

MINUTES

**SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 20, 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 7:01 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Rolled 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, Vice Chair
Carol S. Rancourt, Council Chair	

Item 4. General Public Comments.

- Tom Bennett of 18 Chamberlain Road – thanked Councillor Holbrook for visiting his establishment. He went on to say that he hoped that the Ordinance Committee would be moving the proposed Pawnbroker Ordinance to Council after its next meeting.

Item 5. Minutes: January 6, 2010 – Regular Meeting. Motion by Councillor Babine, seconded by Councillor D’Andrea, to move approval of the minutes of the January 6, 2010 – Regular Town Council meeting, as written.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer’s Warrants. Treasurer’s Warrants were signed during the meeting.

Order No. 10-03, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 601 – Traffic Ordinance, Section 29. Parking Restrictions. Council Chair Rancourt opened the public hearing. The following individuals spoke on this Order: Bill Donavon of 8 Morning Street; Melissa Carifio of 31 Morning Street; Jack Kelley of 19 Oceanwood Road; Douglas Lund-Yates of 26 Fowler Farm Road and Melissa Fuentes of 345 Pleasant Hill Road. There being no further comments, the hearing was closed at 7:20 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the second reading on the proposed amendments to Chapter 601 – Traffic Ordinance, Section 29. Parking Restrictions.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval to amend the main motion to strike the proposed amendment as the following:

II. HIGGINS BEACH (from ~~April 1~~ May 1 to ~~October 1~~ September 15 of each year).

Vote on Amendment: 4 Yeas. 3 Nays [Council Chair Rancourt, Councillors Roy and Wood].

Motion by Council Chair Rancourt, seconded by Councillor Babine, to move approval to amend the main motion as amended by adding the highlighted language, as follows:

Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect or need to find an alternate parking location, you can call our hotline at 883-7760-SNO (766).

After a brief discussion, which included Mike Shaw, Public Works Director and Thomas Hall, the Town Manager, the above motion to amend was withdrawn by Council Chair Rancourt and Councillor Babine.

Vote on Main Motion as amended:

**CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section 29. Parking Restrictions of Chapter 601 - the Traffic Ordinance of the Town of Scarborough, Maine, is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

Section 29.

A. PARKING RESTRICTIONS

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I. NO PARKING AT ANY TIME.

No person shall stop, stand or park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device.

- (1) No all night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.
- (2) Upon the Pleasant Hill Road from U.S. Route #1 to the Rigby Road.
- (3) Upon the westerly side of the Willowdale Road from U.S. Route #1 to the end of the Town right of way. (Parking permitted on the easterly side).
- (4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. (amended 11/16/94)
- (5) Upon the Boardturn Road within 50' of U.S. Route #1 to end.
- (6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route #1.
- (7) Upon U.S. Route #1 from the South Portland line to the Saco line (both sides).
- (8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route #1. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route #1.
- (9) Upon Pillsbury Drive (entire length).

- (10) East Grand Avenue (east side) one parking space in front of Colony Motel, no parking. Adopted 10/6/76.
- (11) Avenue One (entire length – from King Street to the ocean), amended 6/7/89.
- (12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road, amended August 1, 1990.
- (13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station, Amended August 1, 1990.
- (14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length (Amended August 1, 1990).
- (15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way (Amended August 18, 2004).
- (16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive (Amended September 7, 2005).
- (17) No parking along Bayview Avenue from Houghton Street to Pearl Street

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. 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 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)

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G. LOCATIONS FOR “EMERGENCY STOPPING ONLY” SIGNS.

Pillsbury Drive [the right-of-way between lots 37 and 38].

G H. POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES [12/01/93]

Any person, firm or corporation who moves or causes the movement of any over-limit load which requires a permit for movement of such load from the Maine Department of Transportation and said permit stipulates that a police escort is required before such move may be made upon any of the streets or highways with the Town of Scarborough, shall arrange for said escort through the Scarborough Police Department. A fee for a police escort shall be charged by the Police Department in accordance with the hourly rate established by the Scarborough Town Council for “*Special Police Services.*” An additional fee shall be charged for the assignment of any police cruiser(s) assigned to said escort also at a rate established by the Scarborough Town Council. Fees collected must be used to defray the costs of providing services.

H I. STICKERED PARKING [12/01/93]

Parking on the following locations shall be permitted by stickers for residents and non-resident taxpayers:

- (1) Bi-Centennial Park
- (2) Ferry Beach
- (3) Hurd Memorial Park

J. Parking Bans During Weather Emergencies

The purpose of this subsection is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during weather emergencies.

In order to properly remove snow and to provide safer travel conditions, the Town of Scarborough does implement parking bans during inclement weather. After consultation with the Director of Public Works, the Chief of Police shall decide to impose a parking ban when serious and extended snowfall is forecast. During an emergency parking ban, all vehicles are prohibited from parking on any street within the Town of Scarborough unless the ban is specifically described and advertised as being limited to a particular area.

Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect, you can call our hotline at 883-7760-SNO (766).

The Town of Scarborough strictly enforces parking bans – all vehicles in violation WILL BE TOWED at the owner’s expense.

Vote: 7 Yeas.

Resolution 10-01. Resolution in support of a Community Development Block Grant (CDBG) Application on behalf of the Little Dolphin School. Jay Chace, Assistant Town Planner, gave a brief overview on this resolution and responded to questions from the Council.

Motion by Council Chair Rancourt, seconded by Councillor Babine, to move approval of Resolution 10-01, supporting the Community Development Block Grant (CDBG) Application on behalf of the Little Dolphin School, as follows:

**COMMUNITY DEVELOPMENT BLOCK
GRANT APPLICATION
Town of Scarborough**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled that we support the Community Development Block Grant (CDBG) application which will be submitted to the Cumberland County Community Development Program. Through this grant, the Town of Scarborough is seeking funding on behalf of the Little Dolphin School for tuition assistance to low-moderate income families.

Signed and sealed this the 20th day of January, 2010, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Carol Rancourt, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 10-04. Act on the nominations for the various committees/boards that were posted that the January 6th Town Council meeting and recommended by the Appointments Committee. Motion by Councillor Babine, seconded by Councillor D'Andrea, to move approval of the nominations for the various committees/boards that were posted that the January 6th Town Council meeting and recommended by the Appointments Committee, as follows:

Board of Assessment Review:

Re-appoint Kathy Fuentes and Guy Gledhill as full voting members,
with terms to expire in 2012.

Personnel Appeals Board:

Re-appoint Edward Blaise as a full voting member, with a term to expire in 2012.

Move Daniel Dwyer from 1st Alternate to full voting member,
with a term to expire in 2011.

Appoint Barry Lucier as 1st Alternate with a term to expire in 2012

Community Services and Recreation Advisory Board:

Re-appoint Mary Dyer as a full voting member, with a term to expire in 2012.

Move Iver Carlsen from 1st Alternate to full voting member with a term to expire in 2010.

Appoint Barry Lucier, to 2nd Alternate with a term to expires in 2011.

Planning Board:

Re-appoint Cory Fellows as a full voting member, with a term to expire in 2012.

Move Ronald Mazer from 1st Alternate to full voting member,
with a term to expire in 2010.

Move Susan Auglis from 2nd Alternate to 1st Alternate, with a term to expire in 2011.

Appoint Richard Sullivan as 2nd Alternate, with a term to expire in 2012.

Zoning Board of Appeals:

Re-appoint Leroy Crockett, Rick Loisel and John Massengill as full voting members,
with terms to expire in 2012.

Move Jim Stark from 1st Alternate to a full voting member with a term to expire in 2011.

Appoint Art Dillon as 1st Alternate, with a term to expire in 2011.

Shellfish Conservation Committee:

Re-appoint Stefanie Dylewski & Matthew Toohey as full voting members,
with terms to expire in 2012.

Cable Television Committee:

Appoint Art Dillon as a full voting member, with a term to expire in 2012.

Seniors Program Advisory Board:

Re-appoint Cynthia Taylor, Deborah DiDominicis and Tinamarie Smith as full voting members, with terms to expire in 2012.

Housing Alliance:

Re-appoint Sue-Foley Ferguson as full voting member, with a term to expire in 2012.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 10-05. Act on the recommendations to amend the Fund Balance Policy, as recommended by the Finance Committee. Thomas J. Hall, Town Manager, gave a brief overview on the suggested changes to the Fund Balance Policy.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval of the recommendations to amend the Fund Balance Policy, as recommended by the Finance Committee, as follows:

**TOWN OF SCARBOROUGH
FUND BALANCE POLICY
[Adopted September 17, 1997]
Proposed Changes as of January 6, 2010**

Section 1. Definitions

The following definitions shall apply to the Fund Balance Policy:

Unrestricted Fund Balance:

The total of committed fund balance, assigned fund balance and unassigned fund balance.

Non-spendable Fund Balance:

Portion of fund balance that is inherently unspendable.

Restricted Fund Balance:

Externally enforceable limitations of use (limitations imposed by grantors, creditors, or other governments).

Committed Fund Balance:

Self-imposed limitations set in place prior to the end of the fiscal year (required by the Town Council).

Assigned Fund Balance:

The portion of fund balance reflecting the Town’s intended use of resources. (Town Manager or Finance Committee), such as carry forward or purchase orders encumbered at year-end.

Unassigned Fund Balance:

Total fund balance in excess (shortage) of nonspendable, retracted, committed and assigned fund balance.

Operating Budget:

The total General Fund Budget are all budgets, including amendments, as adopted by the Town Council. The General Fund Budget shall include all budgets included in funds 1100 and 7100:

- Municipal Gross Budget
- Education Gross

Adult Learning
Community Services – All Divisions
Capital Equipment
Debt Service
County Assessment
Overlay
Tax Increment Financing Districts
Credit Enhancement Agreements
Other State Finance Programs (BETE)

Section 2. Fund Balance Policy

The Town of Scarborough recognizes the importance of maintaining an appropriate level of ~~undesignated unrestricted~~ fund balance. After evaluating the Town’s operating characteristics, property tax base, reliability of non property tax revenue sources, working capital needs, state and local economic outlooks, emergency and disaster risks, and other contingent issues, the Town ~~hereby established~~ the following goals regarding ~~to~~ the ~~undesignated unrestricted~~ fund balances of the general fund of the Town of Scarborough, Maine:

The ~~level of fund balance that the~~ Town ~~has set a goal, wishes~~ to maintain ~~the level of as~~ ~~undesignated unrestricted fund balance is an amount~~ equal to 8.3% (1/12) of Scarborough’s Operating Budget ~~for the prior fiscal year and to not fall below 5%.~~

Once the Town achieves an ~~undesignated unrestricted~~ fund balance equal to 8.3% (1/12) of Scarborough’s Operating Budget, any excess ~~above 10%~~ will be ~~designated assigned~~ for capital needs ~~or for property tax stabilization~~ of the Town. By ~~designating assigning~~ any excess for capital improvements, the Town will reduce the amount ~~required to be~~ ~~necessary for bond financing~~ and in turn, the related interest costs.

At year end capital and certain other budget items, in which appropriated amounts exceed actual expenditures, are to be reviewed to determine if they should be ~~undesignated unrestricted to be and~~ carried over to the next year. Annually, the Finance Director ~~is to will~~ present ~~to~~ the Town Manager a list of items for approval to be ~~undesignated to be~~ carried forward.

This policy has been established to recognize the importance of a stable and sufficient level of ~~undesignated unrestricted~~ fund balance. However, the council reserves the right to re-appropriate funds from ~~undesignated unrestricted~~ fund balance for emergencies and other items it feels necessary to be ~~of in~~ the Town’s best interest.

In the event resources are not available to maintain the goal established by the Town Council, the unrestricted fund balance target shall be achieved through savings within each budget year that will add to the unrestricted fund balance or through appropriations. The Town will endeavor to realize the minimum required balance over a period not to exceed five (5) fiscal years.

Vote: 7 Yeas.

Item 8. Non Action Items.

Update on Payne Road West Traffic Calming and Dunstan Corner Intersection Improvement Projects. Dan Bacon, Town Planner, gave a presentation on the proposed concepts for Payne Road West traffic calming and updated the Council on Dunstan Corner and the Haigis Parkway/Route One Intersection Improvement Plans.

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

- Councillor Ahlquist noted the ecomaine Board will hold its meeting Thursday, January 21st and the kickoff for the Cumberland County 250th Celebration will be Friday, January 29th.
- Councillor Holbrook noted that the Charter Review Committee will be meeting at 8:30 a.m. on Thursday, January 21st in Chamber A.
- Councillor Babine noted that if there are applications for any committee/board the Appointments Committee will meet half an hour prior to the next Council meeting on Wednesday, February 3rd, if there are none, then the Committee will not meet.
- Councillor Roy gave an update on the Senior WOW meeting; noted that the Energy Committee would be presenting its report to the Town Council prior to the Goals Workshop on Wednesday, January 27th. She stated that the Finance Committee meeting dates are as follows: Thursday, March 25th from 4:00 to 6:00 p.m.; Thursday, April 1st from 4:00 to 6:00 p.m. and Thursday, April 15th from 4:00 to 6:00 p.m. All meetings will be in Chamber A at Town Hall.
- Councillor Wood noted that the Library Board of Trustees would be meeting on Thursday, January 21st, the Board will be working on the 2011 Budget.
- Councillor D'Andrea noted that the Conservation Commission would be meeting with the State to go over the Vernal Pool Report and the next Ordinance Committee meeting would be held on Tuesday, January 26th from 4:30 to 6:00 p.m. in Chamber A at Town Hall.

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

- Reported that the Land for Maine's Future awarded the \$632,045 for the Higgins Beach Project. He was waiting for the Scarborough Parks and Land Board to give its recommendation and there is currently a one year lease on the property; however, this would give staff time to work on parking designs, etc.
- Applications for ecomaine Excellence Awards available through the Town Manager's office.
- Updated that Council on the Eastern Trail and issues with crossing the Nonesuch River and various private properties.
- Reminded the Council of two workshops being held on Wednesday, January 27, 2010 – Energy Committee will present its Energy Report at 5:30 p.m. and the Council Goals Workshop will be at 6:30 p.m.

Item 11. Council Member Comments.

- Councillor D'Andrea noted that Citizens Energy just a free fuel program whereby the group will be giving away 100 gals to qualified individuals. For more information call 1-811-563-4645 between 9:00 a.m. to 5:00 p.m.
- Councillor Wood thanked the Public Works Department for keeping the roads clear; thanked Karen Schuler for her letter with regards to the budget; thanked Dan Bacon, Town Planner, for the presentation this evening on the Dunstan and Haigis areas. He noted that the Library would be hosting a Russian Literary Workshop on Sunday, January 24th from 2:00 to 3:00 p.m.
- Councillor Roy thanked the Planning Department for the presentation this evening and noted that she had watched the last School Board meeting and was impressed as to how they were handling the budget issues that are and will deal with.

- Councillor Babine commented on the Comp Plan and that it was designed at a time when growth was great. He noted the Pine Point meetings that had been held and thanked citizens for attending and making comments regarding the concept plan. He Commented on the Council/School Workshop that had been held, noting that the Board all had agreed that things were pretty bleak and noted that the overall curtailment from the State would be approximately 3.3 million. He then congratulated his daughter on starting driver's education.
- Councillor Holbrook noted that there would be a public meeting on Tuesday, January 26th from 6:30 to 8:00 p.m. here at Town Hall regarding agriculture within the Town.
- Councillor Ahlquist noted that he had attended the Pine Point meetings and thanked those who had attended and offered comments. He too was impressed with the meeting between the Council and the Board of Education. He asked if there was a way that the public could offer suggestions on the budget on-line or send their suggestions to the Clerk's Office or email any Councillor.
- Council Chair Rancourt thanked everyone who had spoken this evening on the parking changes. She noted that this year's budget would be tough and encouraged everyone to think outside the box during the process.

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

Vote: 7 Yeas.

Meeting adjourned at 9:13 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk