

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 19, 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 [Absent]	Karen A. D’Andrea
Jessica L. Holbrook	Michael J. Wood
Shawn A. Babine	Judith L. Roy, Council Vice-Chair
Carol S. Rancourt, Council Chair	

At this point, Council Chair Rancourt asked for a moment of silence in remembrance of Steven Delano, the high school senior who passed away last week. Mr. Delano was also a volunteer firefighter at member of Engine 7.

Item 4. General Public Comments.

- June Escott, of 16 Pine Point Road thanked that Council for their support for her request for a zone change noted Order No. 10-43 and hoped that the Council would also support Order No. 10-53 in support of the Veteran’s Exemption for a Season Beach pass.

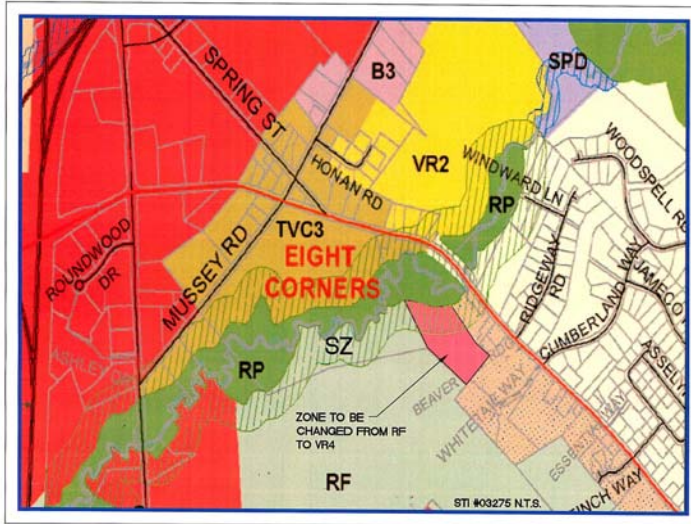
Item 5. Minutes: Not available at this time.

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. 10-41, 7:00 p.m. Public Hearing and second reading on 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. Matthew Ackman of Sebago Technic gave a brief overview on the above request. Mr. Libby was also present. Council Chair Rancourt opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:04 p.m.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval of the second reading on 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, as follows:



Vote: 6 Yeas.

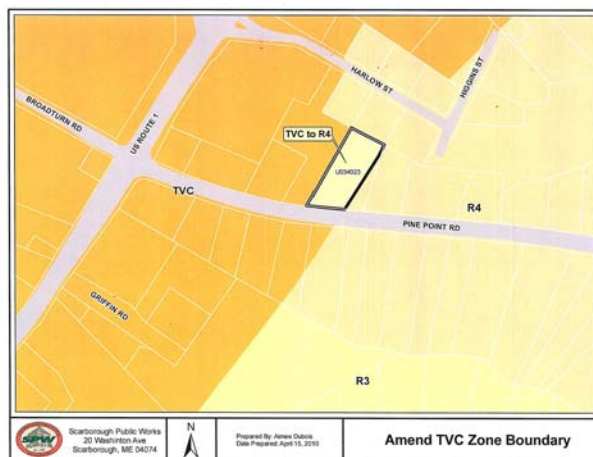
Order No. 10-42, 7:00 p.m. Public Hearing on the fifth amendment to the Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance. Council Chair Rancourt noted that the hearing before the Planning Board on this item had not been completed and would recommend that this item be postponed to the Town Council scheduled for Wednesday, June 16, 2010, as the Planning Board’s next meeting date is Monday, June 7, 2010.

Motion by Councillor D’Andrea, seconded by Councillor Roy, to move approval to postpone the 7:00 p.m. -public hearing on the fifth amendment to the Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance, to the Town Council meeting scheduled for Wednesday, June 16, 2010.

Vote: 6 Yeas.

Order No. 10-43, 7:00 p.m. Public Hearing and second reading on 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 the Scarborough Economic Development Corp spoke on this item. Council Chair Rancourt opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:08 p.m.

Motion by Councillor D’Andrea, seconded by Councillor Roy, to move approval of the second reading on 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, as follows:



Vote: 6 Yeas.

Order No. 10-48, 7:00 p.m. Public Hearing and action on the First Amendment to the Development Program for the Municipal Financing District know as the “BOR Zone Municipal Tax Increment Financing District.” Thomas Hall, Town Manager, introduced Shana Mueller, town attorney from Bernstein, Shur and Steve Bushey of Deluca Hoffman.

Council Chair Rancourt opened the public hearing. As there were no comments either for or against the hearing was closed at 7:11 p.m. At the request for Councillor Wood, Mr. Bushey gave a brief overview on the history of the TIF and why the proposed amendment was needed.

Motion by Councillor Babine, seconded by Councillor Wood, to move approval on the First Amendment to the Development Program for the Municipal Financing District known as the “BOR Zone Municipal Tax Increment Financing District,” as follows:

EXHIBIT 4

TOWN COUNCIL ORDER NO. 10-48

ADOPTION OF FIRST AMENDMENT TO THE BOR ZONE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM

WHEREAS, the Town of Scarborough, Maine (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing districts and development programs within the Town; and,

WHEREAS, on October 7, 2009, the Town voted to designate the BOR Zone Municipal Development and Tax Increment Financing District (the “District”), adopt a Development Program for the District and approve a Credit Enhancement Agreement between the Town and Foundation Center, LLC; and,

WHEREAS, on October 23, 2009, the Department of Economic and Community Development (the “Department”) approved the District and Development Program; and,

WHEREAS, Foundation Center, LLC is required to complete certain public improvement components related to its development project pursuant to the Town Planning Board approval for the development project; and,

WHEREAS, the original Development Program contemplated limited property tax reimbursement to Foundation Center, LLC for specific required public improvement components; and

WHEREAS, the specifics of such required public improvement components changed after the original approval of the District and Development Program; and,

WHEREAS, in order for the property tax revenues generated by the increased assessed value of property inside the District (the “TIF Revenues”) to be spent in accordance with relevant statutes and the Department approval, the description of the required public improvement components to be supported by TIF Revenues in the Development Program must be updated and revised pursuant to the proposed First Amendment to the BOR Zone Municipal Development and Tax Increment Financing District Development Program (the “First Amendment”); and,

WHEREAS, implementation of the First Amendment will help continue the pursuit of the goals as originally contemplated by the Town’s designation of the District and adoption of the original Development Program; and,

WHEREAS, the Town desires to adopt the First Amendment and it is expected that approval will be obtained from the Department for the First Amendment; and,

BE IT ORDERED BY THE SCARBOROUGH TOWN COUNCIL AS FOLLOWS:

Section 1. The Town of Scarborough hereby adopts the First Amendment to the BOR Zone Municipal Development and Tax Increment Financing District Development Program (the “First Amendment”) such adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendments, this First Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which pertains to the percentage of area within each of the Districts that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, the total TIF district valuation cap, and the cap on the aggregate value of municipal indebtedness financed by TIF proceeds in Cumberland County.

b. The adoption of the First Amendment will make a contribution to the economic growth and well being of the Town of Scarborough and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 3. To the extent the First Amendment conflicts with anything contained within the original Development Program, the First Amendment shall govern. All other provisions of the original Development Program shall remain in effect.

Section 4. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed First Amendment to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval by the Department of Economic and Community Development, without requirements of further action by the Town, the Town Council, or any other party.

Section 6. The Town Council, or its duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as amended for the District as the Town Council, or its duly appointed representative, deem reasonably necessary or convenient in order to facilitate the process for review and approval by the Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program as amended.

Approved May 19, 2010, by the Town Council, at a meeting duly convened and conducted at Scarborough, Maine.

IN THE TOWN COUNCIL.

Carol S. Rancourt, Council Chair

Vote: 6 Yeas.

Order No. 10-49, 7:00 p.m. Public Hearing on the following renewal requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Higgins Beach Inn, located at 34 Ocean Avenue; The Landing at Pine Point, located at 353 Pine point Road; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; Portland Pie Company, located at 400 Expedition Drive and Scarborough Downs, located at 90 Payne Road. Council Chair Rancourt opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:19 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the following renewal requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Higgins Beach Inn, located at 34 Ocean Avenue; The Landing at Pine Point, located at 353 Pine point Road; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; Portland Pie Company, located at 400 Expedition Drive and Scarborough Downs, located at 90 Payne Road.

Vote: 6 Yeas.

Resolution 10-04. Resolution recognizing the week of May 16, 2010, as *National Public Works Week*. Motion by Councillor Holbrook, seconded by Councillor Babine, to move approval of Resolution 10-04, recognizing the week of May 16, 2010, as National Public Works Week, as follows:

RESOLUTION 10-04

NATIONAL PUBLIC WORKS WEEK- MAY 16, 2010

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council Assembled, that,

WHEREAS, Public Works services provided in Scarborough are an integral part of our citizens' everyday lives; and,

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings and solid waste collection; and,

WHEREAS, the health, safety and comfort of the community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities, as well as their planning design, and construction, is vitally dependent upon the efforts and skill of Public Works officials; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works Departments, is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED by the Town Council and the Town Manager of the Town of Scarborough in Town Council assembled, that we do hereby proclaim the week of May 16, 2010, as *National Public Works Week*, and call upon all citizens and civic organizations to acquaint themselves with the Public Works Department and to recognize the contributions which Public Works Officials make every day to the health, safety, comfort, and quality of life for residents the Town of Scarborough.

Signed and dated this 19th day of May, 2010, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Carol S. Rancourt, Council Chair and attested by the Town Clerk

Vote: 6 Yeas.

Resolution 10-05. Resolution recognizing the week of May 16, 2010, as *National EMS Week*. Motion by Councillor Roy, seconded by Councillor Babine, to move approval of Resolution 10-04, recognizing the week of May 16, 2010, as National Public Works Week, as follows:

RESOLUTION 10-05

NATIONAL EMS WEEK- MAY 16, 2010

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council Assembled, that,

WHEREAS, the Emergency Medical Services [EMS] is a vital public service; and,

WHEREAS, the members of Emergency Medical Services Teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and,

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and,

WHEREAS, the Emergency Medical Services System consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and,

WHEREAS, the members of Emergency Medical Services Teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,

WHEREAS, EMS is a proud partner in the Community and it is appropriate to recognize the value and the accomplishments of emergency medical services providers.

NOW, THEREFORE, BE IT RESOLVED by the Town Council and the Town Manager of the Town of Scarborough in Town Council assembled, that we do hereby proclaim the week of May 16, 2010, as *National EMS Week*, and call upon all citizens and civic organizations to thank the men and women who serve the Town of Scarborough to ensure the health, safety, comfort, and quality of life for its residents.

Signed and dated this 19th day of May, 2010, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Carol S. Rancourt, Council Chair and attested by the Town Clerk.

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 10-50. Act on the request to modify the 2008-2011 Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894, Dispatch Unit. Thomas J. Hall, Town Manager, gave a brief overview on this item as well as the next two. He noted that this agreement is similar to the Police Contract the Council acted on.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval on the request to modify the 2008-2011 Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894, Dispatch Unit.

Vote: 6 Yeas.

Order No. 10-51. Act on the request to ratify the Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894, Dispatch Unit for One year. Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the request to ratify the Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894, Dispatch Unit for One year.

Vote: 6 Yeas.

Order No. 10-52. Act on the request to ratify the collective bargaining agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894, Fire/EMS Unit for One year. Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the request to ratify the collective bargaining agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894, Fire/EMS Unit for One year.

Vote: 6 Yeas.

Order No. 10-53. Act on the request to amend Chapter 311, Scarborough Schedule of Fees to implement a Veterans Exemption for a Season Beach Pass. Thomas J. Hall, Town Manager, gave a brief overview on this request.

Motion by Councillor , seconded by Councillor , to move approval to amend Chapter 311, Scarborough Schedule of Fees to implement a Veterans Exemption for a Season Beach Pass, as follows:

**CHAPTER 311 - TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 311, the Schedule of License, Permit and Application Fees of the Town of Scarborough, Maine is amended by adding the underscored text, as shown below:

<u>Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes</u>	Fee
Resident And/Or Taxpayer Season Beach Pass - (either Ferry Beach or Hurd Park) (amended 05/05/04)	\$20.00

Resident And/Or Taxpayer Combination Season Pass - (includes both Ferry Beach and Hurd Park) (amended 05/05/04)	\$30.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Combination Season Beach Pass - (includes both Ferry Beach and Hurd Park) (amended 05/05/04)	\$60.00
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <u>must</u> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Combination Season Pass - (includes both Ferry Beach and Hurd Park)	FREE
Resident Veteran Lifetime Combination Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Combination Season Pass.)	FREE
<u>DAILY PARKING RATES (WITHOUT PASS)</u>	
Daily Parking: Ferry Beach And Hurd Park (amended 05/05/04)	\$10.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 5 PM (amended 05/03/05)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)	\$35.00

Vote: 6 Yeas.

Order No. 10-54. Act on the request to schedule a Special Town Council meeting for 3:30 p.m. Monday, May 24th for the first reading on the FY2011 School Budget. Motion by Councillor D'Andrea, seconded by Councillor Wood, to move approval on the request to schedule a Special Town Council meeting for 3:30 p.m. Monday, May 24th for the first reading on the FY2011 School Budget.

Vote: 6 Yeas.

Order No. 10-55. Act to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 8, 2010. The following individuals spoke on this item: Bob Mitchell and John Cole – members of the Board of Education asked that the ballot that goes before the voters include the too high/too low question as well.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 8, 2010.

Motion by Councillor Wood, seconded by Councillor Roy, to move approval to amend the main motion and approve option 2 Warrant which includes the too high/too low question.

Vote on amendment: 6 yeas.

Main motion:

**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 will held at the Scarborough High School in Plummer Gym, in the Town of Scarborough on Tuesday, June 8, 2010, for the purpose of determining one of 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 salmon ballot represents under the EPS and the blue ballot represents over the EPS.]

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***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, June 2, 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 June 2, 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 June 2, 2010?

I find the School budget adopted by the Scarborough Town Council on June 2, 2010, to be:

- Too High
- Too Low

The voting on Question 1 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 errors 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 19th day of May, 2010, at Scarborough, Maine.

MUNICIPAL OFFICERS

A majority of the municipal officers of the Town of Scarborough.

Attest to a true copy of the Warrant: _____

Yolande P. Justice, Clerk of the Town of Scarborough

Vote: 6 Yeas.

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

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

- Councillor D’Andrea noted that the next Ordinance Committee meeting will be held Tuesday, May 25, 2010, at 4:30 p.m. in Chamber A.
- Councillor Holbrook noted that the next Charter Review Committee will be held Thursday, May 27, 2010, at 9:00 a.m. in Chamber A.

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

- Reviewed the schedule for the School Budget process and updated that Town Council on the progress of the Pine Point Road Project.

Item 11. Council Member Comments.

- Councillor Holbrook sent her condolences to the Delano family on their loss and her thoughts to the Grondin family. She then read a prepared statement regarding the School Budget.
- Councillor Babine sent his condolences to the Delano family and wanted to let the Grondin family know he was thinking of them. He congratulated the Senior Class on their upcoming graduation. Absentee ballots are available at town hall in Chamber B. He congratulated his daughter for being selected to attend Girls State. He thanked all 987 voters for coming out to vote on May 11th.
- Councillor Roy sent her condolences to the Delano family noting the Senior Class had been able to insert a memory page in the year honoring Steve Delano. She noted that the Energy Committee needed to schedule its first meeting. With regards to the Higgins Beach Committee, she would be interested in serving as the Council liaison. She thanked Chief Thurlow for all his grant work he does.
- Councillor Wood sent his condolences to the Delano family and wished Kevin Grondin a speedy recovery. He further noted that it might be worthy if the town conducted a safety inventory on all intersections in town. He appreciated all voters who took the time to vote and noted that he may recommend that same budget be sent back to the voters. He then congratulated his daughter upon her graduation from UNE with honors.
- Councillor D'Andrea sent her condolences to the Delano family and also wished Kevin Grondin a speedy recovery. She congratulated Jen Brezack who will be graduating this year from Scarborough. She stated that the Schools are our biggest investment and she would support adding more money in the School Budget.
- Councillor Chair Rancourt sent her condolences to the Delano family and wished Kevin Grondin a speedy recovery. She stated her disappointment with the voter turn out and indicated that many did not know about the election; however, the voters did vote to continue the process. The next School Budget referendum will be June 8th and the turnout would be much higher.

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: 6 Yeas.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk