

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – OCTOBER 15, 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 7:33 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens, Town Manager, was also present.

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

Item 4. Minutes: October 1, 2008. Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval of the October 1, 2008, regular meeting of the Scarborough Town Council, as written.

Vote: 7 yeas.

Item 5. Items to be signed: a. Treasurer's Warrants. Treasurer's warrants were signed during the meeting.

Order No. 08-119, 7:30 p.m. Public Hearing and 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. Chairman Messer opened the public hearing on this order. Steve Bradstreet of Oak Engineering gave a brief overview on this proposal. Dan Bacon, Town Planner and Mr. Bradstreet responded to questions and concerns of the Council.

There being no further comments either for or against, Chairman Messer closed the public hearing at 7:36 p.m.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the 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.

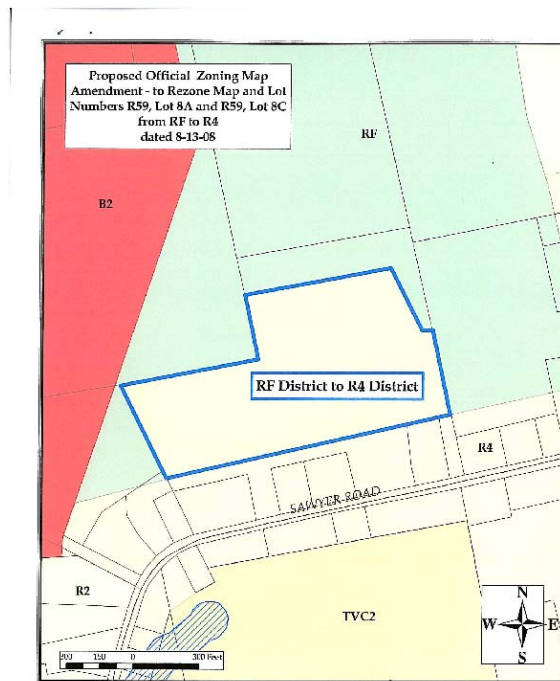
Motion by Chairman Messer, seconded by Councillor Rancourt, to move this proposal to the CPIC Committee to review and to report back to the Town Council at the November 5th Council meeting.

Vote: 7 yeas.

Order No. 08-120, 7:30 p.m. Public Hearing and second reading on the proposed amendments to the Town of Scarborough GIS Zoning Map to rezone the balance of properties located at 98 and 108 Sawyer Road from an RF District to an R4 District. Ron Owens, Town Manager, gave a brief overview on this and Mr. Bradstreet of Oak Engineering gave further information regarding this recommendation.

Chairman Messer opened the public hearing. Bob Nadeau of 29 Robinson Road spoke on this order. There being no further comments either for or against, the hearing was closed at 8:05 p.m.

Motion by Councillor Most, seconded by Councillor Rancourt, to move approval of the second reading on the proposed amendments to the Town of Scarborough GIS Zoning Map to rezone the balance of properties located at 98 and 108 Sawyer Road from an RF District to an R4 District, as follows:



Vote: 7 yeas.

Order No. 08-137, 7:30 p.m. Public Hearing on the new request for a Massage Therapist License for Tanya M. Cook doing business at Lucinda's Day Spa, located at 311 Beech Ridge Road. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:09 p.m.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the new request for a Massage Therapist License for Tanya M. Cook doing business at Lucinda's Day Spa, located at 311 Beech Ridge Road.

Vote: 7 yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 08-138. First reading and schedule a 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). Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the first reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4) ad schedule a public hearing and second reading for Wednesday, November 5, 2008.

Vote: 7 yeas.

Order No. 08-139. First reading and schedule a 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. Suzanne Foley-Ferguson, Chair of the Scarborough Parks and Conservation Land Board, gave a brief overview on the proposed recommendation.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the first 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 and schedule a public hearing and second reading for Wednesday, November 5, 2008.

Vote: 7 yeas.

Order No. 08-140. Act on the request to establish a new Public Safety Building Capital Improvement Account, pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date. Ron Owens, Town Manager, gave a brief overview on this request.

Motion by Chairman Messer, seconded by Councillor Sullivan, to move approval on the request to establish a new Public Safety Building Capital Improvement Account, pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date, as follows:

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented to date, the New Public Safety Building Capital Improvement Account is hereby established as town reserve fund for the financing of a new public safety building in the Town of Scarborough; and,

BE IT FURTHER ORDERED, That the proceeds of the sale of town-owned property to the Maine Veterans Home, in the amount of \$1,800,000, is hereby appropriated to the New Public Safety Building Capital Improvement Account.

Vote: 7 yeas.

Order No. 08-141. Act on the request from the Tax Collector to move the following properties to tax acquired: 284 Broadturn Road – Map R0008, Lot 012B and 89 Pine Point Road – Map R068, Lot 016. Motion by Councillor Roy and seconded by Chairman Messer, to move approval on the request from the Tax Collector to move the following properties to tax acquired: 284 Broadturn Road – Map R0008, Lot 012B and 89 Pine Point Road – Map R068, Lot 016.

Vote: 7 yeas.

Order No. 08-142. Act on the request from the Tax Collector for an abatement of taxes on uncollectible personal property tax from 1994 to 2005. Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval on the request from the Tax Collector for an abatement of taxes on uncollectible personal property tax from 1994 to 2005.

Motion by Councillor Most, seconded by Chairman Messer, to amend the main motion to not include existing businesses on this list.

Vote on amendment: 7 yeas.

Vote on main motion as amended: 7 yeas.

Order No 08-143. Act on the request from the Tax Collector for an abatement of taxes on property located at 225 Emerald Drive – Map T002, Lot 225. Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval on the request from the Tax Collector for an abatement of taxes on property located at 225 Emerald Drive – Map T002, Lot 225.

Vote: 7 yeas.

Order No. 08-144. Act to set the date, time, and location of the Municipal Election for Tuesday, November 4, 2008; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks. Motion by Chairman Messer, seconded by Councillor Most, to move approval to set the date, time, and location of the Municipal Election for Tuesday, November 4, 2008; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, as follows:

WARRANT FOR
THE REGULAR MUNICIPAL ELECTION & SPECIAL REFERENDUM ELECTION
TOWN OF SCARBOROUGH, MAINE
TUESDAY, NOVEMBER 4, 2008
 DAY AND DATE OF ELECTION

County of Cumberland, 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 Regular Municipal & Charter Amendment Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a Regular Municipal Election & Special Referendum Election will be held on Tuesday, November 4, 2008, at the Scarborough High School Gymnasium:

Regular Municipal Election FOR COUNCIL MEMBER	FOR BOARD OF EDUCATION	FOR TRUSTEE OF SCARBOROUGH SANITARY DISTRICT
Vote for THREE Term of 3 years	Vote for TWO Term of 3 years	Vote for THREE Term of 3 years
AHLQUIST, Ronald D. BABINE, Shawn A. BAIZLEY, Robert M. CROCKETT, Leroy P. D’ANDREA, Karen A.	BROWNSEY, Christopher T. STASZKO, Colleen F.	ANDRESON, Charles J. D’AMELIO, Anthony J. GREENLEAF, Jason A. MCSORLEY, Robert A

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Nonbinding Referendum Question No. 1:

This is a nonbinding referendum question asking, “Do you favor changing the current Scarborough High School mascot name?”

Explanation:

This is a nonbinding referendum to provide guidance to the Board of Education but does not obligate the Board of Education to automatically change the current Scarborough High School mascot name.

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The polls shall be opened at 6:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed as follows:

- Monday, November 3, 2008 starting at 9:00 a.m. (unless inspection is requested – then processing will start after inspection; and,
- Tuesday, November 4, 2008, after 8:00 a.m. throughout the day.

The Registrar of Voters will hold office hours at the polls to correct any error 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 as well as on Saturday, November 1, 2008, from 9:00 a.m. to 1:00 p.m.

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

Approved on Wednesday, October 15, 2008, by the Scarborough Town Council.

**SPECIAL MUNICIPAL
REFERENDUM ELECTION
SCARBOROUGH, MAINE
NOVEMBER 4, 2008**

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Referendum Question No. 1:

Shall the Ordinance entitled “AMENDMENTS TO SECTION XIX (REGIONAL BUSINESS DISTRICT B-2) OF THE SCARBOROUGH ZONING ORDINANCE CONCERNING OPERATION OF SLOT MACHINES AT COMMERCIAL RACETRACKS PURSUANT TO AN AGREEMENT WITH THE TOWN COUNCIL CONCERNING SECURITY AND REVENUE SHARING AND ADOPTION OF TOWN AND VILLAGE CENTERS (TVC) STANDARDS IN CERTAIN SECTIONS OF THE B-2 ZONE” be approved?

The full text of the proposed ordinance appears below:

AMENDMENTS TO SECTION XIX (REGIONAL BUSINESS DISTRICT B-2)
OF THE SCARBOROUGH ZONING ORDINANCE
CONCERNING OPERATION OF SLOT MACHINES AT COMMERCIAL RACETRACKS
PURSUANT TO AN AGREEMENT WITH THE TOWN COUNCIL CONCERNING
SECURITY AND REVENUE SHARING AND ADOPTION OF TOWN AND VILLAGE
CENTERS (TVC) STANDARDS IN CERTAIN SECTIONS OF THE B-2 ZONE

Be it hereby enacted by the voters of the Town of Scarborough pursuant to Section 903 of the Council-Manager Charter of the Town of Scarborough that the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Section XIX(B)(3) (concerning permitted uses in the Regional Business District B-2) is amended by adding the underscored language as shown below:

Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting, except that operation of slot machines at a commercial racetrack is permitted provided such operation conforms to Maine law and is conducted pursuant to an agreement with the Scarborough Town Council that provides a security plan for the premises on which the slot machines are located and assures that the town will receive at least eight million dollars of new annual real estate, personal property and gaming tax revenues.

Section XIX(B) is further amended by adding the following new permitted uses:

15. Any use listed as a permitted use in the Town and Village Centers District (TVC), provided such use is located in the “Crossroads Mixed Use Development District” as described in Chapter 6 (Future Land Use Plan) of the Town of Scarborough Comprehensive Plan.

16. Senior housing.

17. Cross-country ski areas.

Section XIX(D) (Space and Bulk Regulations in the B-2 District) is amended by adding the new introductory paragraph shown below:

Building located in those portions of the B-2 District identified as the “Crossroads Mixed Use Development District” as described in Chapter 6 (Future Land Use Plan) of the Town of Scarborough Comprehensive Plan and containing only uses listed as permitted uses in the Town and Village Centers District (TVC) may comply with the space and bulk requirements for the Town and Village Centers District. All other buildings, structures and uses shall comply with the following space and bulk requirements:

Elections Workers:

Last Name	First Name	Last Name	First Name
Archibald	Annie	Piatt	Shirley
Babine	Bonnie	Pickard	Artemas
Bassett	Julie	Pickard	Mary
Bates	Elizabeth	Pinkham	Erika
Bauer	Susan	Powers	Jane
Brewer	Betty	Rideout	Deborah
Brookes	Linda	Ridley	Barbara
Carlson	Constance	Sharp	Jeanne
Carlson	Elwood	Smith	Doris
Caterina	Jean-Marie	Sparda	Kathleen
		Thompson	Cynthia

Corbeau	David	Thompson	David
Craft	Richard	Voigt	Shannon
Craine	Donna	Wagenfeld	Sherry
Craine	Martin	Wiley	Mary Lou
Drinan	Janice	Wygant	Michael
Downs	Marie	Sullivan	Sandy
Elder	Sandra	Saulle	Lisa
Fagnant	Barbara	Bernard	Rhonda
Fengler	Melanie	Down	Tim
Flaherty	Connie	DeClemente	Michael
Gardner	Denise M.	Carson	Annie
Gillis	June	Maroon	Mark
Gledhill	Guy Warde	Salisbury	Sara
Goldberg	Ross	Salisbury	Jim
Greenwood	Jacqueline	Dell'Olio	Brian
Hanson	Georgia	Lane	Faye
Hazard	Donna	Leighton	John
Helms	Carl	Reed	Glenn
Helms	Sue	Reed	Debbie
Hendrix	Catherine	Beliveau	Lorraine
Jackson	Mark	Beliveau	Norman
Jackson	Shirley	Bayley	Kathleen
Johnson	Ann	Durand	Janice
Jones	Brian	Perry	Jackie
Jones	Sandra		
Kelley	Jack		
Killelea	Elaine		
Kueck	Cindy		
LaChapelle	Lorraine		
Lindsay	Patricia		
Lindsay	Timothy		
MacLean	Geoff		
Maxfield	Beverly		
McKee	Nina		
Meserve	Connie		
Nickerson	Joanne		
O'Roak	Marion		
Paul	Janice		

Vote: 7 yeas.

Order No. 08-145. 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: Grapevine Lane located in the Sunset Ridge Subdivision. Motion by Chairman Messer, seconded by Councillor Rancourt, 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: Grapevine Lane located in the Sunset Ridge Subdivision.

Vote: 7 yeas.

Order No. 08-146. Act 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: Catherine Drive; Flintlock Drive; Galleon Lane; Gunstock Road; Heathwood Lane; Iron Clad Road; Laurel Ridge Road; Liberty Bell Lane; Mayflower Drive; Mast Road; Nutter Way; Ole Musket Road; Park Avenue; Pleasant Ridge Road; Powderhorn Drive; Sarah Liberty Lane; Schooner Road; Sextant Lane and Sweetbrier Lane. Motion by Chairman Messer, seconded by Councillor

Most, to move approval 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, as follows:

**SCARBOROUGH TOWN COUNCIL
ORDER ACCEPTING CERTAIN SUBDIVISION STREETS**

WHEREAS, the streets identified below are all streets shown on subdivision plans recorded in the Cumberland County Registry of Deeds; and

WHEREAS, the streets shown below have been dedicated to public use and built and used as public streets; and

WHEREAS, the Town Council wishes to clarify the status of the streets shown below as public streets;

NOW, THEREFORE, be it hereby ordered that the following streets are hereby accepted as town ways:

1. **Catherine Drive** as depicted on the plan entitled "Ocean View Harbor, Section 9, Lots 60-68, Scarborough, Maine" recorded at Plan Book 83, Page 22, the plan entitled "Ocean View Harbor, Section 8" recorded at Plan Book 78, Page 40, and any associated recorded plans depicting said Catherine Drive.
2. **Flintlock Drive** as depicted on the plan entitled "Brown Homes Inc. Development Plan in Scarborough, Maine" recorded at Plan Book 75, Page 3 and any associated recorded plans depicting said Flintlock Drive.
3. **Galleon Lane** as depicted on the plan entitled "Pleasant Hills of Scarborough" recorded at Plan Book 80, Page 36 and any associated recorded plans depicting said Galleon Lane.
4. **Gunstock Road** as depicted on the plan entitled "Pleasant Hills of Scarborough" recorded at Plan Book 80, Page 36 and any associated recorded plans depicting said Gunstock Road.
5. **Heathwood Lane** as depicted on the plan entitled "Heathwood Crossing Subdivision, Beech Ridge Road, Scarborough, Maine" recorded at Plan Book 198, Page 284 and on the plan entitled "Heathwood Crossing Subdivision Phase II, Beech Ridge Road, Scarborough, Maine" recorded at Plan Book 200, Page 380.
6. **Iron Clad Road** as depicted on the plan entitled "Pleasant Hills of Scarborough" recorded at Plan Book 80, Page 34 and any associated recorded plans depicting said Iron Clad Road.
7. **Laurel Ridge Road** as depicted on the plan entitled "Subdivision Plan, The Edges of the Nonesuch, Route 114, Scarborough, Maine" recorded at Plan Book 200, Page 8. In accepting Laurel Ridge Road, the Town Council determines that "Old Two Rod Road" as depicted on said plan has been abandoned and is no longer a public way.

Vote: 7 yeas.

Item 6. Non-Action Items.

a. Presentation from SEDCO concerning the impact a racino could have on economic development. Harvey Rosenfeld, President of the SEDCO, gave a brief overview on the impact a racino could have on economic development in Scarborough. He also responded to questions and concerns from members of the Council.

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

- Councillor Roy gave an update on the MMA Conference and the Cumberland County Commissioners meeting.
- Councillor Most gave an update on the CPIC Meeting noting that the next meeting will be on Monday, October 20th at 8:00 a.m.
- Councillor Rancourt gave an update on the Pine Point Study Committee and the MMA Legislative Policy Committee.

Item 8. Public Comments.

1. Sue Foley-Ferguson of 331 Black Point Road spoke against the proposed changes to the Down Property.
2. Sharon Terry, Owner and Operator of Scarborough Downs read a prepared statement regarding the proposal on the Downs Property.
3. Ed McColl, attorney for Scarborough Downs also made comments relating to the Downs proposal.

Item 9. Town Manager Report. Ronald Owens gave a brief update on the status of the Larrabee Farms Mitigation Project. He then brought up the holiday schedule for the days that Town Hall will be closed: Thanksgiving Holiday - closing at 4:00 p.m. on Wednesday, November 26th, closed all day on Thursday, November 27th and Friday, November 28th; Christmas Holiday - closing at 2:00 p.m. on Wednesday, December 24th, closed all day on Thursday, December 25th and Friday, December 26th; New Years Holiday – closing at 4:00 p.m. on Wednesday, December 31st, closed on Thursday, January 1st and Town hall will operate with a skeleton crew on Friday, January 2nd - staff can use a personal day or take a vacation day on Friday, January 2nd.

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

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

Vote: 7 yeas.

Meeting adjourned at 11:21 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk