council meeting.

Vote: 6 Yeas. 1 Abstain [Councilor Caterina].

Item 7. Adjustment to the Agenda. None at this time.

Item 8. Items to be signed: a. Treasurer's Warrants. Treasurers Warrants were signed during the meeting.

Order No. 17-111, 7:00 p.m. Public hearing and schedule a second reading on the proposed amendments to Chapter 311- the Town of Scarborough Schedule of Fees. [Ordinance Committee]

- Brian Kennedy of Portland and Chair of the Surf Riders Association, spoke against the proposed increase and suggested that the Council implement an Ad Hoc Committee to review fees and he suggested that a tier fee be looked at.

There being no further comments either for or against, the hearing was closed at 7:16 p.m. The second reading on this Order will be held at the next Town Council meeting on Wednesday, December 20, 2017.

Order No. 17-112, 7:00 p.m. Public hearing and schedule a second reading on the proposed amendments to Chapter 601- the Town of Scarborough Traffic Ordinance, Section 25.A.Parking Restrictions. [Ordinance Committee] Chairman Donovan opened the public hearing on this Order.

The following individuals spoke:

- Mo Erickson of Pine Point Road spoke against the proposed change, adding that she did not support any parking on any major roadway.

There being no further comments either for or against, the hearing was closed at 7:18 p.m. The second reading on this Order will be held at the next Town Council meeting on Wednesday, December 20, 2017.

Order No. 17-114, 7:00 p.m. Public hearing and schedule a second reading on the request for discontinuance of a portion of Beech Ridge Road. [Town Engineer] Angela Blanchette, Town Engineer spoke on this Order. Chairman Donovan opened the public hearing on this Order. There being no comments either for or against, the hearing was closed at 7:20 p.m. The second reading on this Order will be held at the next Town Council meeting on Wednesday, December 20, 2017.

OLD BUSINESS:

Order No. 17-109. Act on the request for the Scarborough Town Council to Order the Discontinuance of all portions of Avenue 2 located southerly of King Street with no damages awarded to the abutting landowners; and to file said Order with the Town Clerk; and, to send abutting property owners notice of this action; and schedule the public hearing for Wednesday, January 3, 2018 and Wednesday, January 17, 2018. Tabled from the October 10, 2017, Town Council meeting. [Town Manager] Chairman Donovan and Thomas J. Hall, Town Manager, gave a brief overview on this Order. Ben McCall of Bergen and Parkinson, attorney representing the Town, gave a clarification as the process and action that had taken place and responded to questions from the Town Council. The following individuals spoke:

- Charles Kats Levy, Attorney at Jenson Baird and Gardner, and attorney for the Gables Condo Association, explained the condominium law and went on to state who controls what. The Board would be able to make decisions for the owner. He went on to explain why the two individuals abstained from voting. He went on to respond to questions, from the Town Council.
- Jim Caron one of owner's from the Gables also responded to questions, from the Town Council.

- Mr. Genderon’s Attorney for the plaintiff stated that we would do what the Council decides.
- Mo Erickson of Pine Point Road spoke against the proposed recommended. She felt that the Council championed the big guys – most of us are embarrassed by the Council’s lack of support. She felt the Council is so out of touch with the residents of Pine Point, adding that the residents do not want the Town Council to give the land away.
- Phil Reed of Lane by the Sea also spoke on this subject. He referenced a document that mentioned rules that would be set forth by the abutters. He made further comments as to who uses this right of way.
- Susan Hamill of Bay Street also spoke against the propose changes and felt that both easements should be the same.
- Don Hamill of Bay Street also spoke against the proposed changes and responded to comments from the Gables Council. He asked for the town to postpone this issue and revisit it with all parties.
- Pauline Leven of Lane by the Sea read the following into the record:

“Dear Scarborough Town Council,

When the Avenue Two issue came before the last council we wrote to them to summarize the chronology of the planned discontinuance and conveyance of Avenue 2 in exchange for a perpetual public and conservation easement to the Town. This issue is before the council again, with one new member. We are writing to reiterate our position on this matter and also to share with you our feelings of how this has been handled, with suggestions for how we might achieve an acceptable outcome.

The Town Manager - Tom Hall included us as active participants in a process which included several meetings with the parties. In the past two weeks we were dismayed to learn from counsel that the Gables Condo Association had proposed changes to the language as well as an expanded ‘buffer zone’ to allow planting adjacent to their side of the path. We have conveyed our objections to these changes and the basis for them in detail directly to counsel for the town and Charlie Gendron and have also copied the Town Manager on them. The documents posted on the Town’s website along with the agenda for the December 6 meeting - still contain these proposed revisions. They were not shared with the other abutter, Charlie Gendron, or agreed to. There are other questions raised about whether the Gables vote was actually unanimous and if it is valid.

We ask the Council to request that the Town Manager reconvene the parties as soon as possible, revert to the last version of the documents agreed to in mid-October, and to resolve any and all open issues before the Council takes up any vote on discontinuance and conveyance. This is a fair and reasonable request and one that would allow us to follow through on the process to its conclusion. Abandoning the process now at this late stage would only interject confusion and create potential for additional errors. If we were to do this it could call into question the sincerity of the effort by the Town officials in the first place to involve the neighborhood and all of the parties fully and fairly in the decision-making process. It could also erode public trust in the Town’s intent and commitment to be transparent in its actions and inclusive in its approach to solve complex issues of deep concern to residents.

While we remain committed to work with the parties to achieve a successful outcome in this matter, there are growing questions and increasing opposition to the discontinuance and conveyance in the Pine Point neighborhood and the Scarborough community at large. We do not want to resort to withdrawing from the process altogether and channeling our efforts into opposing the discontinuance and conveyance in its entirety, especially after all of the work that has been done thus far.

This has been a long and trying process for all involved. It has demanded a great deal of time, effort and expense for all parties. Common sense and good judgment suggest we should follow through on the work that has been completed to date and finish the job utilizing the process that was established by the Town and embraced and followed by the parties.

Thank you,

*Pauline Levin, Susan Hamill, Phil Reed and Don Hamill
PPNA Officers”*

Council discussion ensued around getting all the parties together to revisit the issue.

Motion by Councilor Caiazzo, seconded by Councilor Babine, to move approval to table Order No. 17-109, to bring back to the Town Council on January 17, 2018.

Vote: 7 Yeas.

Order No. 17-113. Second reading on the Bond Order for the 2018 Municipal and School Capital Improvements and the refunding of certain general obligation bonds of the town. [Town Manager] The following individual spoke on this Order:

- Susan Hamill of Bay Street asked questions relating to what the total debt of the town. She made further comments relating to the debt per capita and found that Scarborough had the largest debt per capita in the State. There were items that should not be bonded.

The Town Manager responded to the debt question and then went on to give a brief overview on this Order. Joe Cuetara of Moors and Chabot in Boston also responded to comments made by the resident earlier and also responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the second reading on the Bond Order for the 2018 Municipal and School Capital Improvements and the refunding of certain general obligation bonds of the town, as follows:

**BOND ORDER FOR
2018 MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS, A NEW PUBLIC SAFETY
BUILDING AND THE REFUNDING OF CERTAIN OUTSTANDING GENERAL
OBLIGATION BONDS OF THE TOWN**

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Municipal and School Capital Improvement Projects are hereby approved for funding:

2017-2018 Municipal - Equipment & Projects

F.D. Major Apparatus Refurbishing	50,000
F.D. Rescue Power Stretcher Replacement Program	42,500
F.D. Replace staff vehicles (replacement schedule)	40,000
F.D. New Safety & Personal Protective Equipment	86,250
C.S. Infield Drag Rake	20,000
C.S. Mini Bus (purchased this instead of dump truck)	53,850
Cruiser Thermal Image Camera	18,985
Plow Truck # 4001	205,000

Pickup Truck/w lift gate # 4060	37,000
Heavy Truck Lifts	37,000
HVAC Upgrades Phase 2	82,000
C.S. Cable Room Upgrade	65,000
259 US Rte 1 - Hot Water Pump Upgrade	30,000
Comprehensive Plan Update Process	80,000
Mid-Level Road Rehabilitation	300,000
Subsurface Drainage Assessment Project	118,750
LED Street Light Retrofit project	701,100
Subtotal	<u><u>1,967,435</u></u>

2017-2018 Municipal - School

School Bus Replacement Schedule	316,050
GMC Box Truck #315116	34,350
Kitchen Equip & Furnishings Replace & Renew	40,000
HS Athletics Equipment	25,000
Facilities Support Equipment	25,000
MS Tech Refresh	199,200
IT Tech Refresh - moved back to CIP	100,000
Long-range Planning	40,000
Building envelope Maintenance	70,000
HVAC Repairs MS & K2	100,000
Roof Restoration	92,183
Subtotal	<u><u>1,041,783</u></u>

2016-2017 Municipal - Projects

PL Eastern Trail Improvements (Local Match)	110,000
PW Fuel Station Replacement	687,482
Subtotal	<u><u>797,482</u></u>

2016-2017 Municipal - School

Furnishings Replace & Renew	50,000
Energy Efficiency Upgrades	18,300
HVAC Repairs MS & K2	50,000
Subtotal	<u><u>118,300</u></u>

Totals **3,925,000**

BE IT FURTHER ORDERED, That a sum, not to exceed \$3,925,000, is hereby appropriated to provide for the costs of said Municipal and School Capital Improvement Projects and expenses associated with said projects; and,

BE IT FURTHER ORDERED, That to fund said \$3,925,000 appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$3,925,000 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council; and,

BE IT FURTHER ORDERED, That in furtherance of the voter-approved referendum question authorizing issuance of up to \$19,500,000 in general obligation bonds of the Town of Scarborough to fund costs for a new public safety building, (a) a public safety building project including expenses associated with said public safety building project is hereby approved, (b) a sum not to exceed \$19,500,000 is hereby appropriated to provide for the costs of said public safety building project, and (c) to fund such appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed **\$15,000,000** and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council; and,

BE IT FURTHER ORDERED, That the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, in an aggregate principal amount not to exceed \$13,250,000 to refund, on an advance basis, all or a portion of the remaining outstanding 2010, 2012 and 2013 General Obligation Bonds of the Town of Scarborough, Maine, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Roll Call Vote: Shawn A. Babine - Yea Jean-Marie Caterina -Yea
 Robert W. Rowan - Yea Peter F. Hayes - Yea
 Kathleen M. Foley - Yea Christopher J. Caiazzo - Yea
 William J. Donovan - Yea

NEW BUSINESS:

Order No. 17-119. Act on the request to extend the duties of the Ad-Hoc Public Safety Complex Building Committee to after the completion of the new building. [Town Manager]Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Hayes, to move approval on the request to extend the duties of the Ad-Hoc Public Safety Complex Building Committee to after the completion of the new building, as follows:

Ad-Hoc Public Safety Complex Building Committee

[Adopted November 2, 2016, renewed July 19, 2017 and December 6, 2017]

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

WHEREAS, as the voters approved funding for the new Public Safety Complex on November 7, 2017 and efforts are underway to advance the project: and,

WHEREAS, in an effort to advance this important project , the Town Council relied on the resources of the community and established the Ad-Hoc Public Safety Complex Building Committee on November 2, 2016 and renewed its charge on July 19, 2017; and,

WHEREAS, the project has now moved to the detailed design and construction phase there is a desire to again renew the Committee with a modified charge.

NOW, THEREFORE, BE IT RESOLVED, by the Scarborough Town Council in Town Council assembled, that the Ad Hoc Public Safety Complex Building Committee be renewed to exist through completion of the project, the membership, terms, offices and duties shall be as follows:

1. **Purpose.** The purpose of the Building Committee is to work with staff, consultants and contractors in an effort to advise the design and construction for a new combined Police and Fire Public Safety Building. More specifically, the following is a general overview of the typical involvement of the Committee:
 - **Advisory Role-** The Committee shall serve as advisory to the staff and design team and provide direction on decisions affecting scope and cost.
 - **Feedback-** Provide feedback on design options, including exterior and interior materials and color choices.
 - **Energy Efficiency-Life-Cycle Costs Considered** – As specific physical plant systems are considered for the final design, the Committee is encouraged to evaluate the expected life-cycle costs of proposed systems and consider energy efficiency with an evaluation of return on investment
 - **Evaluate Change Orders-**During the construction phase the Committee may consider requested change orders affecting cost and scope of work and make recommendations to the Town Manager accordingly.
 - **Public Involvement** - The Committee shall incorporate public input into the design and construction process, involving periodic updates on the progress using the Town’s communication tools.

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

2. **Membership.** To maintain consistency, the membership shall be consistent with prior appointment to the extent that members desire continued involvement. The Committee shall be as follows:

Fire Chief Mike Thurlow (or designee)
Police Chief Robbie Moulton (or designee)
Bruce Bell
Judy Roy
Kevin Freeman
Roger Chabot
Greg Hanscom
Rick Meinking

Dave Libby
Rocco Risbara

3. **Timeframe.** The Committee shall remain in place through the completion of the project.
4. **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 tasks. In particular, it is expected that the Committee will involve the Town Engineer, Planning Director and the Sustainability Coordinator to supplement their efforts.
5. **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.
6. **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.
7. **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.
8. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the deadline set and shall strive to meet at least monthly on a date and time to be coordinated with the design team. 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: 7 Yeas.

Item 9. Non Action Items. None at this time.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Caiazzo gave an update on the Transportation Committee and the Long Range Planning Committee.
- Councilor Hayes gave an update on the Town Finance Committee and the joint Town/School Finance Committee.
- Councilor Rowan gave an update on the Housing Alliance Committee and the Historic Implementation Preservation Committee.

Item 11. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Wreaths Across American would be making a stop at the Scarborough High School on Monday, December 11th from 8:00 to 9:00 a.m. For more information, please contact the School Department.
- Cumberland County met the threshold from the wind storm to file a claim, which the Governor has already done.
- The Long Range Planning Committee would be hosting a meeting on December 8th at the Library with the CrossRoads Holding LLC, whom has contracted to purchase the Downs Property. For those Councilors who are unable to attend this meeting there would be plenty of opportunities coming up for future meetings with this group.

- The Property Tax Assistance Program had 312 applicants and checks totaling over \$184,000 were sent out. This means that the Finance Committee is going to have to review this budget line.
- We appreciate everyone's patience while the cable/audio is being upgraded in Council Chambers.

Item 12. Council Member Comments.

- Councilor Babine wished everyone Happy Holidays. He thanked the citizens for electing him to serve the community. He went on to thank Councilor Caterina and to Kate St. Clair for her service to the Town. He also thanked the Town Manager and the Town Clerk for their support during his tenure as Chair. He questioned whether or not the document that had been served was done correctly and asked the Town Manager to check with the Town Attorney.
- Councilor Foley stated that she had time to reflect over holidays and asked everyone to be sensitive during the holiday season as this time could be tough for some, please be mindful to this.
- Councilor Caterina thanked the voters for electing her to serve the community and to Councilor Babine for serving as Chair. She also wished everyone a Happy Holiday and reminded everyone of the Clynk Bags that are available in the Town Clerk's Office. These assist with the fuel program through Project Grace. She then mentioned that she would like to give fellow Councilors a heads up on a proposed amendment to the Parking Ordinance.
- Councilor Hayes wished everyone a Happy Holiday and was happy to be serving another 3 years.
- Councilor Caiazzo congratulated Councilors Babine, Caterina and Hayes and thanked the Council for appointing him as the Town Council Vice Chair.
- Chairman Donovan handed out a sheet that indicated the various committee/board assignments and asked each Councilor to check of what they would like and to return it to him in a week. He would also like to schedule a Council Retreat – he and the Town Manager would work on this. He too reminded everyone that Project Grace assists those who are less fortunate. He thanked Councilor Babine for serving as the Council Chair over this past year.

Item 13. Adjournment. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk