

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 1, 2012
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Ahlquist called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

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.

Judith L. Roy, Vice-Chair	James E. Benedict
Jessica L. Holbrook	Carol S. Rancourt
Richard J. Sullivan, Jr. [Absent]	Karen A. D’Andrea [Absent]
Ronald D. Ahlquist, Council Chair	

Item 4. General Public Comments.

- Martin Tripp of 26 Oceanwood Drive commented on the Goals Workshop and felt that the Council contradicted all they discussed regarding how to save money. He further stated the building that SEDCO is in is not worth much and should be torn down. He went on to mention the school and issues there.
- David Green of 135 Beech Ridge Road spoke on Resolution 12-01 [Community Development Block Grant for the Housing Alliance and Habitat for Humanity] and hoped that the Council would move forward on this; affordable housing is needed in this community.

Item 5. Minutes: January 18, 2012 – Regular Meeting. Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval of the minutes of the January 18, 2012, regular Town Council meeting.

Vote: 5 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. 12-03, 7:00 p.m. Public Hearing on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. PERFORMANCE STANDARDS - J. Accessory Units. Dan Bacon, Town Planner, gave a brief overview and responded to questions from the Council.

Chairman Ahlquist opened the public hearing. The following individuals spoke on this item:

- Larry Mead of 6 Saratoga Lane spoke with concern regarding the portion in the proposal that notes where the primary owner does not have to be in the home and can have an accessory unit and felt this could lead to misuse.
- Bill Conley of 72 Highland Avenue noted that he has had an in-law apartment since he has lived at this property and he supports the proposed changes.

- Councilor Roy read the following email into the record:

“Dear Councilors,

I am writing about the proposed changes to the zoning ordinance regarding accessory units. After studying the proposed changes and communicating with Judy Roy (who forwarded my questions to and provided me with answers from Dan Bacon and Tom Hall), I would respectfully encourage you to table the vote on this until the changes have been further evaluated. I understand and support the spirit of the ordinance to make it easier for families in these difficult economic times. However, I would encourage a more thorough evaluation of the changes as they relate to the more densely settled areas of town, especially the beaches. According to Mr. Bacon, accessory units could be created which would be used for weekly rentals. Further, as I understand it, both the accessory unit and the primary residence could be rented weekly. I believe that the proposed changes need to be further evaluated to determine if an unintended consequence of the loosening of the restrictions surrounding accessory units would be to create more rental units in the dense beach neighborhoods. Should the Council determine that creating more rental units in the densely settled beach area is not desirable, there is language that could be introduced in the ordinance that could support accessory units without allowing for weekly rental units. For example, the units could be allowed to be rented if they turn over no more than twice per year. Because this matter does not appear to be time sensitive, I encourage you to further evaluate this ordinance to be sure that the well intentioned changes do not have unintended consequences for the beach neighborhoods.

Thank you,

Melissa Carifio
31 Morning St.”

There being no further comments either for or against, the hearing was closed at 7:18 p.m. The second reading on this item will be held on Wednesday, February 15, 2012.

Order No. 12-04, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1401 – the Town of Scarborough Coastal Waters and Harbor Ordinance, to include language regarding the new pier and a charge for the Coastal Waters and Harbor Committee.

Thomas Hall, Town Manager, gave a brief overview and responded to questions from the Council. Chairman Ahlquist opened the public hearing. The following individual spoke on this item:

- Martin Tripp of 26 Ocean Wood Drive encouraged the Council to charge fees to those who use the new pier to help offset the cost of running it.

There being no further comments, the hearing was closed at 7:31 p.m.

Motion by Councilor Rancourt, seconded by Councilor Roy, to move approval of the second reading on the proposed amendments to Chapter 1401 – the Town of Scarborough Coastal Waters and Harbor Ordinance, to include language regarding the new pier and a charge for the Coastal Waters and Harbor Committee, as follows:

**CHAPTER 1401
COASTAL WATERS AND HARBOR ORDINANCE FOR THE
TOWN OF SCARBOROUGH, MAINE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1401, the Coastal Waters and Harbor Ordinance for the Town of Scarborough, Maine is amended by adding the underscored text, as shown below:

1. Amend Article II – Definitions by adding a new definition as follows:

7. Committee:

Shall mean the Coastal Waters and Harbor Advisory Committee.

2. Adopt new Article IX – as follows:

Article IX – Pier

Section 1. Permit Required

All users of the pier shall obtain a permit for use by the Harbormaster. There shall be a fee established for the permit, the proceeds of which shall be used to defray the costs of operation and provide for regular maintenance on the pier and related infrastructure.

Section 2. Regulations Relating to Use

- a) The Harbormaster, in consultation with the Committee, shall establish operating guidelines, policies and procedures relating to proper use and operation of the pier to ensure safety of users and to avoid damage to pier infrastructure.
- b) Such policies and procedures shall balance the needs of commercial and recreational use of the pier.

3. Adopt new Article X – as follows:

Article X – Coastal Waters and Harbor Advisory Committee

Section 1. Establishment

There is hereby established a Coastal Waters and Harbor Advisory Committee consisting of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for staggered three (3) year terms. The Harbormaster shall attend and serve as staff support at all meetings of the Committee. A member of the Town Council shall serve as liaison to the Committee.

Section 2. Duties

The Committee shall:

- (a) Exist for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the Town of Scarborough, working closely with the Harbormaster to advise the Town Council on all matters pertaining to the Coastal Waters and Harbor Ordinance;
- (b) Make recommendations for balancing the enhancement of harbor facilities with the conservation of natural, cultural and aesthetic resources for the long-term benefit for all stakeholders;

- (c) Propose regulations and policies or the use of waterways, navigational lanes, anchorage areas, town docking facilities and mooring areas, such regulations and policies shall be consistent with federal and state law;
- (d) Regularly inform the Town Council and other boards, committees, commissions or officials of the Town, as is appropriate, of its activities.

Section 3. Organization and Procedure.

The Committee shall adopt rules and regulation for the transaction of its business, which shall be subject to Town Council approval. The Committee shall maintain a permanent record of its proceedings and correspondence. All records maintained or prepared are deemed public and shall be filed in the Town Clerk's Office.

4. All renumbering of Articles, subsections and the Table of Contents will be updated accordingly.

Vote: 5 Yeas.

Order No. 12-10, 7:00 p.m. Public Hearing on the new request for a Coin-Operated License from Red Robin International, Inc. d/b/a Red Robin Gourmet Burgers, located at 800 Gallery Blvd. Chairman Ahlquist opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:33 p.m.

Motion by Councilor Roy, seconded by Councilor Benedict, to move approval on the new request for a Coin-Operated License from Red Robin International, Inc. d/b/a Red Robin Gourmet Burgers, located at 800 Gallery Blvd.

Vote: 5 Yeas.

Resolution 12-01. Resolution in support of a Community Development Block Grant (CDBG) Application on behalf of the Scarborough Housing Alliance regarding the possible creation of new work-force housing on town-owned property in partnership with Habitat for Humanity. Dan Bacon, Town Planner, gave a brief overview on this Resolution. The following individuals spoke on this item:

- Aymie Hardesty of 4 Saratoga Lane supports the application for this grant, but was concerned about the planning process and does not endorse 17 units being placed on this property.
- Martin Tripp of 26 Oceanwood Drive asked several questions relating to what happens if there is a change of ownership; who has the right of ownership?
- Larry Mead of 6 Saratoga Lane spoke on the application being proposed. He hoped that in applying for this money, and if the money is granted, would it mean this plan would happen immediately. He also felt that the number of units was too many.
- Dave Green of 135 Beech Ridge Road noted that this item has not been on a fast track and again urged the Council to please move forward on this item.
- Denise Leveque of 6 Saratoga Lane stated that she was not disgruntled abutter; just felt that abutters had been left out of the loop and wanted to know whether others could tap into the sewer line at a later time.

Motion by Councilor Holbrook, seconded by Councilor Rancourt, to move approval of Resolution 12-01, in support of a Community Development Block Grant (CDBG) Application on behalf of the Scarborough Housing Alliance regarding the possible creation of new work-force housing on town-owned property in partnership with Habitat for Humanity, as follows:

RESOLUTION 12-01
COMMUNITY DEVELOPMENT BLOCK
GRANT APPLICATION
Town of Scarborough

BE IT RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled that we support the Community Development Block Grant (CDBG) application which will be submitted to the Cumberland County Community Development Program. Through this grant, the Town of Scarborough is seeking funding to help pay for the sewer line extension that is necessary to development workforce housing at 75 Broadturn Road. The Town's Housing Alliance and Habitat for Humanity of Greater Portland are partnering to help create workforce housing on this property and it is anticipated that between ten and twenty dwellings will be developed, of which at least 51% (and ideally 100%) would be made available to the benefit of low and moderate income persons. CDBG funds will enable the Town of Scarborough to provide fair housing opportunities to those households for whom market prices homes are unattainable. The extension of sewer lines is critical in enabling greater housing density to allow Habitat for Humanity and the Town to lower the infrastructure costs of each dwelling unit and to create a meaningful number of workforce housing units.

Signed and sealed this the 1st day of February, 2012, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Vote: 5 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 12-11. Act on the request to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Portion of Enterprise Drive and Technology Way – located in the Enterprise Business Park Subdivision-Phases 1 & 2 and to authorize the Town Manager to execute an agreement concerning the maintenance of light poles. Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval on the request to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Portion of Enterprise Drive and Technology Way – located in the Enterprise Business Park Subdivision-Phases 1 & 2 and to authorize the Town Manager to execute an agreement concerning the maintenance of light poles.

Vote: 5 Yeas.

Order No. 12-12. Act on the request to accept a strip of land 50 foot wide by approximately 175 feet long and authorize the Town Manager to execute any all documents related to this item. Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval on the request to accept a strip of land 50 foot wide by approximately 175 feet long and authorize the Town Manager to execute any all documents related to this item.

In response to a question from Councilor Holbrook, Jim Wendel – Town Engineer stated that Scarborough Downs has given permission for use of their road for the town to access this parcel.

Vote: 5 Yeas.

Order No. 12-13. Act on the request to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Lobos Road and Leah Lane, located in the Arlington Hills Subdivision. Motion by Councilor Rancourt, seconded by Councilor Roy, to move approval on the request to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Lobos Road and Leah Lane, located in the Arlington Hills Subdivision.

Vote: 5 Yeas.

Order No. 12-14. Act to authorize the Town Manager to sign a release deed on Parcel R056 – Lot 012A – Pine Haven Terrace. Motion by Councilor Benedict, seconded by Councilor Roy, to move approval to authorize the Town Manager to sign a release deed on Parcel R056 – Lot 012A – Pine Haven Terrace.

Vote: 5 Yeas.

Order No. 12-15. Act to approve the Resolve to accept donations for the Fuel Assistance Program. Motion by Councilor Roy, seconded by Councilor Holbrook, to move approval to accept donations for the Fuel Assistance Program, as follows:

TOWN OF SCARBOROUGH

IN TOWN COUNCIL ASSEMBLED

February 1, 2012

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. Ronald Ahlquist
Mr. & Mrs. Gary Quintiliani

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: 5 Yeas.

Order No. 12-16. Act on the Council liaison appointments as recommended by the Council Chair. Motion by Councilor Roy, seconded by Councilor Rancourt, to move approval on the following:

Councilor D'Andrea requests to be removed as Council Liaison from the ADA Advisory Committee and from the Eastern Trail Alliance – with the following to be appointed:

Chairman Ahlquist will be the liaison to the ADA Advisory; and,
Councilor Sullivan will be the liaison to the Eastern Trail Liaison.

Vote: 5 Yeas.

Order No. 12-17. Act on the request to approve the names posted to the various committees/boards at the January 18th Town Council meeting, as recommended by the Appointments Committee. Motion by Councilor Holbrook, seconded by Councilor Roy, to move approval on the names posted to the various committees/boards at the January 18th Town Council meeting, as recommended by the Appointments Committee.

Appoint J. Anton Bodor as a full voting member to the Senior Advisory Board and the Energy Committee

Appoint Sarah Wiley as a full voting member to the Housing Alliance

Vote: 5 Yeas.

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

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

- Councilor Roy gave an update on SEDCO and noted that the next meeting is scheduled for Thursday, February 2, 2012; she gave an update on the Long Range Planning Committee; she also gave an update on the Finance Committee and noted that on February 15th there would be Council Work with the Library prior to the regular Town Council meeting. The Manager will present his 2013 Budget on March 21st. On Tuesday, March 27th beginning at 8:00 a.m. the Public Safety Departments will present their budgets, as well as the Planning Department and the Finance Department. On Tuesday April 3rd beginning at 8:00 a.m. the Public Works Department, the Library, SEDCO and Administration will present their budgets. On Tuesday, April 10th beginning at 8:00 a.m. Community Services, MIS and the School Department will present their budget. On Tuesday, April 17th the Finance Committee will have a final review of the 2013 Budget. The first reading on the budget will be at the Town Council meeting on April 4th; the public hearing will be held on Wednesday, April 11th; a Budget Workshop will be held on Wednesday, April 25th; the second and final reading will be held on Wednesday, May 2nd and the Validation Vote is scheduled for Tuesday, May 15th at the Town Hall.

- Councilor Holbrook noted the Housing Alliance will meet Thursday, February 2nd and the Appointments Committee had met prior to this evenings Council meeting and would like to post the following names:
 - Appoint Joyce Pelletier to the Community Services and Recreation Advisory Board, as 1st Alternate, with a term to expire in 2012.
 - Appoint Kate Norfleet to the Community Services and Recreation Advisory Board, as 2nd Alternate, with a term to expire in 2013.
 - Appoint Elizabeth Bates to the Seniors Program Advisory Board, as 1st Alternate, with a term to expire in 2013.
 - Appoint Karen Vachon to the Cable Television Committee, as a full voting member, with a term to expire in 2014.
- Councilor Rancourt gave an update on the Ordinance Committee adding there will be a special meeting on February 13th and a regular meeting on February 28th. She gave an update on School Board, noting that she had met with the Superintendent and plans on meeting with him on a regular basis. She gave an update on the Library Board of Trustees meeting and adding there would be Council workshop with the Board on February 15th.
- Chairman Ahlquist touched on the Finance Committee meeting and then went on to give an update on ecomaine.

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

- The Town received a letter from the Sprague Corporation indicating they would be withdrawing their application on Black Point Park from the Zoning Board of Appeals.
- The Habitat Project is moving forward and all abutters will be kept inform during the process.
- The fuel assistance program has done 37 deliveries.
- Town staff was still very involved the Wentworth Intermediate Project; plans have been submitted to the Planning Board and they Committee was currently working on the wetland mitigation. The Chair of the Board of Education, along with the Town Manager and the Finance Director has been working on the finance portion of the project - all Bond issues would be brought to the Council for action.
- For the 6th year in a row the Finance Department has been awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
- The Council Chair and the Town Manager have been working with the IT Department to have the technology to go paperless with the council agenda packet.

Item 11. Council Member Comments.

- Councilor Rancourt sent condolences to the family of Sue Boswick Cohen. She apologized for not attending the Council Workshop on Monday night. She was in attendance at the Planning Board meeting there was an item on the agenda that would have direct affect in her area. She further commented that the Town Council should review the Black Point Road and develop a plan for the Oak Hill/Black Point Road area.
- Council Roy sent condolences to the family of Sue Boswick Cohen. She mentioned the workshop on March 20th – urged Council to attend. She noted the comment on the 2million in debt that had been mentioned and that is in fact 2million short in revenues.

- Councillor Holbrook encouraged the public to join the Police Department on facebook – in doing so you would receive updates and notices. She noted that she had been asked about whether the council receives insurance and a fee. No, the Council does not receive insurance and the council does receive a \$1,500 stipend.
- Chairman Ahlquist acknowledged that students Brett Coffins Civic Class were in attendance and asked the students to come forward and introduce themselves. The following students were in attendance:

Sam Wardwell
 Sam Shepard
 Connor Smith
 Steven Swameu
 Andrew Hopkins
 Donna Vaughn
 Erin Brady
 Marissa Risbara
 Maddie Shaw
 Beatrice Brauer
 Ben Stone

Chairman Ahlquist was glad to see progress being made relating to the Affordable housing item. He further commented that he had attended a meeting in Saco to discuss a new exit on the Flag Pond Road adding that any decisions that would need to be made would be by the council as a whole. He also mentioned the workshops that were held this past Monday. He sent Birthday Wishes to his Dad.

Order No. 12-18. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)© regarding a personnel matter relating to the Town Manager’s Evaluation. Motion by Councilor Rancourt, seconded by Councilor Roy, to move approval 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; to return to public session to adjourn the regular meeting.

Vote: 5 Yeas.

The Town Council adjourned to executive session at 8:39 p.m. Chairman Ahlquist reconvened the meeting at

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

Vote: 5 Yeas.

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Yolande P. Justice
 Town Clerk