

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY - DECEMBER 16, 1998  
REGULAR MEETING - 7:30 P.M.**

**Item 1. Call to Order.** Chairman Kennedy called the regular meeting of the Scarborough Town Council to order at 7:34 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande Norton, Town Clerk. The following were present:

Councillor Ahlquist	Councillor Temm
Councillor Foley-Ferguson	Councillor Borduas
Councillor Andreson (Late)	Councillor Downs
Chairman Kennedy	Carl L. Betterley, Town Manager

**Item 4. Minutes - December 2, 1998.** Motion by Councillor Downs, seconded by Councillor Foley-Ferguson, to approve the minutes of the December 2, 1998, meeting as written.

Councillor Borduas noted on page 12; under Councillor comments, number 2. - "..... the Higgins Beach Ad Hoc Committee meeting there had been a guest speaker, ~~John Kachmar, for the ADA-Denis Pratt, from Alpha One, who made a presentation on Title 2 of the Americans with Disability Act.~~ Under Number 3. "...that the Soldiers/Sailors Civil Relief Act of 1940, as amended.....

Vote - 6 yeas

**Item 5. Items to be signed. a. Treasurer's Warrants.** Treasurer's warrants were not available.

**Order No. 98-141, 7:30 p.m. Public hearing and second reading on the renewal applications for Junkyards, which are as follows: 1. Meserve & Sons - 224 Black Point Road; 2. Waldron's Scrap Iron & Metal, Inc. - 391 U.S. Route One; 3. Speedway Auto - 343 Payne Road; 4. Goldstein Steel Company Inc. - 36 Running Hill Road; 5. A. Gagnon or E. Perry Iron & Metal - Rigby Road; 6. John B. Dickinson - 34 Running Hill Road; 7 Scarborough Auto Parts - 40 Holmes Road and 8. Regional Waste Systems - Off Running Hill Road & Green Roads.** Chairman Kennedy opened the public hearing. As there were no comments either for or against. The hearing was closed at 7: 38 p.m.

Motion by Councillor Ahlquist, seconded by Councillor Downs, to approve the second reading on the renewal applications for the following Junkyards: Meserve & Sons - 224 Black Point Road; Goldstein Steel Company Inc. - 36 Running Hill Road; A. Gagnon or E. Perry Iron & Metal - Rigby Road; John B. Dickinson - 34 Running Hill Road; Scarborough Auto Parts - 40 Holmes Road and Regional Waste Systems - Off Running Hill Road & Green Roads; with conditions on Waldron's Scrap Iron & Metal, Inc. - 391 U.S. Route One and Speedway Auto - 343 Payne Road as recommended by David Grysk, Code Enforcement Officer,

Chairman Kennedy noted that at the first reading Councillor Andreson abstained from voting due to his employment with L. R. Higgins. Councillor Andreson stated he had intended to abstain during this vote also.

Vote - 6 yeas 1 abstention (Councillor Andreson)

**Order No. 98-142, 7:30 p.m. Public hearing and second reading the renewal applications for Mobile Home Parks, which are as follows: 1. Crystal Springs - Route 22 (David & Donna Alexander); 2. Pinecrest Mobile Home Park - 126 U.S. Route One (Theresa Desfosses) and 3. Hillcrest Manufactured Housing - 126 U.S. Route One (Theresa Desfosses).** Chairman Kennedy opened the public hearing. As there were no comments either for or against. The hearing was closed at 7:40 p.m.

Motion by Councillor Foley-Ferguson, seconded by Councillor Downs, to approve the second reading on the renewal applications for Mobile Home Parks, which are listed in Order No. 98-141.

Councillor Foley-Ferguson noted that town Staff received a letter from Theresa Desfosses owner of the Pinecrest Mobile Home Park and Hillcrest Manufactured Housing indicating that she requests that the term "mobile home park" not be use but "manufactured housing" be used instead.

Vote - 7 yeas

**Order No. 98-143, 7:30 p.m. Public hearing and schedule a second reading the recommendations by the Ordinance Committee to make 13 parking spaces along the front - the northeasterly corner of the site plan designated the Scarborough Town Landing as 30 minute parking.** Councillor Andreson gave a brief overview on the recommendations by the Ordinance Committee to make 13 parking spaces along the front - the northeasterly corner of the site plan designated the Scarborough Town Landing as 30 minute parking.

Chairman Kennedy opened the public hearing. As there were no comments either for or against. The hearing was closed at 7:43 p.m.

Motion by Councillor Andreson, seconded by Councillor Ahlquist, to schedule the second reading on the recommendations by the Ordinance Committee to make 13 parking spaces along the front - the northeasterly corner of the site plan designated the Scarborough Town Landing as 30 minute parking for Wednesday, January 6, 1999.

Vote - 7 yeas

**Order No. 98-150. Act on the request for an executive session for consultation with the Town Attorney concerning pending litigation: United States Bankruptcy Court, District of Maine, Chapter 13 Case No. 96-20541.** Motion by Councillor Andreson, seconded by Councillor Foley-Ferguson to approve the request for an executive session for consultation with the Town Attorney concerning pending litigation: United States Bankruptcy Court, District of Maine, Chapter 13 Case No. 96-20541.

Vote - 7 yeas

Adjourned to executive session at 7:45 p.m. Chairman Kennedy reconvened the meeting at 8:23 p.m.

**Order No. 98-135. Second reading on the recommendation from the Ordinance Committee regarding the request to name the (Coulthard Farms) Pleasant Hill Recreation area to the "Jennie and Isaac E. Willey Recreation Area" and the ball field "Preston Park."** Councillor Andreson gave a brief overview on the recommendation from the Ordinance Committee for Order No. 98-135.

Motion by Councillor , seconded by Councillor , to approve the second reading on the recommendation from the Ordinance Committee regarding the request to name the (Coulthard Farms) Pleasant Hill Recreation area to the "Jennie and Isaac E. Willey Recreation Area" and the ball field "Preston Park."

Councillor Foley-Ferguson noted the Willey family has lived in Scarborough for over 100 years and that the Historical Society also supports this recommendation.

Vote - 7 yeas

**Order No. 98-149. Act on Council Committee Appointments. (Tabled from the 12/02/98 Town Council meeting),** Chairman Kennedy read the recommendations for the Council Committee Appointments. They are as follows: Appointments Committee - Councillors \*Ahlquist, Borduas and Downs; Finance Committee - Councillors \*Temm, Kennedy and Ahlquist; Ordinance Committee - \*Foley-Ferguson, Andreson and Downs; Rules & Policies - \*Kennedy, Foley-Ferguson and Temm. Council Liaison to the Conservation Commission - Downs; Fair Hearing Authority - Ahlquist, Downs and Temm; Fire Commissioner - Kennedy; Library - Borduas; Long Range Planning - Foley-Ferguson; Municipal Facilities - Borduas; Recreation Advisory Committee - Kennedy; Shellfish Management - Andreson; Housing Alliance - Andreson, Borduas and Temm Solid Waste/Recycling - Foley-Ferguson; COG Executive Committee - Temm; GOG General Assembly - Temm, Andreson & Kennedy (Alternate) and Open Space - Foley-Ferguson;.

Motion by Councillor Ahlquist, seconded by Councillor Anderson, to approve to Council Committee Appointments as recommended by Chairman Kennedy.

Councillor Temm indicated that she would like to recommend Councillor Borduas to the COG Executive Committee.

Motion by Councillor Temm, seconded by Councillor Borduas to amend the motion to change the Council Liaison to the COG Executive Committee from Councillor Temm to Councillor Borduas

Vote on amendment: Vote - 7 yeas

Vote on main motion as amended: Vote - 7 yeas

**Order No. 98-151. First reading and schedule a public hearing on the amendments to the Shellfish Conservation Ordinance as recommended by the Shellfish Conservation Committee**

**and Ordinance Committee.** Councillor Andreson and John Lyon, Chairperson of the Shellfish Committee, gave a brief overview on the recommended changes, they are as follows:

- 31 Resident Commercial
- 4 Non-Resident Commercial
- 10 Resident Student Commercial
- 1 Non-Resident Student Commercial
- 3 Over-60 Resident Bushel Commercial
- 200 Resident Recreational
- 10 Resident Recreational Day Licenses (issued per day)
- 2 Non-Resident Recreational Day Licenses (issued per day)

On Page 3, 5(A)5 shall read:

Over 60-Resident Commercial ~~Two (2) Peek~~ Bushel License: The license is available to residents of the Town of Scarborough who are 60 years old and over. Applicants must show proof of age and residence. This license entitles the holder to dig or take ~~two (2) peeks~~ one (1) bushel of shellfish from the shores and flats of this municipality at each tide.

On Page 6, 5(D)4(c) shall read:

Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses, and over-60 Resident Commercial ~~Two (2) Peek~~ Bushel Licenses shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.D.4(a), except that required conservation times shall be four (4) hours for the Resident and Non-Resident Student Commercial Licenses and ~~six (6)~~ eight (8) hours for the Over-60 Resident Commercial ~~Two (2) Peek~~ Bushel Licenses. Applications for new (non-renewal) Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses, and Over-60 Resident Commercial ~~Two (2) Peek~~ Bushel Licenses shall be processed in the same manner as applications for non-renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses under Section 5.D.4(b), except that for Resident Student Commercial Licenses and Non-Resident Student Commercial Licenses the clerk shall continue drawing names after all licenses have been awarded and until all applicants have been placed on a list in the order their names have been drawn. Any Student Commercial License which is surrendered after issuance shall be made available to the remaining applicants on that list in the order their names were drawn, and then to other applicants on a first-come, first-served basis.

After a brief discussion the following motion was made:

Motion by Councillor Andreson, seconded by Councillor Downs, to approve the first reading on the amendments to the Shellfish Conservation Ordinance as recommended by the Shellfish

Conservation Committee and Ordinance Committee and to schedule a public hearing for Wednesday, January 6, 1999.

Councillor Downs stated that he and other clam diggers were concerned with the depletion of the flats. There were 5 Commercial licenses that would not be renewed due to non-completion of the conservation time, which it required by the Ordinance and felt that none of the licenses should be offered.

There was Council discussion. It was noted that if the Council wishes to make any changes before the final vote is taken at the second reading, they could do so.

Vote - 7 yeas

**Order No. 98-152. First reading and schedule a second reading to award the bid on renovations to Engine 1 Fire Station; located on the Black Point Road.** Rob Carson, Fire Chief, gave a brief overview on the bid process for the renovations to Engine 1 Fire Station. He thanked those who had worked on the project.

Motion by Councillor Andreson, seconded by Councillor Downs, to approve the first reading to award the bid to Mainland Structures, Inc. on the renovations to Engine 1 Fire Station; located on the Black Point Road and schedule a second reading for Wednesday, January 6, 1999.

Roll Call Vote -           Councillor Ahlquist - yea                   Councillor Temm - yea  
                                  Councillor Foley-Ferguson - yea       Councillor Borduas - yea  
                                  Councillor Andreson - yea               Councillor Downs - yea  
  Chairman Kennedy - yea

**Order No. 98-153. First reading and schedule a second reading on the Bond Order for Engine 1 Fire Station in an amount not to exceed \$715,000 (CIP Budget 98/99).** Motion by Councillor Borduas, seconded by Councillor Temm, to approve the first reading and waive the reading of the Bond Order for Engine 1 Fire Station in an amount not to exceed \$715,000 and schedule a second reading for Wednesday, January 6, 1999.

### **BOND ORDER**

#### **ENGINE 1 FIRE STATION - HARMON'S CORNER**

**BE IT ORDERED,** That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, a bond to renovate and equip the Engine 1 Fire Station - Harmon's Corner, located Black Point Road is hereby; and,

**BE IT FURTHER ORDERED,** That a sum, not exceed \$715,000, is hereby appropriated to provide for the costs of said project; and,

**BE IT FURTHER ORDERED,** That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$715,000 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment thereof, and of to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.



the Council would use, if indeed it chooses to move ahead with Haigis Parkway and the implementation of the infrastructure in that area. At this time the Council discussed when an appropriate time for a workshop could be held.

Motion by Councillor Temm, seconded by Councillor Down, to schedule a Council workshop regarding the Haigis Parkway for Wednesday, January 27, 1999 at 7:00 p.m.

Vote - 7 yeas

**Order No. 98-156. Act to schedule a workshop between the Town Council and the Board of Education.** Chairman Kennedy gave a brief overview. After a brief discussion a motion was made to schedule the workshop with the Board of Education.

Motion by Councillor Temm, seconded by Councillor Downs, to schedule a Town Council/Board of Education workshop for Thursday, January 28, 1999 at 7:00 p.m.

Councillor Andreson noted that there would be an RWS meeting on January 28th and recommended that workshop be scheduled for the 25th or the 26th

Motion by Councillor Temm, seconded by Councillor Downs to amend the motion to schedule the Town Council/Board of Education for Tuesday, January 26, 1999 at 7:00 p.m.

Vote - 7 yeas

**Order No. 98-157. Act to appoint representatives to the Citizen Advisory Committee regarding the Maine Turnpike Open Barrier System.** Chairman Kennedy gave an overview of a letter from the Maine Turnpike Authority (MTA). In which they would like to create a Citizen Advisory Committee regarding an open barrier system for the southern portion of the Maine Turnpike. He further stated that the Council may want to take a position as to whether they want a barrier in this area with either a vote this evening or a resolve. He then recommended that Dr. Mark Buttarzzi (who is willing to serve) be appointed as the representative, with Councillor Ahlquist as the alternate.

Carl L. Betterley, Town Manager stated that the MTA has a desire to decrease the number of toll barriers where people would enter the turnpike and real desire to place a barrier on the turnpike some where between exit 5 and 6. There is more traffic between these two exits than any other part of the turnpike. If a barrier were to be put in this location 2/3rds of the revenue that is needed by the MTA could be collected. He then touched on when the MTA wanted to put in a toll barrier a few years back and Scarborough was the location selected. These barriers would be much bigger (13 to 16 lanes).

He further stated that there has been an attorney, which represents the Town, keeping in touch with the Maine Turnpike Authority on a regular basis because of a report done by a consultant for the Authority. This reports shows a barrier constructed in Scarborough or between exits 5 and 6 that could generate substantial revenue needed by the Authority for the future. When asked by the town's attorney on whether a toll barrier would be considered for Scarborough, the Authority repeatedly told the attorney that there was none. However, there is now a Citizens Advisory Committee being formed to look into a toll barrier for southern Maine.

He mentioned the study (Origin and Destination Study) that is being conducted by PACTS (Portland Area Comprehensive Transportation Committee) regarding Routes 114, 22, 25 and the intersection of the 295 connector. He reviewed the draft of a questionnaire. Two of the questions he

didn't agree with and felt they should be eliminated. If they were not eliminated then the Town of Scarborough would withdraw from the study and engage legal counsel to stop PACTS from using the two questions.

The position of the Council is very important and that those appointed should be aware of how the stands.

There was a lengthy Council discussion. All felt that there should be a resolve developed, which would indicate to the appointees what the Council's position was regarding this issue. There was discussion on Councillor Ahlquist's appointment and whether the MTA would have any objection due to his involvement with a prior issue in Northern Maine. After further discussion the following motion was made.

Motion by Councillor Temm, seconded by Councillor Andreson, to approve the appointments of Dr. Buttarzzi as the Representative and Councillor Ahlquist as the alternate to the Citizen Advisory Committee regarding the Maine Turnpike Open Barrier System and for Town staff to present a fact finding paper to the Council by the second meeting in January in order to draft a resolve.

Vote - 7 yeas

**Order No. 98-158. Act on the new request from the American Legion - Libby Mitchell Post #76 for a "Blanket Letter of Approval" to operate a "Game of Chance."** Motion by Councillor Temm, seconded by Councillor Borduas, to approve the request from the American Legion - Libby Mitchell Post #76 for a "Blanket Letter of Approval" to operate a "Game of Chance."

Vote - 7 yeas

**Order No. 98-159. Act on the new request from James Griffin d/b/a Dunstan Variety located at 618 US Route One for a Victualer's License (formerly G & P General Store and Deli).** Motion by Councillor Temm, seconded by Councillor Borduas, to approve the new request from James Griffin d/b/a Dunstan Variety located at 618 US Route One for a Victualer's License (formerly G & P General Store and Deli).

Vote - 7 yeas

**Order No. 98-160. Act on the request from Councillor Foley-Ferguson to direct the Manager and Council Chair to sign the "Memorandum of Understanding" for the Southern Maine Regional Beach Planning Project.** Councillor Foley-Ferguson gave a brief overview on this request. She noted that a revised "Memorandum of Understanding" had been given to the Council this evening. The Department of the Environmental Protection and the State Planning Office has been sent copies of this document and as yet, made no comments.

Motion by Councillor Temm, seconded by Councillor Borduas, to authorize the Town Manager and the Council Chair to sign the "Memorandum of Understanding" for the Southern Maine Regional Beach Planning Project, only after State Officials have signed.

In response to a question from Councillor Andreson, Carl L. Betterley stated that the Town's Legal Counsel had not reviewed the document. Councillor Andreson felt that they should and listed his concerns regarding the document. Other Councillors shared his concerns and agreed that Legal Counsel should review the document.

Councillors Temm and Borduas withdrew their motion.

Councillor Foley-Ferguson gave a brief explanation as to why the document had been written the way it was. After a brief discussion a motion was made to table this issue.

Motion by Councillor Borduas, seconded by Councillor Downs, to table Order No. 98-160.

Vote - 7 yeas

**Order No. 98-161. Report from Chairman Kennedy on the Council Goals Workshop and schedule next Goals Workshop.** Chairman Kennedy gave report on the Council Goals Workshop and indicated that the Council agreed to set the date for the next Goals Workshop at this meeting.

Motion by Councillor Temm, seconded by Councillor Borduas, to set the next Council Goals Workshop for Wednesday, January 13, 1999 for 6:00 p.m.

Vote - 7 yeas

**Item 6. Report on the National League of Cities.** Councillor Temm gave a brief overview on the National League of Cities Conference.

**Item 7. Update on the RWS Recycling Committee.** Councillor Temm gave a brief update on the RWS Recycling Committee.

#### **NON AGENDA - Public Comments.**

None at this time.

#### **Council Comments.**

1. Councillor Ahlquist wished everyone a safe and happy holiday.
2. Councillor Foley-Ferguson thanked Judy Roy for the angel ornament and wished everyone a happy holiday.
3. Councillor Andreson stated that during the executive session at the last meeting, comments that had been made that were heard over the air and suggested that executive sessions not be held in chambers. He read a memo in which he gave his reasons for not serving on the Finance Committee, but would participate in the process. He then wished everyone a happy holiday.
4. Councillor Downs mentioned the four-way stop at Beech Ridge Road and Holmes Road. He stated that the Coastal Pollution Committee received a \$2,000 Wal Mart grant for incubators.
5. Councillor Borduas wished everyone a happy holiday and appreciated Councillor Andreson comments. She then read a letter Donald Berute, Executive Director of the National League of Cities, in which he praises Councillor Temm's skills in moving discussions along in a round table setting.  
She mentioned the Growth and Services workshop and the Council scheduled a workshop for Wednesday, January 13, 1998 following the Goals Workshop, which begins at 6:00 p.m.
6. Councillor Temm thanked former Councillor Roy for the ornament and wished everyone a safe and happy holiday.
7. Carl L. Betterley, Town Manager stated to the Council that he received information regarding the National League of Cities Conference in Washington, D.C. and urged members to respond as soon as possible

He mentioned the dedication of the Dunstan Fire Station on Sunday, January 17, 1999 from 1:00 to 4:00 p.m. and wished everyone a safe and happy holiday.

8. Chairman Kennedy stated he had attended the tree lighting ceremony on December 6, 1998 and the open house for the Sweetser Home on November 19, 1998. The Citizens Forum normally held the first Saturday on the month will be cancelled in January due the holiday weekend. The Town Hall would be closing at noon on Thursday, December 24, 1998 and closed all day on Friday, December 25, 1998. He thanked Judy Roy for the ornament and then wished everyone a safe and happy holiday.

Motion by Councillor Borduas, seconded by Councillor Temm to adjourn the regular meeting of the Scarborough Town Council.

Vote - 7 yeas

Meeting adjourned at 10:35 p.m.

Respectfully submitted,  
Yolande Norton, Town Clerk