

MINUTES

SCARBOROUGH TOWN COUNCIL WEDNESDAY – DECEMBER 15, 2010 REGULAR MEETING – 6:00 P.M.

Item 1. Call to Order. Council Chair Roy called the regular meeting of the Scarborough Town Council to order at 6:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Rolled was called by Thomas J. Hall, Town Manager:

| | |
|---------------------------------|-----------------------------|
| Ronald D. Ahlquist | Karen A. D’Andrea |
| Jessica L. Holbrook | Carol S. Rancourt [Late] |
| Richard J. Sullivan, Jr. [Late] | Michael J. Wood, Vice-Chair |
| Judith L. Roy, Council Chair | |

Order No. 10-109. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) for consultations between the Council and the Town Attorney concerning the legal rights and duties of the Council. Motion by Councillor Ahlquist, seconded by Councillor D’Andrea, to move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) for consultation between the Council and the Town Attorney concerning the legal rights and duties of the Council; to return to public session.

Vote: 5 Yeas.

The Council recessed to executive session. Council Chair Roy reconvened the meeting at 6:59 p.m.

Item 4. General Public Comments.

- Scott Furr of 16 Old Colony Lane spoke on the proposed amendments to the parking at Higgins Beach. He noted that the Town Council should listen to the masses that were opposed to the recommendations. He felt that the parking at Higgins Beach should be in line with other town beaches. He then thanked the Council for their patience on this issue.
- Pat Lefebvre of 3 Fairway Drive voiced her concern on the proposed public parking lot and asked the Council add Higgins Beach to the Seniors Beach Pass.
- David Sullivan 7 Elbridge Oliver Way stated that his family chose Scarborough due to the beaches – in particular Higgins Beach. He did not support the proposed parking regulations. These changes would also impact the businesses of Scarborough.
- Douglas Lund-Yates of Fowler Farm Road presented the Council with the last of the petitions which did not support the recommendations being presented.
- Drew Dwyer of Higgins Beach noted the he feels his neighborhood is under attack. He feels there is a small group of the Surf Riders Group who has fueled the embers regarding this issue. He supported the proposed recommendations and asked the Town Council to support the recommendations
- Paul Desrochers of 4 Rhonda Drive voiced his displeasure of the proposed recommendations. He felt that parking restrictions should be imposed if there is a public safety issue. He encouraged the Council to not impose parking restrictions

- Sean Casto of 14 Hamilton Street in South Portland asked the Council not to support the proposed parking recommendations. He urged that all signatures on the petitions submitted in opposition to the proposed parking recommendations be treated equally by the Town Council.
- Jack Kelley of 19 Ocean Wood Drive stated that Higgins Beach is not a public beach it is a private beach with public access.

Item 5. Minutes: December 1, 2010 – Regular Meeting. Motion by Councillor Rancourt, seconded by Councillor Wood, to move approval of the December 1, 2010, Town Council meeting minutes, as written.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. Motion by Councillor Wood, seconded by Councillor Holbrook, to move approval to adjust the agenda and add Order No. 10-117, to direct the Town Manager to prepare a letter for signature by the Council Chair, addressed to the Maine Public Utilities Commission and the Town’s Legislative Delegation, expressing the position of the Town Council that: 1. No “smart meters” should be installed in Scarborough without prior notice to the customer of the date and time of the installation; and 2. All customers be given the option of choosing not to have a wireless “smart meter” installed.

Vote: 7 Yeas.

Item 7. Items to be signed: a. Treasurer’s Warrants. None available.

Order No. 10-110, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Wing Lee, Inc. d/b/a Wing Lee, located at 618 U.S. Route One and Cumberland Farms, Inc., d/b/a Cumberland Farms #5617, located at 441 Payne Road. Councillor Chair Roy opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:33 P.M.

Motion by Councillor Rancourt, seconded by Councillor Wood, to move approval on the new request for a Food Handlers License from Wing Lee, Inc. d/b/a Wing Lee, located at 618 U.S. Route One and Cumberland Farms, Inc., d/b/a Cumberland Farms #5617, located at 441 Payne Road.

Vote: 7 Yeas.

Order No. 10-111, 7:00 p.m. Public Hearing and action on the following renewal requests for a Mobile Home/Manufactured Housing Community Permit: 1. Crystal Springs - Route 22, owner, LeeAlex, LLC; 2. Pinecrest Manufactured Housing Community -126 U.S. Route One, owner, Theresa Desfosses and 3. Hillcrest Manufactured Housing Community - 126 U.S. Route One, owner Theresa Desfosses. Councillor Chair Roy opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:34 P.M.

Motion by Councillor Ahlquist, seconded by Councillor Wood, to move approval to divide the question and take Pine Crest Manufactured Housing Community and Hillcrest Manufactured Housing Community as one item and Crystal Springs as one item.

Vote: 7 Yeas.

Motion by Councillor Ahlquist, seconded by Councillor Rancourt, to move approval on the renewal requests for Pine Crest Manufactured Housing Community and Hillcrest Manufactured Housing Community for a Mobile Home/Manufactured Housing Community Permit.

Vote: 7 Yeas.

Motion by Councillor Ahlquist, seconded by Councillor Wood, to move approval on the renewal request for Crystal Springs for a Mobile Home/Manufactured Housing Community Permit with the condition that the Owner comply with the Notice of Violation Letter [dated December 15, 2010] issued by the Code Enforcement Office. Once the Town Clerk's Office has been notified by the Code Enforcement Office that all violations have been corrected the Mobile Home/Manufactured Housing Community Permit will be issued.

Vote: 7 Yeas.

Item 8. Non Action Items. a. Presentation on the Higgins Beach Parking Lot. Thomas J. Hall, Town Manager, gave a presentation on the proposed Higgins Beach Parking Lot – noting that the Town Council had not seen the proposal. He then introduced Tom Saucier of Site Design Associates, who presented the concept design plan for the parking lot. Stan Gawron of Gawron Turgeon Architects presented the proposed recommendation for a bathhouse facility located at the parking lot. Unfortunately, the existing building would not be feasible to renovate; therefore, it is recommended that a new facility be built. Mr. Hall, Mr. Gawron and Mr. Saucier responded to various questions from Council. It was the consensus of the Town Council to have the Town Manager submit the concept plan to the Planning Board for advisory review.

OLD BUSINESS:

Order No. 10-112. Act on the request for reconsideration of Order No. 10-103. Motion by Councillor Rancourt, seconded by Councillor Sullivan, to move approval on the request for reconsideration of Order No. 10-103.

Vote: 7 Yeas.

Order No. 10-103. First reading and schedule a public hearing on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 29. Parking Restrictions. II. Higgins Beach (from April 1 to October 1 of each year). subsections c and d. Prior to public comment Council Chair Roy stated that at this time comments can be made on Order 10-103; Order 10-104 and Order No. 10-105. The following individuals spoke:

- Dan Porter 8 White Sands Lane supported some kind of parking restrictions at Higgins Beach. The residents at Higgins Beach have made an effort to keep this beach open to the public. He noted that much of the beach front homes are private property and used by the public. The parking lot is closer to the beach than what many of the residents are who live their.
- Bill Eager of 22 Houghton Street supports the recommendation of a safe and public access to Higgins Beach. He then read a prepared statement which voiced his concerns with many misconceptions that are out there and went on to list them.
- Melissa Carifio of Morning Street noted that residents want to preserve the Higgins Beach area and supports the recommendations that are before the Town Council.

- Connie Martin of Higgins Beach and fifth generation to live at Higgins Beach voiced her concerns with the safety issues. The potential for an accident is there and
- Barbara Bombaci resident of Higgins Beach read a letter from Bill and Margaret Ramus which voiced their concerns on the safety issues and misbehavior of those who come to Higgins Beach. They urged the Council to implement the proposed changes being recommended.
- Giff Reed of 23 Houghton Street reviewed the data that represents how many surfers are parking along Bayview. He did not agree with the un-timed parking along Bayview Avenue.
- Russ Kivatisky of 386 Black Point Road and former resident of Higgins Beach stated that the walk from the parking to the beach is not that far – he would walk with his three granddaughters everyday [all under 9] – it is not that far.
- Diane Garofalo, co-owner of the Higgins Beach Inn spoke on Order No. 10-105. The Higgins Beach Report supports the Inns use of the 14 parking spots along Greenwood Avenue at no charge to the Inn. It was noted that the parking spaces had been maintained for the past 14 years. She hoped that the Council would support the recommendation before them and authorize the Town Manager to negotiate a license agreement.
- Susan Thompson of 1 Ocean Avenue supported the use of the parking spaces along Greenwood Avenue by the Inn. The Inn has used and maintained these spaces for years and also felt that Order No. 10-105 should not even be on the agenda for consideration.
- Chris Taylor of 5 Marcia Street stated that he was not a surfer, but did take his family to the beach for approximately 30 minutes and he worries about the proposed new provisions and how it could change the area.
- Jeff Jones of 14 Acorn Lane supports the recommendation of the town parking lot as Acorn Lane has been the overflow parking for Higgins Beach. He urged the Council to support the recommendations of the Committee.
- Maureen Burns of 6 Morning Street noted that Higgins Beach should be consistent with other areas in town.

At this point the Council took a ten minute recess. Council Chair Roy reconvened the meeting at 9:15 p.m.

Prior to a motion being made, the Town Manager introduced a new proposal on the parking along Bayview Avenue, which would include drop-off spaces; limited parking and unlimited parking and all other parking along Bayview Avenue would not be allowed.

Motion by Councillor Wood, seconded by Councillor Ahlquist, to move approval of the first reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 29. Parking Restrictions. II. Higgins Beach (from April 1 to October 1 of each year). Subsections c and d and schedule a public hearing for the Town Council meeting scheduled for Wednesday, January 5, 2011.

Motion by Council Chair Roy, seconded by Councillor Ahlquist, to move approval to amend the main motion to replace the document that was received in the Council packet with the document that Council received at the meeting this evening.

Vote on amendment: 7 Yeas.

Vote on main motion as amended:

**AMENDMENTS TO CHAPTER 601 – TRAFFIC ORDINANCE
REGARDING PARKING RESTRICTIONS**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section 29.A. Parking Restrictions, II Higgins Beach, of the Traffic Ordinance of the Town of Scarborough, Maine is amended by deleting the strikethrough and adding the underlined text, as shown below.

Section 29.

A. PARKING RESTRICTIONS

II. HIGGINS BEACH (from April 1 to October 1 of each year).

- a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).

Acorn Lane shall be included with the parking requirements for the majority of Higgins Beach.

- b. Excepted from paragraph (a) of this subsection are two handicapped parking spaces on Bayview Drive easterly of Morning Street, with no time limit. (amended April 21, 1999)
- c. Upon ~~the Northerly either~~ side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Wildwood Lane. ~~Birch Lane to Dorado Drive~~ Except in accordance with the following:
~~from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending 250 feet to the West—15 minute parking. (amended August 21, 2002)~~
- d. ~~Upon the Southerly side from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending to Piper Road. (amended August 21, 2002) (amended September 1, 2004)~~
- d. A five-minute drop-off zone, year round, on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.

Vote: 7 Yeas.

Motion by Councillor Rancourt, seconded by Councillor Wood, to move approval to suspend the rules to go past the 10:00 p.m. time limit to no later than 10:30 p.m.

Vote: 7 Yeas.

Order No. 10-104. First reading and schedule a public hearing on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 29. Parking Restrictions. II. Higgins Beach (from April 1 to October 1 of each year). subsection a. Motion by Councillor , seconded by Councillor , to move approval of the first reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 29. Parking Restrictions. II. Higgins Beach (from April 1 to October 1 of each year). Subsection a. and schedule a public hearing for Wednesday, January 5, 2011.

Motion by Council Chair Roy, seconded by Councillor Ahlquist, to move approval to amend the main motion to replace the document that that was received in the Council packet with the document that Council received at the meeting.

Vote on amendment: 7 Yeas.

Vote on main motion as amended:

AMENDMENTS TO CHAPTER 601 – TRAFFIC ORDINANCE REGARDING PARKING RESTRICTIONS

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section 29.A. Parking Restrictions, II Higgins Beach - of the Traffic Ordinance of the Town of Scarborough, Maine is amended by deleting the strikethrough and adding the underlined text, as shown below.

Section 29.

A. PARKING RESTRICTIONS

II. HIGGINS BEACH (from April 1 to October 1 of each year).

- a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).
- b. ~~Execepted~~ Exempt from paragraph (a) of this subsection are the following:
 - (i) two handicapped parking spaces on Bayview Drive across from Ashton Street easterly of Morning Street, with no time limit. (amended April 21, 1999)
 - (ii) 1 hour parking shall be allowed in designated parking spaces, on the ocean side only of Bayview Avenue from the end of the drop-off zone to south side of the property line of lot 125. From October 2 to March 31 the 1 hour parking shall not be in effect.
 - (iii) Parking year round shall be allowed, in designated parking spaces, on the ocean side only of Bayview Avenue from the north side of the property line of lot 125 to Vesper Street. On all other areas of Bayview Avenue there shall be no parking at anytime.

- c. Upon the Northerly side of Spurwink Road (Route #77), from Birch Lane to Dorado Drive Except in accordance with the following:
 - from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending 250 feet to the West – 15 minute parking. (amended August 21, 2002)
- d. Upon the Southerly side from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending to Piper Road. (amended August 21, 2002) (amended September 1, 2004)

Vote: 5 Yeas. 2 Nays [Councillors Sullivan and Wood].

Order No. 10-105. Act to implement the recommendation of the Higgins Beach Ad-Hoc Parking Committee concerning the existing improved parking spaces on Greenwood Avenue adjacent to the Higgins Beach Inn, the Town Manager is authorized to negotiate a license agreement with the Inn, subject to Town Council approval of the final terms and conditions of the agreement. Motion by Councillor Wood, seconded by Councillor Sullivan, to move approval to implement the recommendation of the Higgins Beach Ad-Hoc Parking Committee concerning the existing improved parking spaces on Greenwood Avenue adjacent to the Higgins Beach Inn, the Town Manager is authorized to negotiate a license agreement with the Inn, subject to Town Council approval of the final terms and conditions of the agreement.

Vote: 7 Yeas.

NEW BUSINESS:

Motion by Councillor Rancourt, seconded by Councillor D’Andrea, to move approval to suspend the rules and take up Order No. 10-117.

Vote: 7 Yeas.

Order No. 10-117. Act to direct the Town Manager to prepare a letter for signature by the Council Chair, addressed to the Maine Public Utilities Commission and the Town’s Legislative Delegation, expressing the position of the Town Council that: 1. No “smart meters” should be installed in Scarborough without prior notice to the customer of the date and time of the installation; and 2. All customers be given the option of choosing not to have a wireless “smart meter” installed. Motion by Councillor Wood, seconded by Council Chair Roy, to move approval of Order No. 10-117, as noted above.

Vote: 7 Yeas.

Order No. 10-113. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 – Scarborough Zoning Ordinance, regarding the Sixth Amendment to Contract Zone IX – New England Expedition. Rick Shinay, attorney for New England Expedition gave a brief overview on this request and responded to questions from the Town Council.

Motion by Councillor Wood, seconded by Councillor Holbrook, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 – Scarborough Zoning Ordinance, regarding the Sixth Amendment to Contract Zone IX – New England Expedition and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board, as follows:

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

This Sixth Amendment to Contract Zoning Agreement (hereinafter, this “Amendment”) is made as of the ____ day of _____, 2011 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 3rd 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 5th 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 7th 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 30th 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 3rd day of March, 2010, and recorded in said Registry of Deeds in Book 27642, Page 85 (the “Fourth Amendment”); and

WHEREAS, the Agreement was further amended pursuant to the terms and provisions of a Fifth Amendment to Contract Zoning Agreement by and among the Town, New England Expedition and New England Expedition II dated as of the 21st day of July, 2010, and recorded in said Registry of Deeds in Book 27960, Page 322 (the "Fifth 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 the height of the business directory signs permitted 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, the business directory signs permitted within the District under Section 5.a. and Section 5.c. of the Fifth Amendment may be up to sixteen (16) feet in height as measured from the base of such signs at ground level.
2. 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.
3. The Agreement, as amended by this Amendment and as previously amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment and the Fifth Amendment, remains consistent with the Comprehensive Plan.
4. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.
5. 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 _____, 2011)

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

_____, 2011

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
It's Managing Member

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD, ss.

_____, 2011

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
It's Managing Member

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD, ss.

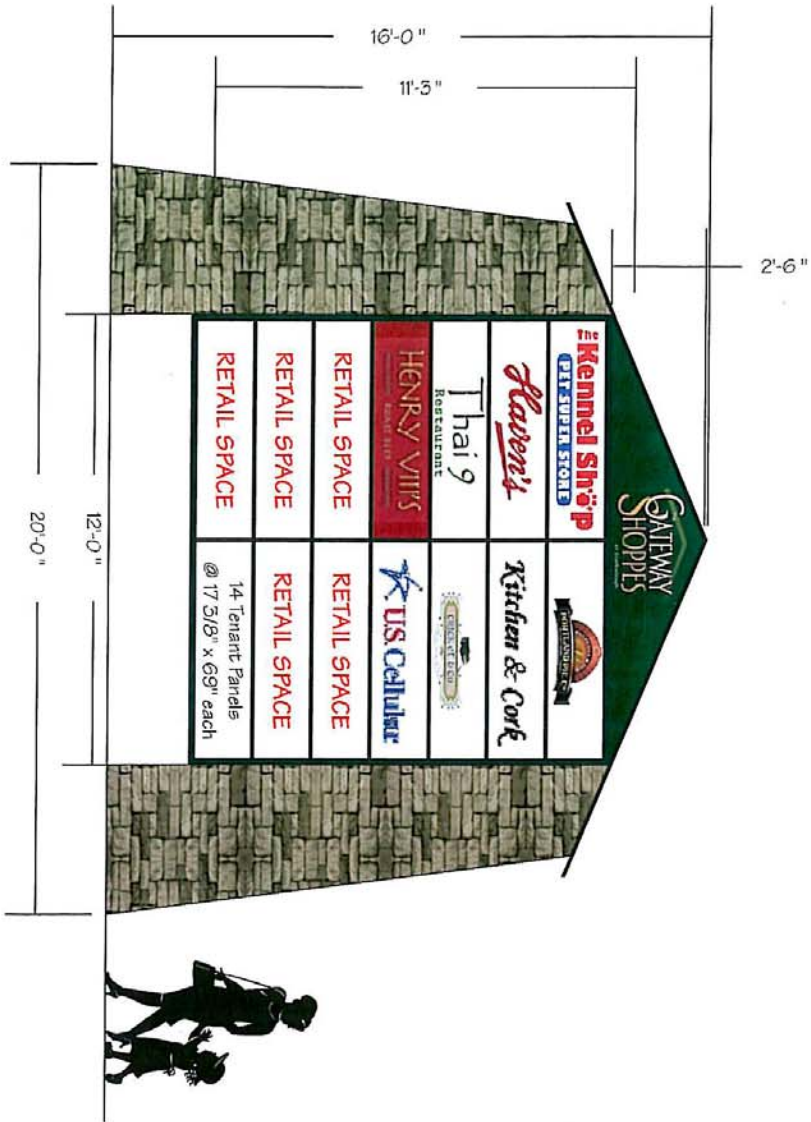
_____, 2011

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



SIGN Concepts
VISUAL COMMUNICATION EXPERTS

Date: 4/23/09 Scale: 1/4" = 1'

Drawing #: 4 Sales Rep: DF

Rev #: 14 Rev Date: 11/17/10

Apprv'd by:

The Gateway Shoppes

- Internally illuminated tenant pylon sign
- Internally illuminated sign cabinet w/ 31/16" white Lexan faces
- custom fabricated "roof"
- cultured stone pylons to match existing Cabela's colors

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Vote: 7 Yeas.

Order No. 10-114. Act on the request from the Shellfish Committee to approve the number of Shellfish Licenses for 2011. Motion by Councillor Wood, seconded by Councillor Sullivan, to move approval on the request from the Shellfish Committee to approve the number of Shellfish Licenses for 2011.

Motion by Councillor Holbrook, seconded by Councillor Sullivan, to move approval to amend the main motion to accept the recommendations from the Marine Resource Officer, which are as follows:

- **Resident Commercial License:** 25
- **Non – Resident Commercial Licenses:** 4
- **Over 60 Commercial Bushel Licenses:** 2
- **Resident Student Commercial License:** 10
- **Non- Resident Student Commercial License:** 1
- **Resident Recreational Licenses:** 200
- **Non- Resident Recreational License:** 20
- **Day Permits:** 10 per day

Vote: 7 Yeas.

Order No. 10-115. 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: Howard Lane located in the Bittersweet Banks Subdivision and Timber Sands Drive, located in the Timber Sands Subdivision. Motion by Councillor Ahlquist, seconded by Councillor Rancourt, 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: Howard Lane located in the Bittersweet Banks Subdivision and Timber Sands Drive, located in the Timber Sands Subdivision.

Vote: 7 Yeas.

Order No. 10-116. Act to authorize the Town Manager to sign a *Waiver of Foreclosure* if taxes are not paid on properties located at 1David Drive – Map T003, Lot 001 and at 21 Crystal Lane – Map T003, Lot 021, as requested by the Deputy Tax Collector. Motion by Councillor Rancourt, seconded by Councillor Wood, to move approval to authorize the Town Manager to sign a *Waiver of Foreclosure* if taxes are not paid on properties located at 1David Drive – Map T003, Lot 001 and at 21 Crystal Lane – Map T003, Lot 021, as requested by the Deputy Tax Collector.

Vote: 7 Yeas.

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

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

Prior to the vote to adjourn – Councillor Wood wished everyone a Merry Christmas and Happy Holidays; Council Chair Roy sent condolences to the family of Robert Hartley, Sr. a long-time resident and employee of the Scarborough. Mr. Hartley passed away Saturday, December 11th; Councillor Holbrook noted that a Toy Drive for the Barbara Bush Children’s Center is underway in memory of Steve Delano – toys can be dropped off at the Irving Gas Station in Oak Hill.

Vote: 7 Yeas.

Meeting adjourned at 10:33 p.m.

Respectfully Submitted,

Yolande P. Justice
Town Clerk

