

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 17, 2018
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 7:09 p.m. He apologized for the late start in the meeting, explaining that the workshop held prior to the meeting ran late.

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.

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 4. General Public Comments.

- Ben Howard of Windsor Pines, introduced a new concept for presenting the budget to the public and making it easier to understand. He asked that any member of the Council could reach out to him with questions.
- Ed Blanchard of Payne Road spoke on the issue of the solar speed limit sign that had been located on the Pine Point Road and was wondering whether it would be put back, because he felt that it was a good reminder of how fast you were going and whether you needed to slow down. The Town Manager responded by stating that the sign was currently in another location, but will be put back at on the Pine Point Road at some point and time.

Item 5. Minutes: December 19, 2017 - Special Town Council Meeting and December 20, 2017- Regular Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval of the minutes of the December 19, 2017 - Special Town Council Meeting and minutes of the December 20, 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.

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, February 7, 2018 and Wednesday, February 21, 2018. [Tabled from the December 6, 2017, Town Council meeting.] [Town Manager] Chairman Donovan gave a brief update on the Order. He noted that a few more weeks would be needed before the Town Council could take action due to the Gables Condo Association needing to meet and hold another vote on the recommended changes. He recommended that the Town Council table this Order.

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval to table Order No. 17-109, to the February 7, 2018, Town Council meeting.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 18-001. First reading and refer to the Planning Board the proposed amendments to the Higgins Beach Character-Based Zoning Districts. [*Long Range Planning Committee*] Jay Chace, Town Planner, gave a brief overview on this Order and Order No. 18-002. He responded to questions from the Town Council.

Motion by Councilor Caiazzo, seconded by Councilor Caterina, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Higgins Beach Character-Based Zoning Districts, and schedule a public hearing upon receipt of the recommendations of the Planning Board, as follows:

AMENDMENTS TO CHAPTER 405 THE ZONING ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows

Amend SECTION XVI.B. HIGGINS BEACH CHARACTER-BASED ZONING DISTRICTS AND BUILDING STANDARDS, by deleting the text as shown below:

Article 5.C.2

~~h. Restoration of Damaged Structures is permitted as follows:~~

- ~~i. When a nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value, the structure may be repaired or rebuilt only if it conforms to the provisions of this Ordinance.~~
- ~~ii. When a nonconforming structure is damaged or destroyed to the extent of less than 50% of its replacement value, it may be repaired and rebuilt to its previous condition, so long as the cause of damage was not by any means within the control of the owner, the nonconformity is not expanded, and no new nonconformity is created.~~
- ~~iii. A Zoning Permit for repairs or reconstruction must be granted within one year of the date of damage or destruction, unless an additional one year extension is granted by the Zoning Administrator.~~
- ~~iv. When a structure containing a nonconforming use is damaged or destroyed, and the cause of damage was not by any means within the control of the owner, the nonconforming use may be reestablished provided that the above standards are met and the degree of the previous nonconforming use is not increased.~~

Vote: 7 Yeas.

Order No. 18-003. First reading and refer to the Planning Board the proposed amendments to Chapter 405 – Town of Scarborough Zoning Ordinance, Section VIIC. Residential Density and Affordable Housing Provisions, sub-section B. Affordable Housing In Lieu Fee - (f). [Housing Alliance Committee] Councilor Rowan gave an overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 – Town of Scarborough Zoning Ordinance, Section VIIC. Residential Density and Affordable Housing Provisions, sub-section B. Affordable Housing In Lieu Fee - (f) and schedule a public hearing upon receipt of the recommendations of the Planning Board, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

SECTION VIIC. RESIDENTIAL DENSITY AND AFFORDABLE HOUSING PROVISIONS
[06/06/2007][amended 11/06/2013]

B. AFFORDABLE HOUSING IN LIEU FEE [adopted 11/06/2013]

This mechanism enables developments in designated zoning districts to contain additional residential density if a fee is paid per additional dwelling unit to support the creation of affordable housing within the community. These provisions may only be applied to residential developments that require subdivision and/or site plan review by the Planning Board within zoning districts that explicitly allow for the affordable housing in-lieu fee.

The use of this mechanism requires Planning Board review and approval in accordance with the following provisions:

1. An application for use of the affordable housing in-lieu fee shall be submitted by the applicant as an element of their overall submission for subdivision and/or site plan review and approval. This submission shall include the number of additional dwelling units proposed utilizing the affordable housing in-lieu fee, the proposed dwelling unit types, and the overall residential density.
2. The payment of an in-lieu fee shall be required for each additional dwelling unit permitted through this provision, unless the zoning district in which the project is located allows for density to be determined on a bedroom and square footage basis in accordance with Section VII.C.(A) Residential Density. In these cases, the payment of a fraction of the fee shall be required for each unit in the same proportion as the density requirement for the type and size of the unit proposed (For example, a unit that is counted as half (0.5) a dwelling unit for density purposes required half (0.5) the fee amount as a full dwelling unit). The affordable housing in-lieu fee amount is listed in the Town of Scarborough Schedule of License, Permit and Application Fees (Chapter 311).
3. The total amount of the affordable housing in-lieu fees for the development may either be apportioned to each development phase for multi-phase projects or each dwelling unit or residential building lot within the development. In these cases the fees shall be paid prior to the commencement of construction of each phase of development or prior to the issuance of a building permit for each unit or lot. This schedule of payment shall be established as part of the Planning Board approval for the development

4. These fees shall be paid to the Town of Scarborough.
5. Affordable housing in-lieu fees collected by the Town shall be deposited into a specific account, segregated from the Town's general revenue, and created for supporting the creation of affordable housing with Scarborough. These funds shall be used in accordance with the following:
 - a. The funds contributed to the specific account, entitled the Affordable Housing Initiative Fund, shall be used to further the establishment of affordable housing within the Town. More specifically, these funds may be used for the land acquisition, infrastructure, and/or building construction costs of an affordable housing project.
 - b. A portion of these funds may also be used for administrative, legal, engineering or other costs related to the planning, design, permitting, and property acquisition for an affordable housing project.
 - c. A portion of these funds may also be used to establish a revolving loan program to provide direct financial assistance to qualified homebuyers with down payments and other financing needs for purchasing affordable housing units.
 - d. The Affordable Housing Trust Fund may be used in combination with other Town funds, and other private, non-profit, and government funding for establishing affordable housing within the community.
 - e. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the construction of affordable housing required to meet a residential density bonus for the creation of affordable housing.
 - f. The in-lieu fees collected by the Town shall not be utilized to fund affordable housing portions of a development which are otherwise required in order to meet minimum zoning standards for the inclusion of affordable housing.

Vote: 7 Yeas.

Order No. 18-004. Act on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2018. [*Shellfish Conservation Commission*] Councilor Hayes gave a brief overview on this Order.

The following individual spoke on this Order:

- Robert Willette, Chair of the Shellfish Commission, stated that the Commission voted unanimously to support keeping the shellfish license numbers the same. He went on to mention possible changes to the Ordinance that could be coming forward. He mentioned that there was Intern from UNE working on the Milky Ribbon Worm issue. He responded to questions from the Town Council relating to the survey issue.
- Dave Green of Beech Ridge Road addressed the comments made relating to apprentice licenses and the student program was intended to allow students to work while in school and then go out to the work force by getting a real job and not continue to dig clams. You need the survey and landing data before you can increase licenses.
- Ed Blanchard of Payne Road spoke on the survey issue. If need survey – then they need to be done after the summer. He felt that the crab issue needs to be address and not the survey. Three big predators' are sea gulls, milky ribbon worms and green crabs.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2018, as follows:

	<u>2017</u> <u>Allocations</u>	<u>2018</u> <u>Proposed Allocations</u>
• Resident Commercial License:	31	31
• Non – Resident Commercial Licenses:	4	4
• Over 60 Commercial Bushel Licenses:	2	2
• Resident Student Commercial License:	10	10
• Non- Resident Student Commercial License:	1	1
• Resident Recreational Licenses:	200	200
• Non- Resident Recreational License:	20	20
• Day Permits:	10 per day	10 per day

Vote: 7 Yeas.

Order No. 18-005. Act to approve the Resolve to accept donations for the Fuel Assistance Program. *{Town Council}* Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval on the Resolve to accept donations for the Fuel Assistance Program, as follows:

TOWN OF SCARBOROUGH

IN TOWN COUNCIL ASSEMBLED

RESOLVE Accepting Donations for the Fuel Assistance Program.

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL AS FOLLOWS:

THAT THE Town of Scarborough gratefully accepts the pledges and donations from the following businesses and/or persons, that have been collected to date, to be used for the Fuel Assistance Program:

Mr. & Mrs. Jeffrey Ertman

AND, be it further Resolved that each business, organization and/or person be recognized for their generous donations as a token of the Town’s appreciation.

Sponsor: Town Council
Originator: Town Council

Vote: 7 Yeas.

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

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

- Councilor Babine gave an update on the Library Board and noted that the Appointments Committee would be meeting on Monday, January 29th at 5:30 p.m.
- Councilor Rowan gave an update on the Scarborough Housing Alliance and the Historic Preservation Implementation Committee.
- Councilor Foley gave an update on the Conservation Commission and the Eastern Trail Alliance.
- Councilor Caterina gave an update on the Communication Committee, noted that the Ordinance Committee would not be meeting tomorrow and the Seniors would be meeting on February 13th
- Councilor Hayes gave an update on the Shellfish Conservation Commission.
- Councilor Caiazzo gave an update on the Transportation Committee.

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

- The Listen to Learn Sessions with the public on budget and what could we do better improve communication between the Town/School and the public. Following the presentation of the budget the Council would reach out to the public in session throughout the community.
- Public Safety Building update noting that Committee is currently going through the selection process of owner's rep and the Construction Management Firms and the current building has been listed.
- The Master Campus Plan had to be broken into two pieces and with the first phase complete and the other phase is currently being worked on. A presentation would be forth coming.
- Our workers compensation insurance would be a savings of about \$60,000 this year that is 15% better than last year.
- Over the next couple of months there would be workshops prior to each council meeting; February 7th – the Cross Roads Development; February 21st - Executive Session on the Town Manager's Evaluation; March 7th - Stormwater workshop and April 4th – the Library Trustees.
- There is the opportunity to conduct a commercial revaluation and went on to give a brief explanation as to why to move forward on the revaluation sooner than later.

Item 11. Council Member Comments.

- Councilor Babine congratulated the Risbara Family and the Michaud Family on the Crossroads Development on the Scarborough Downs Property. He congratulate Scarborough's Owen Garrard on winning the Fitzpatrick Award. He went on to mention John Andrews 5K Race sponsored by the Eastern Train and O'Reilly's Cure. Keep safe and warm.
- Councilor Foley stated she had bought a new home with propane heating and went on to mention the difficulty it had been to obtain fuel. She thanked the local State Representatives for moving legislation forward in order to keep the fuel trucks moving in order to deliver fuel.
- Councilor Caterina thanked the Town Manager and the Superintendent for the Listen to Learn Sessions. She would be going to the Augusta for the Legislative Policy Committee and the big topic would be the marijuana issue.
- Councilor Caiazzo thanked fellow Councilors for the retreat. For those who have not had the flu – it is brutal. Get your shot.
- Chairman Donovan stated that he had done an audit on the Senior Tax Program and found that 2/3rds were under \$30,000 and 90% were under \$40,000. There were a few who did not qualify; however, those few issues would be reviewed by the Ordinance Committee. He mentioned the Property Tax Appeal that is currently before the Town. He too commented on the partial revaluation. He felt the listening sessions and the discussions on the budget were terrific. He too congratulated the Fitzpatrick Trophy winner.

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

Vote: 7 Yeas.

Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk