

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 21, 2018
REGULAR MEETING – 6:00 P.M.**

Item 1. Call to Order. The regular meeting of the Scarborough Town Council was called to order at 6:13 p.m. by Vice Chair Caiazzo. He noted that the late start was due to the late arrival of Councilors.

Item 2. Pledge of Allegiance.

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

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

Order No. 18-012. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager’s Evaluation. Motion by Councilor Hayes, seconded by Councilor Caterina, to move approval to table Order No. 18-012 to Thursday, March 1, 2018, 5:30 p.m.

Vote: 4 Yeas.

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

Item 5. Minutes: February 8, 2018 - Special Town Council Meeting. Motion by Councilor Hayes, seconded by Councilor Foley, to move approval of the minutes of Special 8, 2018 – Special Town Council meeting,

Vote: 4 Yeas.

Item 6. Adjustment to the Agenda. Vice Chair Caiazzo stated that due to the tabling of Order No. 18-012, the Council would take Old Business and New Business prior to the public hearings, since they are scheduled for 7:00 p.m. and cannot be heard until then.

Item 7. Items to be signed: a. Treasurer’s Warrants. Treasurer’s Warrants were signed during the meeting.

OLD BUSINESS:

Order No. 18-008. Second reading on the request from the Town Manager to expend \$77,950 from the undesignated fund balance, for the Commercial/Industrial Revaluation. [Town Manager] Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to table Order No. 18-008 to Thursday, March 1, 2018, 5:30 p.m.

Vote: 4 Yeas.

Order No. 18-014. Act on the request to approve the names posted to the various committees/board on Wednesday, February 8, 2018, as recommended by the Appointments/Negotiations Committee. Motion by Councilor Hayes, seconded by Councilor Foley, to move approval of the names posted to the various committees/board on Wednesday, February 8, 2018, as recommended by the Appointments/Negotiations Committee, as follows:

Board of Assessment Review:

Re-appoint Alan Peoples & Christopher Herrick as full voting members, with terms to expire in 2020

Move Hugh O'Shea from 1st Alternate to a full voting member, current term expires in 2018

Move Marjorie DeSanctis from 2nd Alternate to a full voting member, current term expires in 2019

Coastal Waters & Harbor Advisory Committee:

Move Michael Lynch from 1st Alternate to a full voting member, current term expires in 2018

Appoint Steve DeCrosta as a full voting member with a term to expire in 2020

Community Services/Rec Advisory Board:

Re-appoint Leory Crockett as full voting members with a term to expire in 2020

Move Liam Somers, from 1st Alternate to a full voting member, current term expires in 2019.

Appoint Tim Lindsay to 1st Alternate, with a term to expire in 2020

Conservation Commission:

Re-appoint Ben Keller & Suzan Nixon, as a full voting members with a term to expire in 2020

Appoint Steve DeCrosta as a full voting member with a term to expire in 2020

Energy Committee:

Re-appoint Anton Bodor & Judy Roy as full voting members, with terms to expire in 2020

Housing Alliance:

Re-appoint Marjorie. DeSanctis & Kimberly Fowler as full voting members, with terms to expire in 2020

Appoint Hugh O'Shea as a full voting member, with a term to expire in 2018

Parks and Conservation Land Board:

Re-appoint Sean Flaherty, Richard Murphy and Jane Palmer, as full voting members, with terms to expire in 2020.

Personnel Appeals Board:

Re-appoint Jennifer Beedy as a full voting member with a term to expire in 2020

Move Emily Ward from 1st Alternate to a full voting member with a term to expire in 2020

Move Art Dillon, from 2nd Alternate to the 1st Alternate position with a current term to expire in 2019

Pest Management Advisory Board:

Appoint Richard Sullivan as Arborist/Horticulturalist with a term to expire in 2020

Appoint Tim Lindsay as the Community Services Representative with a term to expire in 2020

Appoint Rita Breton as the Member-at-Large to fill a term to expire in 2018

Planning Board:

Re-appoint Roger Beeley, as full voting member, with terms to expire in 2020

Re-appoint Richard DuPerre as 2nd Alternate, with a term to expire in 2020

Senior Advisory Board:

Re-appoint Donnamarie Collins & Kenneth Simons, as full voting members with terms to expire in 2020

Move Jane Palmer from 1st Alternate to full voting member with a current term to expire in 2019

Appoint Hugh O'Shea as a full voting member with a term to expire in 2020

Appoint Carol Spencer as 1st Alternate to fill a term to expire in 2018

Shellfish Conservation Commission:

Re-appoint Will Hamill and move him from 1st Alternate to a full voting member, with a term to expire in 2020

Appoint Andy Blanchard as a full voting member, with a term expire in 2020

Appoint Nate Orff as 1st Alternate with a term to expire in 2020

Zoning Board of Appeals:

Re-appoint Mark Maroon & Rick Loisel as full voting members with terms to expire in 2020

Cable Television Committee - 7 vacancies

Vote: 4 Yeas.

NEW BUSINESS:

Order No. 18-015. Act on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from March 5th to May 7th. [Director of Public Works] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval of the annual "Seasonal Road Posting" for weight restrictions, if necessary, from March 5th to May 7th.

Vote: 4 Yeas.

Order No. 18-016. Act on the following request, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance of the following streets: Trillium Way located in the Trillium Subdivision off Ash Swamp Road and Memory Lane [extension] located in the Theberge Subdivision off Two Rod Road. [Town Engineer] Angela Blanchette, Town Engineer, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Hayes, to move approval on the requests, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance of the following streets: Trillium Way located in the Trillium Subdivision off Ash Swamp Road and Memory Lane [extension] located in the Theberge Subdivision off Two Rod Road and authorize the Town Manager to sign any and all documents related to this Order.

Vote: 4 Yeas.

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

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

- Councilor Hayes gave an update on the Finance Committee meeting; Coastal Harbor & Waters Committee and Shellfish Conservation Commission.
- Councilor Caterina gave an update on the Senior Advisory Committee.
- Councilor Foley gave an update on the Conservation Commission and noted that the ADA Committee had not met since she had been on the Council and asked the community to contact her with what they would like to what the Council could do for the town.
- Vice Chair Caiazzo noted that the Appointments Committee would be looking at the various committees/boards to submit an annual report to the Town Council.

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

- Commercial/Industrial Revaluation update – he reviewed the process as to how the town has reached out to the commercial/industrial community.
- Public safety building update adding that there had been a meeting this morning with staff.
- Bond sale update and he thanked members of Council for participating in the process.
- He has asked Department Head to deliver a net budget with a 2% target.
- Council Goals were sent out to all Committees/boards for feedback.
- Comp Plan would be meeting soon and be using a return on investment tool which assists in making decision around land use planning.

Item 11. Council Member Comments.

- Councilor Rowan apologized for being late this evening. He spoke on the change in time at the schools and the new grading system, please be civil.
- Councilor Foley also spoke on the issues that recently transpired around the change in time and also asked the public to please be civil.
- Vice Chair Caiazzo noted that the town council is legally obligated not to get involved with School Board decisions.
- Councilor Caterina reminded people to be civil to one another.
- Councilor Hayes felt that once this issue has been resolved the community needs to heal and move forward. The budget this year would be challenging.
- Vice Chair Caiazzo thanked the council for their patience. He then went over why the agenda had been taken out of order.

Motion by Councilor Caterina, seconded by Councilor Rowan, to move approval to recess the meeting until 7:00 p.m. Meeting recessed at 6:42 p.m.

Vote: 5 Yeas.

Vice Chair Caiazzo reconvened the meeting at 6:59 p.m. He then update those present as to why the agenda had been taken out of order. He noted that prior to the Public Hearings, there would be public comments.

Item 4. General Public Comments. There being no public comments, Vice Chair Caiazzo introduced Thomas Doherty, Director of Camp Ketcha who then gave an update on a recent project that had been installed at Camp Ketcha.

- Thomas Doherty, Director of Camp Ketcha, noted that Camp Ketcha had teamed up with UNE solar ambassadors from Re-Volv Energy to help bring solar panels to Camp Ketcha. Re-Volv had a new approach to sustainable energy by making it more affordable and accessible. In order to cover the upfront costs we relied on donations from program supporters. The UNE Solar Ambassadors raised over \$34,000 to install the solar panels.

Order No. 17-109, 7:00 p.m. Public hearing 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. [Second Public hearing scheduled for Wednesday, March 7, 2018.] [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Vice Chair Caterina opened the public hearing. The following individuals spoke on this Order:

- Don Hamill of Bay Street mentioned an email that he read asking that it be put into the record:

*To: Scarborough Town Council
From: Curtis and Patricia Degon
Address: 7 Avenue Two, Scarborough
41 Jones Creek Dr., Scarborough
Subject: Avenue Two Beach Access
Public Hearing: February 21, 2018*

Questions or Concerns we would like addressed

- 1. The timing of the process is a concern of ours. We attended the meeting at the Fire Station with Counselor Donovan in the fall and expressed our displeasure with the timing of conducting this significant change during the off season when many owners are not present. We were assured that the timing of future actions would be mindful of scheduling when more owners are likely to be present. This is obviously not the case for this to be proceeding in the winter months.*
 - 2. Who will be responsible for the maintenance of the path in the short term and long term future? Who is responsible for any liability issues? The town, the abutters, others?*
 - 3. Will access be extended beyond dawn to dusk? We walk down the path to watch the fireworks from Old Orchard frequently and this is obviously after dusk.*
 - 4. How will the elevations and topography of the new section be configured? Currently there is a firm level path that exists from the street to the dunes. This makes it safe and easy for traveling if elderly, parents with carriages, and beach buggies. This should be replicated rather than just cutting a path through the brush in the soft sand that undulates significantly.*
 - 5. Who and how will the mailboxes be relocated? Our mailbox for 7 Ave Two is right in the middle of the newly planned path. Who will be required to pay for and reinstall a new mailbox?*
 - 6. Will there continue to be trash bins placed and collected at the end of the Ave Two path as has been the case in past years?*
 - 7. What will be the maximum building allowances and restrictions on any new building(s) on the lots owned by Mr. Gendron? We are concerned about height and width restrictions blocking the current water views that exist.*
- Philip Reed of East Grand Avenue also spoke this issue. He felt that the Town Council did not understand how the people of Scarborough felt about giving up a piece of the beach. He did not feel that the Town was not aggressive enough
 - Sue Hamill of Bay Street noted that she participated in the process and it was never her first choice to give up this land. She felt that the Town Manager and Council did not do much to defend this property.
 - Mo Erickson of Pine Point Road asked that the Town Council not give this land away. She felt that there were more individuals who felt that same way. Please do not give any more land away. She felt that this type of activity should be done when residents are around not in the off months.

- Suzanne Foley-Ferguson of Black Point Road also spoke against the town giving this property away and felt that the Town was not doing enough to keep this property.
- Deirdre Paul of Avenue Two spoke on this Order and felt that she could see both sides, but also felt that the property was being given away. She voiced her concerns on other issues that she had. We need to make sure that this path will always be there for public access.

There being no further comments either for or against, Vice Chair Caiazzo closed the public hearing at 7:26 p.m. Thomas J. Hall, Town Manager, suggested that prior to the final reading, there be another presentation on this issue and responses given to questions that have been listed. Everyone agreed.

Order No. 18-001, 7:00 p.m. Public hearing on the proposed amendments to the Higgins Beach Character-Based Zoning Districts. [Long Range Planning Committee] Vice Chair Caiazzo opened the public hearing. The following individuals spoke on this Order:

- Alison Bristol of Bayview Avenue, spoke on this Order. She thanked Jay Chace, Town Planner for his assistance. She went on to speak on the proposed changes that is being made. She further thanked Chairman Donovan for his assistance as well.

There being no further comments either for or against, Vice Chair Caiazzo closed the public hearing at 7:32 p.m. The second reading on this Order would be scheduled for Wednesday, March 7, 2018.

Order No. 18-002, 7:00 p.m. Public hearing on the proposed amendments to the Town of Scarborough Zoning Map. [Long Range Planning Committee] Vice Chair Caiazzo opened the public hearing. There being no comments either for or against the hearing was closed at 7:32 p.m. The second reading would be scheduled for Wednesday, March 7, 2018.

Order No. 18-003, 7:00 p.m. Public hearing on 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] Vice Chair Caiazzo opened the public hearing. There being no comments either for or against the hearing was closed at 7:33 p.m. The second reading would be scheduled for Wednesday, March 7, 2018.

Order No, 18-013, 7:00 p.m. public hearing and action on the request to extend the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs for another six months from March 19, 2018 to September 15, 2018. [Original date was September 20, 2017]. [Town Manager] Vice Chair Caiazzo opened the public hearing. The following individual spoke on this Order:

- Ben Howard of Oak Dale Drive asked if this could be extended for another six months after this extension. The Town Manager responded he did not believe there could be another extension.

There being no further comments either for or against the hearing was closed at 7:36 p.m.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the request to extend the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs for another six months from March 19, 2018 to September 15, 2018. [Original date was September 20, 2017].

Vote: 5 Yeas.

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

Vote: 5 Yeas.

Meeting adjourned at 7:41 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk