

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 15, 1999
REGULAR MEETING – 7:30 P.M.**

Item 1. Call to Order. Yolande Norton, Town Clerk called the regular meeting of the Scarborough Town Council to order at 7:30 p.m. In the absence of Chairman Kennedy she took nominations for a Chair Pro Tem.

Motion by Councillor Downs, seconded by Councillor Crispin, to nominate Councillor Messer as Chair Pro Tem.

Vote - 6 yeas

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande Norton, Town Clerk.

Chairman Kennedy (Absent)	Councillor Temm
Councillor Crispin	Councillor Borduas
Councillor Foley-Ferguson	Councillor Downs
Chair Pro Tem Messer	Carl L. Betterley, Town Manager

Item 4. Minutes: December 1, 1999. Motion by Councillor Foley-Ferguson, seconded by Councillor Downs, to approve the minutes of the December 1, 1999 Town Council meeting, as amended.

Councillor Borduas stated that on page 7, first paragraph - fourth line should read: "She noted that *in addition to an ~~other then~~* ordinance...."

Chair Pro Tem Messer stated that on page 11, seventh paragraph - end of first sentence: ~~Jim~~ should be *Gym*.

Councillor Foley-Ferguson stated that at the bottom of page 4, add the word **SANCTUARY** and the g on **REGULATIN**. On page 8, under Item 9 replace ~~gave a brief overview~~ with *presented a written report.....*"

Vote - 6 yeas

Item 5. Items to be signed - a. Treasurer's Warrants. None at this time.

Order No. 99-205, 7:30 p.m. Public hearing on the recommended changes to the Shellfish Ordinance as recommended by Shellfish Conservation Commission and the Ordinance Committee. Councillor Foley-Ferguson gave a brief overview on this request.

Chair Pro Tem Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:36 p.m.

Motion by Councillor Foley-Ferguson, seconded by Councillor Downs, to schedule a second reading on the recommended changes to the Shellfish Ordinance as recommended by Shellfish Conservation Commission and the Ordinance Committee for Wednesday, January 5, 2000.

Vote - 6 yeas

Order No. 99-206, 7:30 p.m. Public hearing on the establishment and regulating the use of the Scarborough River Wildlife Sanctuary Ordinance as recommended by the Recreation Advisory Committee and the Ordinance Committee. Councillor Foley-Ferguson gave a brief overview on this request.

Chair Pro Tem Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:37 p.m.

Motion by Councillor Foley-Ferguson, seconded by Councillor Downs, to schedule a second reading on the establishment and regulating the use of the Scarborough River Wildlife Sanctuary Ordinance as recommended by the Recreation Advisory Committee and the Ordinance Committee for Wednesday, January 5, 2000.

Vote - 6 yeas

Order No. 99-207, 7:30 p.m. Public hearing on the amendments to the Solid Waste/Recycling Committee guidelines as recommended by the Ordinance Committee. Councillor Foley-Ferguson gave a brief overview on this request.

Chair Pro Tem Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:38 p.m.

Motion by Councillor Foley-Ferguson, seconded by Councillor Downs, to schedule a second reading on the amendments to the Solid Waste and Recycling Committee guidelines as recommended by the Ordinance Committee for Wednesday, January 5, 2000.

Councillor Temm asked that the Council consideration the following: 1. Should there be limitations of a budget for this Committee contained within the municipal operating budget and 2. That a website for this Committee, or any Committee, be a subset of the Town's website.

Vote - 6 yeas

Order No. 99-210, 7:30 p.m. Public hearing on the renewal request for a malt, spirituous and vinous liquor license for Tsan Chau d/b/a Shogun Steak House located at 238 Gorham Road. Chair Pro Tem Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:40 p.m.

Motion by Councillor Temm, seconded by Councillor Borduas, to approve the renewal request for a malt, spirituous and vinous liquor license for Tsan Chau d/b/a Shogun Steak House located at 238 Gorham Road.

Vote - 6 yeas

Order No. 99-211, 7:30 p.m. Public hearing on the renewal and reclassification request from Van Reeo, Inc., d/b/a Pizza Time located at 185 U.S. Route One for a malt, spirituous and vinous liquor license and change from a Class A Restaurant to a Class A Lounge. Chair Pro Tem Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:41 p.m.

Motion by Councillor Foley-Ferguson, seconded by Councillor Crispin, to approve the renewal and reclassification request from Van Reeo, Inc., d/b/a Pizza Time located at 185 U.S. Route One for a malt, spirituous and vinous liquor license and change from a Class A Restaurant to a Class A Lounge.

Motion by Councillor Foley-Ferguson, seconded by Councillor Crispin to divide the question: the first would be Council action on the renewal request and the second would be Council action on the reclassification.

Vote to divide the question - 6 yeas

Motion by Councillor Foley-Ferguson, seconded by Councillor Downs to approve the renewal request from Van Reeo, Inc., d/b/a Pizza Time located at 185 U.S. Route One for a malt, spirituous and vinous liquor license for a Class A Restaurant.

Vote - 6 yeas

Motion by Councillor Borduas, seconded by Councillor Temm to approve the reclassification request from Van Reeo, Inc., d/b/a Pizza Time located at 185 U.S. Route One for a malt, spirituous and vinous liquor license and change from a Class A Restaurant to a Class A Lounge.

Chair Pro Tem Messer stated that the owner was present to answer any questions that the Council may have. Angelo Roumeliotis, owner of Pizza Time answered questions from the Council regarding the layout of his business and that he understood that if he were to change to a Class A Lounge no one under the age 21 would be allowed unless accompanied by a legal guardian or their parents.

Vote - 6 yeas

Resolution 99-17. Individual Sports Recognition in Cross Country to Scarborough High School Senior Jerry Johnson. Motion by Councillor Borduas, seconded by Councillor Downs, to approve Resolution 99-17 - Individual Sports Recognition in Cross Country to Scarborough High School Senior Jerry Johnson.

**RESOLUTION 99-17
INDIVIDUAL SPORTS RECOGNITION IN CROSS COUNTRY**

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

WHEREAS, Scarborough High School Senior, Jerry Johnson, did invest many hours of training in preparation for the Western Maine Cross Country Conference, the 1999 Western Maine Cross Country Regional Championship and the State of Maine Class B Cross Country Championship; and,

WHEREAS, Scarborough High School Senior, Jerry Johnson, did compete and win the Western Maine Cross Country Conference, the 1999 Western Maine Cross Country Regional Championship and at the *State of Maine Cross Country Class B Championship*.

NOW, THEREFORE BE IT RESOLVED, by the Scarborough Town Council, in Town Council assembled, that Scarborough High School Senior, Jerry Johnson and his Coach Jim Harmon are hereby recognized for the great honor they have brought to their School and the Town of Scarborough. The Scarborough Town Council is proud of their efforts and hard work.

Signed and dated this the 15th day of December 1999, by the Scarborough Town Council and the Town Manager.

Vote - 6 yeas

Item 6. Public Comments of Non-Agenda Items. No comments at this time.

OLD BUSINESS:

Order No. 99-175. Second reading on the Animal Control Ordinance as recommended by the Ordinance Committee. Councillor Foley-Ferguson gave a brief overview on the recommendations.

Motion by Councillor Foley-Ferguson, seconded by Councillor Borduas, to table Order No. 99-175 and send this back to the Ordinance Committee.

Vote - 6 yeas

Order No. 99-182. Second reading on the recommended changes to the Sign Ordinance regarding temporary signs. Councillor Foley-Ferguson gave a brief overview on the recommended changes to the Sign Ordinance regarding temporary signs.

Motion by Councillor Temm, seconded by Councillor Downs, to approve the second reading on the recommended changes to the Sign Ordinance regarding temporary signs.

AMENDMENT TO SCARBOROUGH ZONING ORDINANCE

REGARDING DATES FOR OFF-PREMISES FARM STAND SIGNS

Be it hereby ordained, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, as follows:

The third sentence of Section XXI(B)(5) of the Scarborough Zoning Ordinance is amended by deleting the words "between June 15th and November 1st and substituting therefor the words "between May 1st and December 31st." As revised, such third sentence shall read:

Farm Stands Signs may be placed in off-premises locations only between May 1st and December 31st of each year must be removed when the product or products identified on the sign are no longer available for sale.

Vote - 6 yeas

NEW BUSINESS:

Order No. 99-212. First reading and schedule a second reading to award the bid for the purchase of three plow trucks, in an amount not to exceed \$165,000. Carl L. Betterley, Town Manager gave a brief overview on this request.

Motion by Councilor Borduas, seconded by Councillor Temm, to approve the first reading to award the bid for the purchase of three plow trucks, in an amount not to exceed \$165,000 and to schedule the second reading for Wednesday, January 5, 2000.

Bill Giguere, Public Works Director responded to questions and concerns from the Council. He explained the process by which the bid specs are reviewed and that the current equipment would be traded in. In response to a comment from Chair Pro Tem Messer, Mr. Giguere stated that he would prepare a more detailed memo the next Town Council meeting.

Vote - 6 yeas

Order No. 99-213. First reading and schedule a second reading on the Bond Order for the purchase of three plow trucks, in an amount not to exceed \$165,000. Carl L. Betterley, Town Manager, gave a brief overview on this recommendation.

Motion by Councillor Borduas, seconded by Councillor Temm, to approve the first reading and waive the reading on the Bond Order for the purchase of three plow trucks, in an amount not to exceed \$165,000 and schedule the second reading for Wednesday, January 5, 2000.

BOND ORDER FOR PLOW TRUCKS

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, a capital equipment project consisting of the purchase of three plow trucks hereby approved; and

BE IT FURTHER ORDERED, That a sum not to exceed \$165,000 is hereby appropriated to provide for the costs of said purchase; and

BE IT FURTHER ORDERED, That to fund said 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 \$165,000 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 therefor, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Vote - 6 yeas

Order No. 99-214. Act to authorize the Town Manager to sign a standard construction agreement with the Maine Department of Transportation regarding the Eight Corners Intersection Improvements STP-7607(00)X. Carl L. Betterley, Town Manager gave a brief overview on this request and responded to questions from the Council.

Motion by Councillor Borduas, seconded by Councillor Temm, to authorize the Town Manager to sign a standard construction agreement with the Maine Department of Transportation regarding the Eight Corners Intersection Improvements STP-7607(00)X.

Vote - 6 yeas

Order No. 99-215. Act to accept the donation from the Sam's Club Partner's to the Scarborough Fire Department in an amount of \$500.00. Robert Carson, Fire Chief gave a brief overview on this request and responded to questions from the Council.

Motion by Councillor Temm, seconded by Councillor Borduas, to accept the donation from the Sam's Club Partner's to the Scarborough Fire Department in an amount of \$500.00.

Vote - 6 yeas

Order No. 99-216. Act to authorize the Town Manager to sign a release deed for property located at 8 Harlow Street, Map U34 - Lot 7. Real estate taxes are currently paid through December 31, 1999. Carl L. Betterley, Town Manager gave a brief overview on this request.

Motion by Councillor Temm, seconded by Councillor Borduas, to authorize the Town Manger to sign a release deed for property located at 8 Harlow Street, Map U34 - Lot 7.

Vote - 6 yeas

Order No. 99-217. Act to authorize the Town Manager to prepare a Tax Increment Finance proposal to fund the cost of Phase 1A for the Haigis Parkway infrastructure. Carl L. Betterley, Town Manager gave a brief overview on this request and responded to questions from the Council.

Motion by Councillor Temm, seconded by Councillor Borduas, to authorize the Town Manager to prepare a Tax Increment Finance proposal to fund the cost of Phase 1A for the Haigis Parkway infrastructure.

Vote - 6 yeas

Order No. 99-218. Act to authorize the Town Manager to enter into a contract with Earth Tech to prepare the final design for Phase 1A of the Haigis Parkway. Carl L. Betterley, Town Manager gave a brief overview on this request.

J. Messer stated he understands that the Council is being asked to approve expending \$385,000 to \$410,000 for the design. Although the Council was enthusiastic about some of the proposals, he feels it is still not clear at this point that the Council is totally in favor of this project. Referring to his memo to the Town Council dated December 15, 1999, he stated there are many questions and a lot of data needed before an investment is made of \$400,000. He stated he hopes this information will be forthcoming soon so action can be taken on this.

Motion by Councillor Messer, seconded by Councillor Downs, to table Order No. 99-218.

Vote - 4 yeas 2 nays (Councillors Borduas and Temm)

Item 10. Report from Councillor Temm regarding the National League of Cities Conference. Councillor Temm gave an overview on the National League of Cities Conference.

Item 11. Standing Committee Reports. Councillor Crispin stated the Finance Committee would be meeting at Town Hall on Saturday, December 18, 1999 at 9:00 a.m. and clarified what would take place at the meeting.

Councillor Foley-Ferguson stated that the Ordinance Committee meeting scheduled for Tuesday, December 28, 1999 is cancelled. The next meeting will be the fourth Tuesday in January.

After a brief discussion, Chair Pro Tem Messer stated that there would be an Appointments Committee meeting on Wednesday, January 5, 2000 at 6:30 p.m. He thanked Rick Murphy and Harold Clough for serving on Town Committees.

Item 12. Special Committee Reports. Councillor Borduas gave an update on the Growth and Services Committee.

Councillor Foley-Ferguson gave an update on the Saco Bay Beach Management Committee.

Item 13. Liaison Reports. Councillor Downs gave a brief update on the Shellfish Committee.

Councillor Borduas (Liaison to GPCOG) gave an update on a public hearing that was held by the Legislature's Task Force regarding patterns of land use. There would be more information forthcoming.

Councillor Foley-Ferguson stated that the Solid Waste and Recycling Committee meeting scheduled for Thursday, December 16, 1999 has been cancelled.

Item 14. Public Comments. No comments at this time.

Item 15. Council Member Comments.

1. Carl Betterley, Town Manager, encouraged other Council members to prepare any questions they may have regarding the Haigis Parkway. He stated he would have the Town Clerk prepare a memo to all Council members to solicit questions and will put on the agenda as soon as possible the steps that will need to be taken to answer some of the questions; i.e., the engagement of an engineering firm to do the traffic studies. He stated it is his expectation that the Council will want to continue with this as there has been a lot of citizen involvement in this project.

2. Councillor Temm stated she was sorry Order No. 99-218 was tabled because it precludes a discussion she wished to have regarding this. She stated she would be sending a response to Councillor Messer's questions from her viewpoint and suggested another brief workshop be held to discuss other questions and answers that might come in.

She stated that due to her eldest child's wedding on January 5, 2000, she will not be able to attend the next Town Council meeting. She wished everyone a safe and happy holiday season

3. Councillor Borduas stated she regrets not accepting the invitation to join the Finance Committee at the last Town Council meeting. She noted her reasons for not accepting were valid because of her heavy workload; however, she feels now she should have proposed a reshuffling of the assignments, and a day or two after she spoke with Chairman Kennedy and offered to make that change but apparently it was too late. She repeats her earlier offer now to assist the Finance Committee in any way she can, as she has been working with this data through the Data Subcommittee.

She congratulated Councillor Temm on the upcoming wedding and wished everyone a happy holiday.

4. Councillor Downs wished everyone happy holidays. He asked people to be safe and aware of drunk drivers and asked everyone to be careful.

5. Councillor Crispin wished everyone happy holidays to people of all faiths and religions.

He referred to Councillor Messer's questions in the memo regarding Haigis Parkway which were provided prior to this meeting, stating these are the kinds of questions that he believes are critical when deliberating on a large-scale project. He feels that unfortunately in his experience it has not been the case in this community and referred to Piper Shores as a prime example of that. He stated that as a Councillor he would be insistent that these kinds of very critical questions be addressed when looking at projects of that nature.

He applauded Councillor Borduas for providing some thoughts around protection of scenic views from private ways. He referred to a memo from Councillor Borduas to Councillor Foley-Ferguson regarding concerns from Milton Scott on the protection of private ways. He stated her memo raises issues from Mr. Scott around whether the Ordinance Committee should concern itself with the impact on scenic

views on private property and the resultant impact coming from development adjacent to that private property. He therefore would support any efforts on behalf of others to raise this issue with the Ordinance Committee.

6. Councillor Foley-Ferguson also wished everyone a happy holiday. She stated she would be presenting to Councillors Downs, Temm, and Borduas an article from the Maine Policy Review on tax policy reform regarding the school funding formula, something that State Representative Harold Clough presented to her a month ago. She stated this gives a clear and concise description of the impact on communities.

7. Chair Pro Tem Messer acknowledged Jerry Johnson and his mom for staying through the entire meeting this evening. He stated the Resolution to Jerry Johnson requires the signature of Chairman Kennedy so he (Chair Pro Tem Messer) will deliver it to Jerry personally when he watches his race at USM.

Chair Pro Tem Messer acknowledged that when there is a tabling motion there is no discussion but stated he is not opposed to Haigis Parkway at this point; however, he would like to get as much information as quickly as possible as this information is imperative before moving forward on spending \$400,000.

He stated he attended the Eight Corners School 40th Anniversary, noting that Principal Waltz moderated the event and the first principal of the school, Mr. Connolly, was also present. He stated he was glad to see some Board of Education members present and noted the Gym Dandies presented a 30-minute show.

He stated the Gym Dandies will be representing the State of Maine at the Year 2000 Independence Day Parade on July 4th in Washington, D.C. He acknowledged they must raise a substantial sum of money to send 85 to 90 people. At their auction last week they raised \$8,500 and encouraged anyone wanting to help to contact Mr. Cahill at the Wentworth School. He further stated they would be performing for Governor King tomorrow at the State House which is a ceremony held in their honor for being chosen to represent the State in Washington, D.C.

Chair Pro Tem Messer noted that the flags have been flying at half-mast in Town in honor of the Worcester, Massachusetts, firefighters who perished in the blaze a week and a half ago and asked residents who see a firefighter around Town to thank the firefighter as he/she puts his/her life on the line to protect the citizens of Scarborough.

Chair Pro Tem Messer stated that many residents attended the tree lighting ceremony at Town Hall. He would like to see Route One lit all the way from Dunstan to Oak Hill, acknowledging it would not be a town function but a volunteer effort by citizens and business owners. He would like it to match the summer celebration that Scarborough has put on for the past two to three summers. He also wished everyone happy holidays and hoped residents would help those who are less fortunate. He further thanked his colleagues on the Council for their professionalism and attention to detail tonight.

Item 16. Adjournment. Motion by Councillor Borduas, seconded by Councillor Temm, to adjourn the regular meeting of the Scarborough Town Council.

Vote - 6 yeas

Meeting adjourned at 8:47 p.m.

Respectfully submitted,
Yolande Norton, Town Clerk