

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 20, 2017
REGULAR MEETING – 6:00 P.M.**

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 6:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Thomas J. Hall, Town Manager

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

Order No. 17-121. 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 Babine, 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: 7 Yeas.

Meeting adjourned to executive session at 6:02 p.m. Chairman Donovan reconvened the meeting at 7:00 p.m.

Item 4. General Public Comments.

- David Green of Beech Ridge Road stated that he was the former Chair of the Shellfish Committee and wanted to publicly thank the Town Clerk, Councilor Hayes and Shellfish Vice Chair Robert Willette. He gave a brief overview on what the Committee had accomplished over the past season. He voiced his concerns over the parking issues at the Co-op and went on to mention the two instances where he had been confronted by fellow diggers. He did not go into details and mentioned to the Council that they could contact him any time. He asked two things: 1. Live up to the standards on the Working Water Front and 2. Would like to have the Ordinance Committee review the Shellfish Ordinance.

Item 5. Minutes: December 6, 2017 – Regular Meeting. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the minutes of the December 6, 2017, regular Town Council meeting.

Vote: 7 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. 17-122, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License: [Town Clerk]

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing	126 U.S. Route One

Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:07 p.m.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval of Order No. 17-122, as noted above.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 17-111. Second reading on the proposed amendments to Chapter 311- the Town of Scarborough Schedule of Fees. [Ordinance Committee] Chairman Donovan gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the second reading on the proposed amendments to Chapter 311- the Town of Scarborough Schedule of Fees.

Motion by Chairman Donovan, seconded by Councilor Babine, to move approval to amend the main motion to change the large vehicle fee from \$35.00 to \$45.00.

Vote on amendment: 6 Yeas. 1 Nay. [Councilor Hayes]

Motion by Chairman Donovan, seconded by Councilor Babine, to move approval to amend the main motion as amended to change the end of day parking time from 3:00 p.m.-5:00 p.m. to 3:00 p.m. to 6:00 p.m.

Vote on amendment: 5 Yeas. 2 Nays. [Councilors Foley and Hayes]

Motion by Councilor Hayes, seconded by Councilor Foley to move approval to table this item until the budget debates.

Vote to Table: 2 Yeas.

5 Nays. [Chairman Donovan, Councilors Babine, Caiazzo, Caterina and Rowan]

Motion by Councilor Hayes, seconded by Councilor Babine, to amend the main motion as amended to suspend the morning fee of \$5.00.

Vote on amendment: 2 Yeas.

5 Nays. [Chairman Donovan, Councilors Babine, Caiazzo, Caterina and Rowan]

Main Motion as amended:

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 311, Schedule of License, Permit and Application Fees of the Town of Scarborough, Maine is amended by adding the underlined text and strikethrough, as shown below:

<u>Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes</u>	<u>Fee</u>
Resident And/Or Taxpayer Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park) (amended 05/05/04; 05/18/11)(amended 05/02/2012) (amended 05/07/2014)	\$40.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Season Beach Pass - (includes Ferry Beach Higgins Beach and Hurd Park) (amended 05/05/04) (amended 05/02/2012) (amended 05/07/2014)	\$150.00
Higgins Beach – Metered parking spaces on Bayview Avenue Fee [adopted 05/17/17]	\$1.00 Hourly
Pass Card for Meters	\$1.00
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Season Pass - (includes both Ferry Beach, Higgins Beach and Hurd Park)	FREE
Resident Veteran Lifetime Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Season Pass.) (Adopted 05/19/2010)	FREE
<u>DAILY PARKING RATES (WITHOUT PASS)</u>	
Daily Parking: Ferry Beach, Higgins Beach And Hurd Park (amended 05/05/04) [amended 05/02/2012]	\$15.00
Morning Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 5:30 AM to 9:00 AM	\$5.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 6 PM (amended 05/03/05)(amended 12/20/17)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)(12/20/17)	\$45.00
<u>BOAT LAUNCHING FEE</u>	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	

Resident – Daily Boat Launching Fee (amended 05/05/04)	\$10.00
Resident – Seasonal Boat Launching Fee	\$25.00
Resident – Additional Boat Launching Fee Registered to the Same Address [Amended 05/18/16]	\$5.00
Resident Commercial Fisherman Seasonal Boat Launch Pass	Free
Non-Resident – Daily Boat Launching Fee (amended 05/05/04)	\$20.00
Non-Resident – Seasonal Boat Launching Fee	\$75.00

Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]	Fee
Annual Mooring & Pier Use Fee	
Recreational Pier Use - Resident and/Or Taxpayer (amended 05/05/04)	\$50.00
Recreational Pier Use - Non-Resident (amended 05/05/04)	\$150.00
Commercial Pier Use - Resident and/or Taxpayer	\$100.00
Commercial Pier Use - Non Resident	\$300.00
Recreational Mooring & Pier Use Fee – Resident and/or Taxpayer	\$100.00
Recreational Mooring & Pier Use Fee – Non Resident	\$250.00
Commercial Mooring & Pier Use Fee – Resident and/or Taxpayer	\$150.00
Commercial Mooring & Pier Use Fee – Non Resident	\$400.00

Vote: 5 Yeas. 2 Nays. [Councilors Foley and Hayes]

Order No. 17-112. Second reading on the proposed amendments to Chapter 601- the Town of Scarborough Traffic Ordinance, Section 25.A.Parking Restrictions. [Ordinance Committee]
Chairman Donovan gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval on the second reading on the proposed amendments to Chapter 601- the Town of Scarborough Traffic Ordinance, Section 25.A.Parking Restrictions.

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval to amend the main motion to include the following are number 209 and on the south side of Gorham Road from the westerly end of the stockade fence fronting on 200 Gorham Road, easterly for a distance of 100 yards.

After a brief discussion Councilor Caterina and Councilor Rowan withdrew the above motion and presented the following motion:

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval to amend the main motion to include the following are number 209 and on the south side of Gorham Road from the westerly end of the stockade fence fronting on 200 Gorham Road, easterly for a distance of 50 yards.

Vote on amendment: 5 Yeas. 2 Nays. [Councilors Babine and Hayes]

Motion by Councilor Rowan, seconded by Councilor Caiazzo, to move approval to amend the main motion as amended to strike temporary restriction – expires April 1, 2018.

Vote on amendment: 5 Yeas. 2 Nays. [Councilors Babine and Hayes]

Main motion as amended:

**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 Chapter 601, the Traffic Ordinance of the Town of Scarborough is amended by adding the underlined text (18), as shown below:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

I. NO PARKING AT ANY TIME.

No person shall park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control advice. [Amended 07/16/14]

- (18) No parking on north side of Gorham Road from 183 Gorham Road to the intersection of Gorham Road and Spring Street at number 209 and on the south side of Gorham Road from the westerly end of the stockade fence fronting on 200 Gorham Road, easterly for a distance of 50 yards.

Vote: 5 Yeas. 2 Nays. [Councilors Babine and Hayes]

Order No. 17-114. Second reading on the request for discontinuance of a portion of Beech Ridge Road. [*Town Engineer*] Chairman Donovan gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the second reading on the request for discontinuance of a portion of Beech Ridge Road.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 17-123. Act on the request to adopt the Health Reimbursement Plans (“Town of Scarborough, ME HRA Deductible Plan” and “Town of Scarborough, ME HRA Credit Plan”) for the Town of Scarborough, pursuant to Article 9 of the agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF Local 3894, approving a change in medical insurance through the Maine Municipal Employee Health Trust. [*Human Resources*] Thomas J. Hall, Town Manager, gave a brief introduction on this Order. He then introduced Mr. Liam Gallagher, Director of Human Resources. Mr. Gallagher gave a more detailed overview on this Order and responded to questions from the Town Council.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to adopt the Health Reimbursement Plans (“Town of Scarborough, ME HRA Deductible Plan” and “Town of Scarborough, ME HRA Credit Plan”) for the Town of Scarborough, pursuant to Article 9 of the agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF Local 3894, approving a change in medical insurance through the Maine Municipal Employee Health Trust.

Vote: 7 Yeas.

Order No. 17-124. Act on the appointment of David Bouffard, as the Assessor for the Town of Scarborough. *[Town Manager]* Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval of the appointment of David Bouffard, as the Assessor for the Town of Scarborough.

Vote: 7 Yeas.

Order No. 17-125. Act to authorize the Town Manager to sign documents authorizing acceptance of \$1,695.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases] [Police Department]. Thomas J. Hall, Town Manager, gave brief overview on this Order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to authorize the Town Manager to sign documents authorizing acceptance of \$1,695.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases]

Vote: 7 Yeas.

Order No. 17-126. Act on the request to establish the Multi-Modal Reserve Account pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date. *[Town Manager]* Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the request to establish the Multi-Modal Reserve Account pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date, as follows:

**TOWN OF SCARBOROUGH
MULTI-MODAL
RESERVE ACCOUNT**

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date, the Multi-Modal Reserve Account is hereby established as a town reserve fund for the financing of transit and pedestrian development in the Town of Scarborough; and,

BE IT FURTHER ORDERED, That the funds from decisions made by the Planning Board relating to transit and pedestrian development is hereby appropriated to the Multi-Modal Reserve Account.

Vote: 7 Yeas.

Order No. 17-127. Act on the Council Chair appointments for Council Standing Committee and Committee Liaisons. *[Council Chair]* Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the Council Chair appointments for Council Standing Committee and Committee Liaisons, as follows:

COUNCIL CHAIR RECOMMENDATIONS

STANDING COMMITTEES:

Finance Committee

Councilor Hayes - Chair
Councilor Babine
Councilor Caiazzo

Ordinance Committee

Councilor Caterina - Chair
Councilor Rowan
Chairman Donovan

Rules & Policies Committee

Councilor Caiazzo - Chair
Councilor Foley
Councilor Rowan

Communication Committee

Councilor Catarina - Chair
Councilor Foley
Councilor Babine

Appointments and Negotiations Committee

Councilor Babine - Chair
Councilor Caiazzo
Chairman Donovan

Fair Hearing Committee

Councilor Rowan - Chair
Councilor Foley
Councilor Hayes

COUNCIL LIAISON APPOINTMENTS:

ADA Advisory Committee: Councilor Foley

Cable Television Committee: Councilor Babine

Chamber of Commerce: Councilor Caterina

Coastal Waters and Harbor Advisory Committee: Councilor Hayes

Community Services and Recreation Advisory Board: Chairman Donovan

Conservation Commission: Councilor Foley

Eastern Trail Alliance: Councilor Foley

Energy Committee: Councilor Caiazzo

Firing Range Committee: Councilor Caterina

Historic Preservation Implementation Committee: Councilor Rowan

Housing Alliance: Councilor Rowan

Library Trustees: Councilor Babine

Long Range Planning Committee: Councilor Caiazzo/Councilor Caterina

Pest Management Advisory Committee: Chairman Donovan

Planning Board: Chairman Donovan
SEDCO: Councilor Caterina
School Board: Chairman Donovan
Scarborough Housing Alliance: Councilor Rowan
Seniors Program Advisory Board: Councilor Caterina
Shellfish Committee: Councilor Hayes
Transportation Committee: Councilor Caiazzo

OUTSIDE COMMITTEES/BOARDS:

ecomaine Board of Directors: Chairman Donovan
Mike Shaw

GPCOG, GA/PACTS: Councilor Caterina
[3 Members]

MMA Legislative Policy Committee: Councilor Caterina
Larissa Crockett – Alternate

Vote: 7 Yeas.

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

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

- Councilor Caiazzo gave an update on the Long Range Planning Committee.
- Councilor Hayes gave an update on the Finance Committee and the joint Town Council/School Board Finance Committee.
- Councilor Caterina gave an update on the Senior Advisory Board. Ordinance with meet the third Thursday at 4:30 p.m. and Communications Committee would be meeting on the second Thursday at 5:30 p.m.
- Councilor Foley had also attended the joint TC/SB Finance Committee.
- Councilor Babine the Appointments will be the first Monday, of the month at 5:30 p.m.; however, in January the meeting would be on the 15th
- Chairman Donovan also attended the Long Range Planning Committee meeting. There will be a workshop on January 3rd prior to the Town Council meeting.

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

- He commented on the LED Street lighting project and the process.
- With the new assessor on board we are looking at different ways to approach the evaluations and may break it up so it would be affordable, e.g commercial evaluation, then residential.
- He attended a meeting with MDOT on the Eastern trail and Close the GAP Group and was pleased to state that MDOT would be helping to with closing the GAP. As this progress, the Manager would keep the Town Council update.
- Councilor Donovan and I met with the Avenue Two group and there looks like that a resolution has been reached. This issue would be back before the Town Council January 17th.
- The Town Hall would be closed on Monday December 25th due to the Holiday.

Item 11. Council Member Comments.

- Councilor Babine commented on the Working Water issue that had been mentioned earlier and asked Town Staff to look into the issues that were mentioned. He noted that Owen Garrard, football player from Scarborough had been nominate for the Fitzpatrick Award along with a

player from Wells and Falmouth. This is the first time that any of these schools would have had a winner. He wished everyone a Merry Christmas.

- Councilor Rowan also wished everyone a Merry Christmas/Happy Holidays!
- Councilor Foley wished everyone a Happy New Year.
- Councilor Caterina wished everyone a Merry Christmas – Happy Festive Holidays etc.
- Councilor Hayes mentioned the Wreaths Across America and that his father-in-law and his buddies were in attendance and were so proud of being recognized and of the overall event.
- Councilor Caiazzo stated that Mr. Garrard won the Gatorade Award. He wished everyone a Merry Christmas and a happy everything.
- Chairman Donovan stated that he believed that Mr. Garrard would be attending Dartmouth. He then went on to mention the Council retreat would be held on Wednesday, January 10th further information to come. He sent best wishes to Judy Roy for good health and added that she has been involved with the Town in various voluntary positions.

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

Vote: 7 Yeas.

Meeting adjourned at 8:43 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk