

**MINUTES**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – APRIL 21, 2010**  
**REGULAR MEETING – 7:00 P.M.**

**Item 1. Call to Order.** Council Chair Rancourt 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.

Ronald D. Ahlquist	Karen A. D’Andrea
Jessica L. Holbrook	Michael J. Wood
Shawn A. Babine	Judith L. Roy, Council Vice-Chair
Carol S. Rancourt, Council Chair	

**Item 4. General Public Comments.**

- David Green of 135 Beech Ridge Road noted that he had plenty to say and would use this comment period as well as the public hearing on the RF Zone. He did not agree with the proposed changes.
- Robert Baizley of 28 Dunstan Landing Road rebutted comments that were made by Councillors Wood and Babine during closing comments at the last Council meeting with regards to water quality comments that he [Mr. Baizley] had made. He would like to see a group formed here in Scarborough similar to the Saco Bay Water Quality Group.

**Item 5. Minutes: April 7, 2010 – Regular Meeting – Not Available.**

**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. 10-23, 7:00 p.m. Public Hearing and schedule a second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Rural Residence and Farming District (RF) and Rural Residence, Farming and Manufactured Housing District (RFM) and to Create New Definitions and Performance Standards Associated with Agriculture.** Dan Bacon, Town Planner, gave a brief overview on this item and responded to questions from the Council. Council Chair Rancourt opened the public hearing. The following individuals spoke on this item: David Green of 135 Beech Ridge Road stated that he was 95% in support of the recommended changes. He did have issues with a few items, one being stables and having to get a special exceptions – does not believe this is right. One other issue he had was with day camps – he felt there should not be a requirement of 10 acres in order to have a day camp. The last issue was with forestry and not being able to process wood products on his property. Larry Bruns of 39 Hanson Road and owner of Hanson Road Farms also agreed with most of the proposed changes and asked why a 1,000 farm store would require site plan review the issue of parking is address in the standards set by the Town and why is there no site plan review required for a Bed and Breakfast. Offsite directly signs – would like to be able to have more than two. Pam Anderson and partner Judy Bullard of 277 Broadturn Road and owner of an organic farm, have attended the CPIC meetings and felt the proposed changes and if approved would support agriculture in Scarborough.

There being no further comments the hearing was closed at 7:22 p.m.

The second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Rural Residence and Farming District (RF) and Rural Residence, Farming and Manufactured Housing District (RFM) and to Create New Definitions and Performance Standards Associated with Agriculture will be scheduled for Wednesday, May 5, 2010 or as appropriate for receipt on feedback from the CPIC Committee.

**Order No. 10-24, 7:00 p.m. Public Hearing and schedule a second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Residential 2 District (R2) and the Other Residential, Mixed Use, and Non-Residential Districts to Allow for Accessory Agricultural Activities.** Dan Bacon, Town Planner, gave a brief overview on this item and responded to questions from the Council. Council Chair Rancourt opened the public hearing. The following individuals spoke on this item: David Green of 135 Beech Ridge Road noted that he did not have real issues with the proposed changes, but there were individuals who voiced concerns with their neighbors having chickens and pigs.

There being no further comments, the hearing was closed at 7:27 p.m.

The second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance regarding the Residential 2 District (R2) and the Other Residential, Mixed Use, and Non-Residential Districts to Allow for Accessory Agricultural Activities will be scheduled for Wednesday, May 5, 2010 or as appropriate for receipt on feedback from the CPIC Committee.

**Order No. 10-25, 7:00 p.m. Public Hearing and schedule a second reading on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, Section II. Applicability – subsection B. Activities Exempt from Site Plan Review.** Dan Bacon, Town Planner, gave a brief overview on this item and responded to questions from the Council. Council Chair Rancourt opened the public hearing.

There being no comments either for or against, the hearing was closed at 7:34 p.m.

The second reading on the proposed amendments to Chapter 405B – the Site Plan Review Ordinance, Section II. Applicability – subsection B. Activities Exempt from Site Plan Review will be scheduled for Wednesday, May 5, 2010.

**Order No. 10-26, 7:00 p.m. Public Hearing and schedule a second reading on the proposed amendments to Chapter 405c – Shoreland Zoning Ordinance, Section 13.c. Stream Protection 2 District.** Dan Bacon, Town Planner, gave a brief overview on this item and responded to questions from the Council. Council Chair Rancourt opened the public hearing. The following individuals spoke on this item: David Green of 135 Beech Ridge Road noted there is already a 75 foot setback requirement and does not agree with the 250 foot being proposed – it infringes on private property.

There being no further comments, the hearing was closed at 7:39 p.m.

The second reading on the proposed amendments to Chapter 405c – Shoreland Zoning Ordinance, Section 13.c. Stream Protection 2 District will be scheduled for Wednesday, May 5, 2010.

**Order No. 10-27, 7:00 p.m. Public Hearing and schedule second reading on the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the Stream Protection 2 District to the Nonesuch River.** Dan Bacon, Town Planner, gave a brief overview on this item and responded to questions from the Council. Council Chair Rancourt opened the public hearing. The following individuals spoke on this item: David Green of 135 Beech Ridge Road is all for protecting things – how much are we going to protected or eat up of property owners rights; Robert Baizley of 28 Dunstan Landing Road did not agree with comments made prior and agreed with the 250 foot being proposed Larry Bruns of 39 Hanson Road felt there should something for property owners and maybe density bonus for development.

There being no further comments, the hearing was closed at 7:52 p.m.

The second reading on the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the Stream Protection 2 District to the Nonesuch River will be scheduled for Wednesday, May 5, 2010.

**Order No. 10-28, 7:00 p.m. Public Hearing and schedule a second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance – Section VI. Definitions for Home Occupation and add a new Section IX.V Performance Standards – Home Occupations.** Dan Bacon, Town Planner, gave a brief overview on this item and responded to questions from the Council. Council Chair Rancourt opened the public hearing. The following individuals spoke on this item: Eric Thomas of 162 Black Point Road stated that 100 square feet is not big enough and asked if the Council would consider being in line with the 400 square feet being proposed in the RF. David Green of 135 Beech Ridge Road also agreed that the 100 square feet is not big enough.

There being no further comments, the hearing was closed at 7:58 p.m.

The second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance – Section VI. Definitions for Home Occupation and add a new Section IX.V Performance Standards – Home Occupations will be scheduled for Wednesday, May 5, 2010.

**Order No. 10-38, 7:00 p.m. Public Hearing on the new application for a Massage Therapist License from Alana Viner doing business at Calm Waters Spa, located at 144 US Route One.** Council Chair Rancourt opened the public hearing, as there were no comments either for or against the hearing was closed at 8:08 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the new application for a Massage Therapist License from Alana Viner doing business at Calm Waters Spa, located at 144 US Route One.

Vote: 7 Yeas.

**Order No. 10-39, 7:00 p.m. Public Hearing on the on the new requests for a Food Handlers License from Carl Dittrich, d/b/a Atlantic Cookie Co., located at 11 Washington Avenue and Holly Biscuits, d/b/a Dunstan Corner Deli & Pizza, located at 618 U.S. Route One. (transfer of ownership)** Council Chair Rancourt opened the public hearing, as there were no comments either for or against the hearing was closed at 7:09 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the new requests for a Food Handlers License from Carl Dittrich, d/b/a Atlantic Cookie Co., located at 11 Washington Avenue and Holly Biscuits, d/b/a Dunstan Corner Deli & Pizza, located at 618 U.S. Route One. (transfer of ownership)

Vote: 7 Yeas.

**OLD BUSINESS:**

**Order No. 10-40. Act on the names posted to the various committees/boards, as recommended by the Appointments Committee at the April 7, 2010, Town Council meeting.** Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the names posted to the various committees/boards, as recommended by the Appointments Committee at the April 7, 2010, Town Council meeting, as follows:

**Community Services and Recreation Advisory Board:**

Appoint Amy Cross Sawyer as 2<sup>nd</sup> Alternate, term to expire in 2011

**Energy Committee:**

Appoint: Paul D. Aubrey  
Ian Engelman  
Sean Flaherty  
Debra McDonough  
Rick Meinking

**Personnel Appeals Board:**

Appoint Amy Cross Sawyer as 2<sup>nd</sup> Alternate, term to expire in 2011

**Shellfish Conservation Committee:**

Appoint Timothy A. Downs as 1<sup>st</sup> Alternate, term to expire in 2011

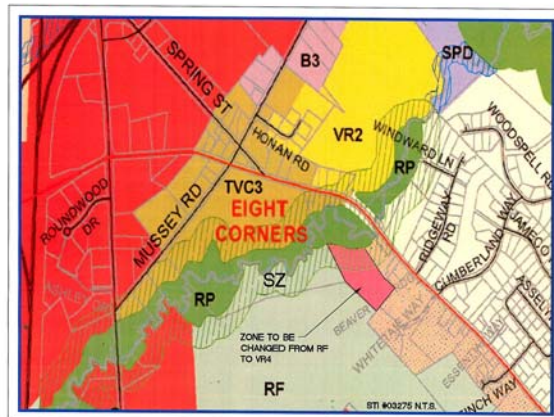
Vote: 7 Yeas.

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**NEW BUSINESS:**

**Order No. 10-41. First reading and refer to the Planning Board, the proposed request from Douglas Libby, for an amendment to the GIS Scarborough Zoning Map – for a portion of Tax Map R54 – Lot 23 [196 Gorham Road] from RF to VR4.** Mr. Shawn Frank of Sebago Technics spoke on behalf of Mr. Douglas Libby – property owner – regarding the proposed amendment.

Motion by Councillor Babine, seconded by Councillor D’Andrea, to move approval of the first reading and refer to the Planning Board, the proposed request from Douglas Libby, for an amendment to the GIS Scarborough Zoning Map – for a portion of Tax Map R54 – Lot 23 [196 Gorham Road] from RF to VR4 and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:



Vote: 7 Yeas.

**Order No. 10-42. First reading and refer to the Planning Board, the fifth amendment to the Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance.** Mr. Gene Beaudoin of New England LLC gave a brief overview on the history of the contract zone and then went on to present the proposed amendments being presented at the meeting. Mr. Beaudoin responded to questions from the Council.

Motion by Councillor Wood, seconded by Councillor Babine, to move approval of the first reading and refer to the Planning Board, the fifth amendment to the Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board.

**FIFTH AMENDMENT  
TO CONTRACT ZONING AGREEMENT  
BETWEEN THE TOWN OF SCARBOROUGH AND THE NEW ENGLAND  
EXPEDITION – SCARBOROUGH, LLC  
THE GATEWAY AT SCARBOROUGH**

This Fifth Amendment to Contract Zoning Agreement (hereinafter, this “Amendment”) is made as of the \_\_\_\_ day of \_\_\_\_\_, 2010 by and among the TOWN OF SCARBOROUGH, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter, the “Town”), THE NEW ENGLAND EXPEDITION – SCARBOROUGH, LLC, a Maine limited liability company with an office at 220 Elm Street, Suite 104, New Canaan, Connecticut 06840 (hereinafter, “New England Expedition”), and THE NEW ENGLAND EXPEDITION – SCARBOROUGH II, LLC, a Maine limited liability company with an office at 220 Elm Street, Suite 104, New Canaan, Connecticut 06840 (hereinafter, “New England Expedition II”), pursuant to the Contract Zoning provisions of Section II, Subsection I of the Zoning Ordinance of the Town of Scarborough (hereinafter, the “Zoning Ordinance”).

WHEREAS, New England Expedition entered into a Contract Zoning Agreement with the Town dated as of the 3<sup>rd</sup> day of January, 2007 (hereinafter, the “Agreement”) creating Contract Zoning District Number 9 (hereinafter, the “District”) as described in Section XXIII of the Zoning Ordinance, said Agreement having been recorded in the Cumberland County Registry of Deeds in Book 24730, Page 25; and

WHEREAS, the Agreement was amended pursuant to the terms and provisions of a First Amendment to Contract Zoning Agreement between the Town and New England Expedition dated as of the 5<sup>th</sup> day of September, 2007, and recorded in said Registry of Deeds in Book 25482, Page 201 (the “First Amendment”); and

WHEREAS, the Agreement was further amended pursuant to the terms and provisions of a Second Amendment to Contract Zoning Agreement between the Town and New England Expedition dated as of the 7<sup>th</sup> day of November, 2007, and recorded in said Registry of Deeds in Book 25610, Page 171 (the “Second Amendment”); and

WHEREAS, the Agreement was further amended pursuant to the terms and provisions of a Third Amendment to Contract Zoning Agreement between the Town and New England Expedition dated as of the 30<sup>th</sup> day of April, 2008, and recorded in said Registry of Deeds in Book 26060, Page 162 (the “Third Amendment”); and

WHEREAS that portion of the Property comprising The Gateway Square at Scarborough was conveyed by New England Expedition to New England Expedition II by Quitclaim Deed With Covenant dated September 18, 2009, and recorded in said Registry of Deeds in Book 27269, Page 212; and

WHEREAS, the Agreement was further amended pursuant to the terms and provisions of a Fourth Amendment to Contract Zoning Agreement by and among the Town, New England Expedition and New England Expedition II dated as of the 3<sup>rd</sup> day of March, 2010, and recorded in said Registry of Deeds in Book 27642, Page 85 (the “Fourth Amendment”); and

WHEREAS; the New England Expedition and the New England Expedition II have requested that the Town approve this Amendment to the Agreement regarding (a) signage and banners, and (b) certain uses within the District.

NOW THEREFORE, in consideration of the mutual promises made by the parties to each other, the parties covenant and agree as follows:

1. Notwithstanding Section XII of the Zoning Ordinance, as it may be amended from time to time, in addition to the wall signs permitted under Section 2 of the First Amendment, one (1) additional doorway sign not exceeding fifteen (15) square feet, which sign may be two-sided and, in the case of a two-sided sign, not exceeding fifteen (15) square feet for each face with the width of such two-sided sign between such faces not to exceed one (1) foot, indicating the location of any entrance to a restaurant at which “pick-up,” “take-out” or “to-go” orders can be picked up, may be affixed to the exterior of the building either parallel or perpendicular to the building wall, either attached directly to the building wall or attached to one or more supports attached to the building wall, and located over any such entrance, which sign may not extend more than three (3) feet from the building wall.
2. Section 2 of the Third Amendment is hereby amended in its entirety to read as follows:
  2. Notwithstanding Section XII of the Zoning Ordinance, as it may be amended from time to time, banners depicting seasonal or decorative scenes or images, and general or seasonal messages and greetings, together with the name or names of the sponsors of any such banners set forth thereon, may be affixed to light poles within the District. Banners announcing the opening of specific businesses within the District, and/or promoting sales of products by specific retailers within the District, may be affixed to those types of light poles within the District as depicted on Attachment 2 to this Amendment. Banners shall not be allowed to deteriorate in appearance so as to become unsightly.
3. Section 3 of the Third Amendment is hereby deleted in its entirety.
4. Notwithstanding Section XII of the Zoning Ordinance, as it may be amended from time to time, the existing Cabela’s pylon sign depicted on Attachment 1 to the Third Amendment may be modified so as to include one (1) additional sign for advertising purposes for one or more businesses that may be located within that portion of the District comprising The Gateway Shoppes subject to the following conditions:
  - a. Said pylon sign shall not be increased in height; and
  - b. Said additional sign shall not be greater in size than the existing Cabela’s sign as shown on said Attachment 1 to the Third Amendment.
5. Notwithstanding Section XII of the Zoning Ordinance, as it may be amended from time to time, the following additional signage shall be permitted:
  - a. One (1) business directory sign not exceeding one hundred fifty (150) square feet, which sign may be two-sided and, in the case of a two-sided sign, not exceeding one hundred fifty (150) for each face, advertising the businesses located within that portion

of the District comprising The Gateway Shoppes may be located within or adjacent to the main entrance thereto on Payne Road or between said main entrance and the intersection of Payne Road and Haigis Parkway;

- b. Two (2) signs not exceeding thirty-two (32) square feet each, which signs may be two-sided and, in the case of a two-sided sign, not exceeding thirty-two (32) square feet for each face, may be located between the main entrance to that portion of the District comprising The Gateway Shoppes on Payne Road and the most southerly boundary-line thereof on Payne Road designating the secondary entrance to The Gateway Shoppes on Payne Road for employees, trucks, buses, recreational vehicles, service vehicles, and delivery vehicles for deliveries to one or more named tenants;
  - c. One (1) business directory sign not exceeding one hundred fifty (150) square feet, which sign may be two-sided and, in the case of a two-sided sign, not exceeding one hundred fifty (150) for each face, advertising the businesses located within that portion of the District comprising The Gateway Square may be located within or adjacent to the main entrances thereto on Payne Road and Haigis Parkway or, in the case of the entrance thereto from Haigis Parkway, within the areas between said entrance and the northeasterly and southwesterly boundary-lines of The Gateway Square; and
  - d. Signs indicating the name of the project and/or the names of not more than three (3) of the businesses located therein may be affixed to the faces of the existing rock walls located on either side of the main entrances on Payne Road and Haigis Parkway to that portion of the District comprising The Gateway Square.
6. Nothing set forth in the Agreement as amended by this Amendment shall be deemed to limit or prohibit signage within the District that is otherwise allowed under Section XII of the Zoning Ordinance, as it may be amended from time to time.
  7. "Farmers' markets," as defined under 7 M.R.S.A. § 415, shall be a permitted use within that portion of the District comprising The Gateway Shoppes, together with one or more temporary signs advertising same and directing persons thereto that may be located within The Gateway Shoppes the day of the event.
  8. The following additional uses shall be permitted within that portion of the District comprising The Gateway Shoppes:
    - a. No more than two (2) restaurants, one of which shall primarily sell coffee and items customarily sold with coffee, that include one (1) drive-up or drive-thru service window, provided that this provision shall not be deemed to prohibit the number of restaurants within the District that do not include a drive-up or drive-thru service window;
    - b. Craft shows and art shows, including the sale of items displayed therein, that may be conducted within any building or outdoors and that need not be related to, or accessory to, any existing building or use, together with one or more temporary signs advertising same and directing persons thereto that may be located within The Gateway Shoppes the day of the event; and
    - c. Outdoors sales and tent sales and that need not be related to, or accessory to, any existing building or use, together with one or more temporary signs advertising same and directing persons thereto that may be located within The Gateway Shoppes the day of the event.

9. The Agreement, as amended by this Amendment and as previously amended by the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment, remains consistent with the Comprehensive Plan.
10. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.
11. This Amendment shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first set forth above.

WITNESS:

TOWN OF SCARBOROUGH

\_\_\_\_\_

By: \_\_\_\_\_  
 Thomas J. Hall, its Town Manager (duly  
 authorized by vote of the Scarborough Town  
 Council on \_\_\_\_\_, 2010)

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2010

Personally appeared the above named Thomas J. Hall, Town Manager of the Town of Scarborough, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Town of Scarborough.

Before me,

\_\_\_\_\_  
 Notary Public/Attorney at Law

\_\_\_\_\_  
 Print name

WITNESS:

THE NEW ENGLAND EXPEDITION-  
 SCARBOROUGH, LLC

By FELDCO SCARBOROUGH, LLC, its  
 Manager

\_\_\_\_\_

By: \_\_\_\_\_  
 Barry E. Feldman  
 Its Managing Member

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD, ss.

\_\_\_\_\_, 2010

Personally appeared the above named Barry E. Feldman, in his capacity as the Managing Member of Feldco Scarborough, LLC, the Manager of The New England Expedition - Scarborough, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity, the free act and deed of said Feldco Scarborough, LLC in its said capacity, and the free act and deed of said The New England Expedition - Scarborough, LLC.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print name

WITNESS:

THE NEW ENGLAND EXPEDITION-  
SCARBOROUGH II, LLC

By FELDCO SCARBOROUGH, LLC, its  
Manager

By: \_\_\_\_\_  
Barry E. Feldman  
Its Managing Member

STATE OF CONNECTICUT  
COUNTY OF FAIRFIELD, ss.

\_\_\_\_\_, 2010

Personally appeared the above named Barry E. Feldman, in his capacity as the Managing Member of Feldco Scarborough, LLC, the Manager of The New England Expedition – Scarborough II, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity, the free act and deed of said Feldco Scarborough, LLC in its said capacity, and the free act and deed of said The New England Expedition – Scarborough II, LLC.

Before me,

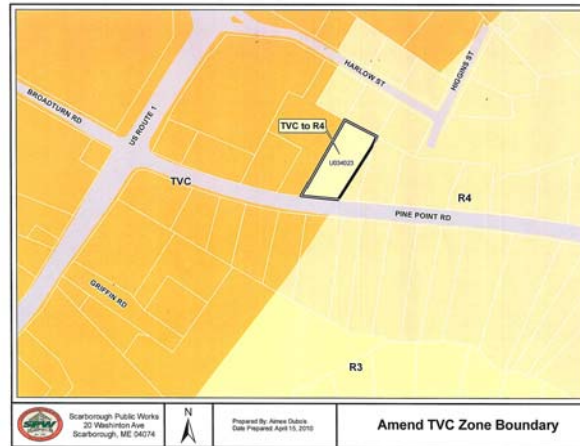
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print name

Vote: 5 Yeas. 2 Nays [Council Chair Rancourt and Councillor D’Andrea].

**Order No. 10-43. First reading and refer to the Planning Board, the proposed request from Alma June Escott, for an amendment to the GIS Scarborough Zoning Map – for a portion of Tax Map U034 – Lot 23 [16 Pine Point Road] from TVC to R4.** Harvey Rosenfeld, President of SEDCO spoke on behalf of Ms. Escott on this request. Ms. Escott was present to respond to any questions that the Council might have.

Motion by Councillor Babine, seconded by Councillor Joy, to move approval of the first reading and refer to the Planning Board, the proposed request from Alma June Escott, for an amendment to the GIS Scarborough Zoning Map – for a portion of Tax Map U034 – Lot 23 [16 Pine Point Road] from TVC to R4 and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:



Vote: 7 Yeas.

**Order No. 10-44. Act to set the date, time and location of the School Budget Validation Referendum for Tuesday, May 11, 2010.** Motion by Councillor Babine, seconded by Councillor Wood, to move approval to set the date, time and location of the School Budget Validation Referendum for Tuesday, May 11, 2010, as follows:

**WARRANT  
SCHOOL BUDGET VALIDATION REFERENDUM  
(20-A M.R.S.A. § 1486 and 2307)  
TOWN OF SCARBOROUGH**

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, A Resident of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Special Municipal Advisory Referendum Election, as described in this warrant.

**To the Voters of the Town of Scarborough:**

You are hereby notified that a school budget validation referendum election will held at the Scarborough Municipal Building in Council Chamber A at 259 US Route One, in the Town of Scarborough on Tuesday, May 11, 2010, for the purpose of determining the following questions:

It has not been determined whether the School Budget will be under the Essential Programs and Services (EPS) allocation or over the Essential Programs and Services (EPS) allocation. Therefore, the Clerk’s Office must issue two ballots [the yellow ballot represents under the EPS and the green ballot represents over the EPS.]

***Wording on Ballot if the Council approves a budget  
Over EPS [Essential Programs and Services]***

**Validation Referendum Question No. 1:**

Question 1: Do you favor approving the Town of Scarborough School Budget for the upcoming school year that was adopted at the Town Council meeting held on Wednesday, May 5, 2010, and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

A YES vote allows additional funds to be raised for K-12 public education.

A NO vote means additional funds cannot be raised for K-12 public education.

I find the School budget adopted by the Scarborough Town Council on May 5, 2010, to be:

Too High

Too Low

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***Wording on Ballot if the Council approves a budget  
Under EPS [Essential Programs and Services]***

**Validation Referendum Question No. 1:**

Question 1: Do you favor approving the Scarborough School Budget for the upcoming year that was adopted by the latest Town of Scarborough budget meeting held on May 5, 2010?

I find the School budget adopted by the Scarborough Town Council on May 5, 2010, to be:

Too High

Too Low

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**Question No. 2:**

YES Do you wish to continue the budget validation referendum process in the Scarborough School Administrative Unit for an additional three years?  
 NO

**Informational Note:**

A “YES” vote will require (name of school administrative unit) to continue to conduct a referendum to validate its annual school budget for the next three years.

A “NO” vote will discontinue the budget validation referendum for at least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the (voters, municipal council or other legislative body, as applicable).

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The voting on Questions 1 and 2 shall be by secret ballot referendum, and the polls shall be opened at 6:00 A.M. and closed at 8:00 P.M.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote, and to accept new enrollments.

A person who is not registered as a voter may not vote in any Scarborough election.

Given under our hand this 21<sup>st</sup> day of April, 2010, at Scarborough, Maine. Signed by a majority of the municipal officers of the Town of Scarborough.

Vote: 7 Yeas.

**Order No. 10-45. 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: Kerryman Circle and Thurston Lane located in the Thurston Woods Subdivision.** Motion by Councillor Wood, seconded by Councillor Babine, 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: Kerryman Circle and Thurston Lane located in the Thurston Woods Subdivision.

Vote: 7 Yeas.

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

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

- Councillor Ahlquist gave a brief update on ecomaine – the annual budget was approved without any increase.
- Councillor Holbrook noted that the Charter Review Committee is scheduled to meet on Tuesday, April 27, 2010, at 9:00 a.m. here in Chamber A.
- Councillor Roy noted that the Finance Committee had met yesterday and made one adjustment relating to the School Department Budget and the Senior WOW would be meeting on Tuesday, April 20, 2010 at 8:15 a.m. here at Town Hall.
- Councillor D’Andrea noted that the Ordinance Committee could be postponed she would no for sure tomorrow and the public would be notified.

**Item 10. Town Manager Report.** Thomas J. Hall, Town Manager, commented on the following:

- Update on the Budget and noted that the public hearing is scheduled for Wednesday, April 28, 2010, at 7:00 p.m. The budget presented would mean a 3.95% increase in the tax rate [\$12.63] The School Budget Validation Referendum is scheduled for Tuesday, May 11, 2010, from 6:00 a.m. to 8:00 p.m.
- Update on the Pine Point improvements to the Depot Street area – the work will be concluded before Memorial Day weekend and resume sometime after Columbus Day.
- Two trees have been removed along side the building [side facing the Credit Union] due to some issue with air quality.
- MMA Property and Casualty dividend to the Town for 2009 was jus over \$13,600.00.

**Item 11. Council Member Comments.**

- Councillor D’Andrea reminded that Marsh Cleanup will be conducted this weekend and those interested in assisting with the cleanup should email [info@scarboroughmarsh.org](mailto:info@scarboroughmarsh.org) for further information.
- Councillor Wood responded to a comment that had been made earlier; he stated he would love to get more involved in protection the environment - the Open Space, Planning Board, CPIC – he feels he has deliberated in a manner that has assisted protecting the environment. He commented on the evening’s discussion relating to home occupations.

- Councillor Roy sent condolences to the families of Norm Caesar and John Flaherty. She also made comments relating to discussions that had taken place earlier on proposed changes to the RF. She also reminded everyone that the final vote on the budget will be Wednesday, May 5 and the School Budget Validation Referendum will be held on Tuesday, May 11, 2010.
- Councillor Babine also sent condolences to the families of Norm Caesar, Eldred Harmon and John Flaherty. He apologized about missing the Finance Committee meeting and based on what he has heard, he agrees with what the other Finance Committee members proposed. He further stated that next year will be a tough year as well. He too made further comments regarding items previously debated. He then encouraged everyone to come out to vote on the School Budget. He mentioned a request for information that had been received pertaining to the Trumans and Depot Street. He further commented on an IM he had received from an individual regarding the design that had been proposed for the Pine Point Access and that it was going to be great once complete.
- Councillor Holbrook sent condolences to the families of John Flaherty, Norm Caesar and Eldred Harmon. She too encouraged everyone to vote on the budget. She noted that the third at Wentworth is doing Maine Scrapbook Scavenger Hunt and she wished them all luck.
- Councillor Ahlquist sent condolences to the families of John Flaherty, Norm Caesar and Eldred Harmon. He hoped that the budget comes in at the goal the Council had directed. He too made further comments regarding items previously debated. He thanked those who came out to speak on the budget.
- Council Chair Rancourt sent condolences to the families of Norm Caesar, John Flaherty and Eldred Harmon. She also encouraged everyone to come out and vote on the school budget.

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

Vote: 7 Yeas.

Meeting adjourned at 9:45 p.m.

Respectfully submitted:

Yolande P. Justice, Town Clerk