

MINUTES

SCARBOROUGH TOWN COUNCIL WEDNESDAY – NOVEMBER 5, 2008 REGULAR MEETING – 7:30 P.M.

Item 1. Call to Order. Chairman Messer called the regular meeting of the Scarborough Town Council to order at 7:30 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Chairman Messer. Thomas J. Hall, Town Manager, was also present.

Ronald D. Ahlquist, Vice Chair	Michael J. Wood
Carol S. Rancourt	Judith L. Roy
Richard J. Sullivan, Jr. [Absent]	Sylvia J. Most
Jeffrey A. Messer, Chair	

Item 4. Minutes: October 15, 2008. Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the October 15, 2008, meeting minutes, as written.

Vote: 6 yeas.

Item 5. Items to be signed: a. Treasurer's Warrants. Not available.

Order No. 08-126, 7:30 p.m. Public hearing and second reading on the proposed amendment to Chapter 405, the Town of Scarborough Zoning Ordinance, Section VI. Definition of "Place of Worship" and Section XXIB. Permitted Uses in the Industrial District. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:34 p.m.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the second reading on the proposed amendment to Chapter 405, the Town of Scarborough Zoning Ordinance, Section VI. Definition of "Place of Worship" and Section XXIB. Permitted Uses in the Industrial District, as follows:

AMENDMENTS TO THE SCARBOROUGH ZONING ORDINANCE REGARDING PLACES OF ASSEMBLY IN INDUSTRIAL DISTRICT

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Section VI, definition of "Place of Worship" is amended by deleting the language in strikeover type, as shown below:

A building or structure designed and used primarily for conducting organized religious services. The term "Place of ~~Workshop~~ Worship" includes customary accessory facilities located within the principal building, such as meeting rooms, assembly space, administrative offices, classrooms for religious education and living quarters for clergy, but does not include uses, activities, buildings or structures defined in this Ordinance as "Adjunct Uses, Place of Workshop Worship." ~~A Place of Worship is allowed only in those zoning districts where "Place of Worship" is listed as a permitted use or special exception, and is not allowed under the use category "Places of Assembly, Amusement, Culture or Government."~~

Section XXI (B) (permitted uses in the Industrial District - I), paragraphs 9 and 12, are amended by adding the underscored language and deleting the language in strikeover type, as shown below:

~~9. Places of assembly, amusement, culture or government fully enclosed within a building or buildings, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting.~~

12. Municipal Buildings and Uses, not including places of assembly.

Vote: 6 yeas.

Order No. 08-138, 7:30 p.m. Public hearing and second reading on the proposed amendments to Chapter 1301, the General Assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4). Chairman Messer opened the public hearing. As there were no comments either for or against the hearing was closed at 7:35 p.m.

Motion by Councillor Rancourt, seconded by Councillor Most, to move approval of the second reading on the proposed amendments to Chapter 1301, the General Assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4) – complete document on file with General Assistance Office.

Vote: 6 yeas.

Order No. 08-139, 7:30 p.m. Public hearing and second reading on the request to authorize the expenditure of \$250,000 from the Town of Scarborough Land Bond Fund for the purchase of 45 acres (Map R062, Lot 8) of valuable salt marsh upland as recommended by the Scarborough Parks and Conservation Land Board. Chairman Messer opened the public hearing. The following individuals spoke on this Order: C.D. Armstrong, representing the Friends of the Marsh and Rick Shinay, also a legal representative of Friends of the Marsh spoke in support of the this proposal and responded to questions from the Council.

There being no further comments the hearing was closed at 7:45 p.m.

Motion by Councillor Rancourt, seconded by Councillor Most, to move approval of the second reading on the request to authorize the expenditure of \$250,000 from the Town of Scarborough Land Bond Fund for the purchase of 45 acres (Map R062, Lot 8) of valuable salt marsh upland as recommended by the Scarborough Parks and Conservation Land Board.

Motion by Councillor Wood, seconded by Chairman Messer, to amend the main motion to read: move approval of the second reading on the request to authorize the expenditure of \$250,000 from the Town of Scarborough Land Bond Fund for the purchase of 45 acres (Map R062, Lot 8) of valuable salt marsh upland as recommended by the Scarborough Parks and Conservation Land Board with the condition that development rights be extinguished legally.

Vote on amendment: 6 yeas.

Vote on main motion as amended:

Roll Call Vote:	Councillor Ahlquist – yea	Councillor Wood – yea
	Councillor Rancourt – yea	Councillor Most – yea
	Councillor Roy – yea	Chairman Messer - yea

Order No. 08-147, 7:30 p.m. Public hearing on the following renewal request for a liquor license from Stir Crazy, located at 183 U.S. Route One. Chairman Messer opened the public hearing. As there were no comments either for or against the hearing was closed at 7:55 p.m.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the following renewal request for a liquor license from Stir Crazy, located at 183 U.S. Route One.

Vote: 6 yeas.

OLD BUSINESS:

Order No. 08-119. Second reading on the proposed amendments to the Chapter 405, the Scarborough Zoning Ordinance, Section XVIA.B.1 - to change the acreage threshold for applying for a TND Overlay from 25 acres to 20 acres. Dan Bacon, Town Planner, gave a brief overview on this Order and noted that the CPIC Committee will be proposing an alternative and recommends that this request not pass.

Motion by Councillor Wood, seconded by Councillor Roy, to move approval not to approve the recommendation to change the acreage threshold for applying for a TND Overlay from 25 acres to 20 acres.

Vote: 6 yeas.

NEW BUSINESS:

Order No. 08-148. Act to accept the following street, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Baywoods Drive. Motion by Chairman Messer, seconded by Councillor Most, to move approval to accept the following street, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Baywoods Drive.

Vote: 6 yeas.

Order No. 08-149. Act to approve an agreement with residents of Cranberry Pines with respect to ultimately accepting the road and authorize the Town Manager to sign all documents relating to this Order. Motion by Chairman Messer, seconded by Councillor Most, to move approval on the agreement with residents of Cranberry Pines with respect to ultimately accepting the road and authorize the Town Manager to sign all documents relating to this Order.

After a brief discussion regarding procedures and whether this Order should have come forward as a first reading, the following motion was made:

Motion by Chairman Messer, seconded by Councillor Wood, to move approval to table this order to the November 19th Town Council meeting and to have it come back as a first reading.

Vote: 6 yeas.

Order No. 08-150. Act on the request to establish a Scarborough Economic Development Fund, pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date. Motion by Chairman Messer, seconded by Councillor Most, to move approval on the request to establish a Scarborough Economic Development Fund, pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date.

Vote: 6 yeas.

Order No. 08-151. Act to certify the local results of the November 4, 2008, Municipal Election.
 Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval to certify the local results of the November 4, 2008, Municipal Election, as follows:

**Results of Votes Cast for Scarborough Voters
 November 4, 2008**

President and Vice President	
McCain and Palin	4,866
McKinney and Clements	20
Nader and Gonzalez	152
Obama and Biden	6,750*
US Senator	
Allen, Thomas H.	4,214
Collins, Susan M.	7,390*
Representative to Congress – District 1	
Pingree, Chellie	4,770
Summers, Charles E.	6,889*
State Senator District 6	
Bartlett, Philip L. II	4,624*
Csoros, Phillip A.	3,975
State Senator District 7	
Bliss, Lawrence Steven	1,165
Dunne, Thomas J.	1,278*
Representative to the Legislature 127	
Flaherty, Sean Peter	3,089*
McDonough, John F.	2,432
Representative to the Legislature 128	
Pendleton, Peggy A.	3,773*
Pickard, Artemas M.	2,432
Register of Probate	
McRae, Teri E.	5,076
O’Brien, John B.	5,439*
County Commissioner	
Feeney, Richard J.	5,445*
Larsen, Nancy L.	5,141
County Charter Commission	
Jamieson, Neil D., Jr.	9,148*
Lynch, Mary Ann	6,077*

Question 1: People’s Veto

YES	7,489*
NO	3,965

Question 2: Citizens Initiative

YES	4,991
NO	6,559*

Question 3: Bond Issue

YES	5,817*
NO	5,412

Town Council	
Ahlquist, Ronald D.	5,523*
Babine, Shawn A.	6,201*
Baizley, Robert M.	2,764
Crockett, Leroy P.	4,630
D'Andrea, Karen A.	6,694*
Write –In: Scott Doherty	205
Board of Education	
Brownsey, Christopher T.	8,172*
Staszko, Colleen F.	8,420*
Trustees of the Scarborough Sanitary District	
Andreson, Charles J.	6,472*
D'Amelio, Anthony J.	2,081
Greenleaf, Jason A.	6,870*
McSorley, Robert A.	4,700*
Non-Binding Referendum Question – Mascot	
YES	5,096
NO	5,398*
Special Referendum – Question 1 – Zone Change	
YES	5,565
NO	5,804*
Trustee to the Portland Water District	
Lorfano, Gary S.	10,281*

Vote: 6 yeas.

Item 6. Non-Action Items. None at this time.

Item 7. Committee Reports: Standing Committee Reports and Other Committee Reports:

- Councillor Rancourt gave a brief update on the Pine Point Study Committee and noted that the next meeting is scheduled for Thursday, November 6th from 6:30 – 8:00 p.m. here at Town Hall.
- Councillor Wood gave a brief update on ecomaine and the CPIC Committee.

Item 8. Public Comments.

1. Dianne Messer of Down East Lane, spoke of the service Chairman Messer, her husband, has done over the past number of years.

Item 9. Town Manager Report. Thomas Hall thanked the Council for selecting him as Scarborough's new Town Manager and then congratulated Ron Owens on his retirement. During the past week Mr. Hall has had the opportunity to meet a few of the staff and hopes that over the next few weeks he will have the opportunity to visit the various town departments and meet all employees. He made comments regarding the elections; noted that the Town will close on the Scarboro Signs property this Friday and he has had the opportunity to meet with the Pine Point Study Committee. A few Public Works Project that have been completed - the Maple Avenue and Elmwood Avenue Project and the

Route One Sidewalk Project in Dunstan. The following projects will be complete by the end of the year: the Higgins Beach Seawall and the safety improvements in front of Town Hall. A new project that will be coming up will be the Hillside Avenue drainage project.

Item 10. Council Member Comments. Closing comments were made by Council members.

Item 11. Adjournment. Motion by Chairman Messer, seconded by Councillor Most, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 yeas.

Meeting adjourned at 9:06 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk

(Transcribed but not present at meeting.)