

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 20, 2000
REGULAR MEETING – 7:30 P.M.**

Item 1. Call to Order. Chairman Maroon called the regular meeting of the Scarborough Town Council to order at 7:30 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk.

Councillor Messer	Councillor Temm
Councillor Crispin	Councillor Borduas
Councillor Foley-Ferguson	Councillor Downs
Chairman Maroon	Ronald Owens, Town Manager

Chairman Maroon indicated that at this time he would like to take a few moments to comment on his first meeting and where he would like to go as a group for the rest. It was important to him that everyone deals with respect and dignity as a Council, as a member of the public and how we do our business and conducts our business. He asked that each Councillor wait until they are acknowledge before speaking and if everyone stayed focused on the specific issues and not on the personalities. He would really like to take the Council in a positive direction this year. He asked that everyone be on time for all committee meetings. He noted that the public was welcomed to communicate with the Council and stated that the same rules would apply with regards to being courteous and keeping to the issues. He encouraged the public to contact any Councillor either through writing, calling or leaving a voice message with any issues.

Item 4. Minutes: December 6, 2000 and to amend the minutes of April 19, 2000 (page 5). Motion by Councillor Borduas, seconded by Councillor Downs, to approve the minutes of the December 6, 2000 Town Council meeting.

Councillor Borduas noted that on page 4, Order No. 00-187 - the final paragraph should read as follows: "Was the Council acting within it's authority by making a staff appointment, were we superceding the Town Manager authority to do that and her response had been probably not because this was something that should exist in any event and that if necessary the Town Manager could clean up and make the appointment."

Councillor Messer noted that on the minutes for December 6, page 3, Item II. One-Way Streets, (3) Ashton Street shall be one-way from Bayview Avenue northwesterly to Greenwood Avenue and add a stop sign at Bayview Avenue and Ashton Street. He stated that it would not make sense to have a stop sign in this location due to the fact the traffic is going the other way.

He further noted that for the minutes of April 19, 2000 order No. 00-56, Section 33 under Procedure for Addressing Council on page 5, number 7 had accidentally been deleted from the Council rules for sometime and Councillor Borduas brought it to the attention of the Clerk's office.

Vote: 7 yeas.

Motion by Councillor Temm, seconded by Councillor Downs, to amend the minutes of the April 19, 2000 (page 5) Town Council meeting.

Vote: 7 yeas.

Item 5. Items to be signed: a. Treasurer's Warrants. None at this time.

Order No. 00-194, 7:30 p.m. Public hearing on the amendments to the Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Committee and Ordinance Committee. Councillor Downs gave a brief overview on this request. He noted that the Council should have received a letter from the Shellfish Conservation Committee requesting a change in the wording on Section 5.(D) and that the Council table the Section 5.H. regarding Suspensions.

Chairman Maroon opened the public hearing. There being no comments either for or against the hearing was closed at 7:36 p.m. The second reading on this order will be held on January 3, 2001.

Order No. 00-201, 7:30 p.m. Public hearing on the following renewal applications for Junkyards:

<u>Business</u>	<u>Address</u>
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
8. Regional Waste Systems	Off Running Hill Road & Green Roads

Ron Owens, Town Manager, stated that this is an annual renewal of the licenses and the Code Enforcement Officer has submitted his recommendations to the Council in which he has recommended that Meserve & Sons, Goldstein Steel Company Inc., A. Gagnon or E. Perry Iron & Metal, John B. Dickinson, Scarborough Auto Parts and Regional Waste Systems for renewal. There are issues on the others and are not recommended for renewal at this time.

Chairman Maroon opened the public hearing. As a point of order, Councillor Messer stated that the Chair should use the gavel to open and close a public hearing. As there were no comments either for or against the hearing was closed at 7:40 p.m.

Motion by Councillor Messer, seconded by Councillor Borduas, to divide the question to deal with Waldron's Scrap Iron & Metal and Speedway Auto as separate issues and the other six together.

Vote: 7 yeas.

Motion by Councillor Borduas, seconded by Councillor Foley-Ferguson, to approve the renewal request of Meserve & Sons, Goldstein Steel Company Inc., A. Gagnon or E. Perry Iron & Metal, John B. Dickinson, Scarborough Auto Parts and Regional Waste Systems to renew their junkyard permits for 2001.

In response to a question from Councillor Downs, the Town Clerk stated that the information was on file in the Clerk's Office.

Vote: 7 yeas.

In response to questions from Councillor Messer, David Grysk, Code Enforcement Officer, state that with regards to Waldron's Scrap Iron the ordinance states that if there is a use present and it has been grandfathered a non-conforming use it can continue to operate as long as it is serving the function that it is licensed for. Mr. Grysk noted that last year there had been very little activity at this location and he had trouble contacting the owners to do repair work on the fencing facing Route One. He has since seen no activity over this past year, the property has been vacant and is up for sale. To the best of Mr. Grysk's knowledge this yard has not been functioning as it was licensed for. The Council could deny the license. If this happens then Mr. Grysk would contact the owner to have

this location cleaned of all the scrap iron/metal that is left on the property due to the fact that it would not be grandfathered as a junkyard.

In response to a question from Councillor Borduas, Mr. Grysk stated that if the Council were to deny the permit the owners could then probably have 30 days to appeal the decision of the Council once they have been notified to prove that they are grandfathered.

In response to questions from the Council, Ron Owens, Town Manager, stated that the Council could table or deny the permit. By tabling it, it would give the owners another opportunity to come forward. They were advised that this hearing would be taking place and had the opportunity to be here. If it were tabled it would be going beyond what they would be entitled to. By the Council denying it the owners would have the appeal rights to it. It would depend on what the Council decides to do.

In response to a question from Councillor Temm, Mr. Owens stated that they went through the typical application process by filling out the application and filing it with the Clerk's Office. The Code Enforcement Officer then inspected the property and at this point it would be up to them come before the Council if they felt there were going to be any issues.

Councillor Temm stated her preference would have been that once the inspection had been conducted and there were questions about whether there had been activity the past year that the owners would have been contacted and asked whether in fact there had been activity. However, since this had not happened she felt the cleanest way to handle this would be to deny the application and have them appeal the decision of the Council.

Councillor Messer concurred with Councillors Temm and Borduas opinion and would be in favor of denying the license based on Mr. Grysk's testimony this evening and the applicant did have the opportunity to be present.

Councillor Crispin stated that sometimes the only way to get a response is to take formal action and to deny this application would be an appropriate action to take.

Motion by Councillor Messer, seconded by Councillor Foley-Ferguson, to deny the license for Waldron's Scrap Iron & Metal, as recommended by the Code Enforcement Officer.

Councillor Messer noted that at the TIF workshop the Council had discussion about the beautification of Route One and finding different ways of trying to make Route One more aesthetically appealing and certainly to have a junkyard almost right at the entrance to the Haigis Parkway which we are all considering as the "Gateway" to the community is not really very appealing. This action could spur the Council on to making some changes in this area could be a good thing.

Vote: 7 yeas.

In response to questions from Councillor Messer, Mr. Grysk stated he had been contacted by the attorneys of Scarborough Downs regarding the issue with vehicles on the their property belonging to Speedway Auto. After notifying the owner of Speedway Auto, the vehicles were removed. However, the problem has returned. Mr. Grysk further stated that one of buildings has had a new roof, new siding, new windows, partition being built inside as well as electrical work being done all without obtaining permits. There is also another building located on this property that is being added on to without a permit. This is a B2 zone and does not allow for the building of a residential home.

If this license were to be approved there should be some stipulation that there be a fence built on the property lines. This junkyard has been looked at many times in the past.

In response to a question from Councillor Borduas, Mr. Grysk stated that there would an enforcement letter sent indicating to the owner that there is a violation regarding the structure being turned into a residential building in that it is not allowed in the B2 zone. This would give the owners

the opportunity to come in and explain what they are doing. Any action the Council takes on the junkyard application will do so based on the licensing information and not on any other violation.

It was pointed out that the application on this was not in the packet as it has not been received in the Clerk's Office. Councillor Downs noted that without the owners coming in for a building permit it is not sure whether this renovation is for a residence or an office and would base his decision on the owners not obtaining a building permit.

Councillor Temm asked if there is no application why is it on the agenda. The Clerk stated that it was for discussion only. Councillor Messer stated that you couldn't deny an application if it is not available. The Council took no further action on this item.

Order No. 00-202, 7:30 p.m. Public hearing on the following renewal applications for Manufactured Housing Communities:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community David & Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Ron Owens, Town Manager, stated that the Code Enforcement Officer has inspected these and recommends all three for renewal except in the Crystal Springs case it is recommended that the renewal be conditioned on the replacement of the front septic system as recommended by the Code Enforcement Officer.

Chairman Maroon opened the public hearing. As there were no comments either for or against the hearing was closed at 7:55 p.m.

Motion by Councillor Messer, seconded by Councillor Borduas, to divide the question on Order No. 00-202 to deal with numbers 2 and 3 together and Crystal Springs separately.

Vote: 7 yeas.

Motion by Councillor Messer, seconded by Councillor Foley-Ferguson, to approve the renewal applications for Pinecrest Manufactured Housing Community and Hillcrest Manufactured Housing.

Vote: 7 yeas.

Motion by Councillor Messer, seconded by Councillor Downs, to approve the renewal applications for Crystal Springs Manufactured Housing Community pending installation of a replacement system to be installed as detailed in Mr. Grysk's memo.

Councillor Temm hoped that by making this condition the Council is in compliance with how the ordinance reads for licensing a mobile home park. She wasn't clear whether the licensing would be contingent upon working septic systems.

Dave Grysk, Code Enforcement Officer, stated that he had been dealing with owner on this park for a number of months. There have been a number of septic malfunctions in the past on this park as well. He further noted that the owner had been working to resolve this problem, but felt that there was a cash flow issue.

Councillor Downs asked whether Mr. Grysk had seen the design of the septic system that the owners were looking at putting in. Mr. Grysk stated that he had not seen the design, but the design would probably be cluster chambers and would probably take approximately a week to complete.

Order No. 00-191. Second reading to amend the Harbor Master Budget 2000/2001 expenditures and revenues in the amount of \$1,450.00 for the purchase of water/rescue equipment. Motion by Councillor Temm, seconded by Councillor Borduas, to approve the second reading to amend the Harbor Master Budget 2000/2001 expenditures and revenues in the amount of \$1,450.00 for the purchase of water/rescue equipment.

Roll Call Vote: Councillor Messer – yea Councillor Temm – yea
Councillor Crispin – yea Councillor Borduas – yea
Councillor Foley-Ferguson – yea Councillor Downs – yea
Chairman Maroon – yea

Order No. 00-192. Second reading to amend the Rescue Budget 2000/2001 expenditures and revenues in the amount of \$500.00 to be used for student rescue training. Motion by Councillor Temm, seconded by Councillor Borduas, to approve the second reading to amend the Police Department Budget 2000/2001 expenditures and revenues in the amount of \$500.00 to be used for student rescue training.

Roll Call Vote: Councillor Messer – yea Councillor Temm – yea
Councillor Crispin – yea Councillor Borduas – yea
Councillor Foley-Ferguson – yea Councillor Downs – yea
Chairman Maroon – yea

Order No. 00-193. Second reading on the recommendation from the Police Chief to accept the low bid for purchase of police cruisers from Rowe Ford for \$86,328.00. Motion by Councillor Borduas, seconded by Councillor Temm, to approve the second reading on the recommendation from the Police Chief to accept the low bid for purchase of police cruisers from Rowe Ford for \$86,328.00.

Roll Call Vote: Councillor Messer – yea Councillor Temm – yea
Councillor Crispin – yea Councillor Borduas – yea
Councillor Foley-Ferguson – yea Councillor Downs – yea
Chairman Maroon – yea

NEW BUSINESS:

Order No. 00-203. Act to establish an Ad-Hoc Committee to explore issues and options involving the Scarborough Harbors – to report back to the Town Council by May 1, 2001. Councillor Downs stated that he had requested this item to be placed on the agenda and hopes that the Council would consider an Ad-Hoc Committee to look at what is going on down in the harbor. He went on to give a brief history as to the various problems that occur. He pointed out that Scarborough is the only community that does not charge a launching fee. He then reviewed the proposed criteria for the committee.

Councillor Foley-Ferguson felt that this was a great idea and had been brought to the attention of the Ordinance Committee a couple of times but the Council at that time did not want to take this matter up. She asked that the one item that is added is that the Committee review the Saco Bay Beach Plan to see whether there are any commonalties between the current harbor plan as well as any conflicts.

Motion by Councillor Borduas, seconded by Councillor Foley-Ferguson, to establish an Ad-Hoc Committee to explore issues and options involving the Scarborough Harbors – to report back to the Town Council by May 1, 2001.

Councillor Crispin stated that his question would not be whether this is an issue that needs attention, but gather what is the right vehicle to do that. Should this be a formal committee or should the Manager do this as part of his normal job responsibilities?

Councillor Temm stated that she was going to ask that the Council make sure that the committee is given all the information regarding the Town's legal rights and responsibilities pursuant to this area. There are limitations as to what restrictions can be put on it because of the funding that is received for. She personally felt that it would be better for the Manager to explore this and then come back to the Council with a method to come to the same results. He could have a committee work with him or seek out the individuals listed.

Ron Owens, Town Manager, stated that the staff was here to do what the Council wishes. If the Council wishes for staff to look at this issue and then bring back some observations and recommendations or work with the individuals listed, that would be up to the Council.

Councillor Downs stated that he had talked with the Town Manager and at that time had asked if the Harbor Master might be able to come forward with some recommendations and the answer was yes, but didn't know if the Harbor Master wanted to extent himself on this.

Councillor Borduas stated that this may be an instance where getting people feeling that they are being listened to and heard as early as possible would tend to lead toward a better result. You have a group of people who have a stake in this and they would have a formal contribution to make.

In response to a question from Chairman Maroon, Councillor Borduas stated that maybe a blend of both, the committee working with the Town Manager. That it be the responsibility of the Town Manager who would consult with and get input from the public based on their experience.

Councillor Crispin stated that he looked forward to having the Manager become a very big part of this community and taking personal involvement from the public rather than putting into the committee's hands.

Motion by Councillor Temm, seconded by Councillor Messer, to amend the motion whereby we offer the ideas outlined in the memo that we received from Councillor Downs, to the Manager and ask the Manager to proceed with formulating the work that we're requesting to be done and use some of the ideas in this memo including the review of the Saco Bay Beach Plan and all other issues that were discussed.

Vote on amendment: 7 yeas.

Councillor Borduas thanked Councillor Downs for bringing this forward.

Vote on main motion as amended: 7 yeas.

Order No. 00-204. Confirm Acting Town Manager as recommended by the Town Manager, for periods when the Town Manager is absent from the community. Ron Owens, Town Manager, stated that he would recommend that Tom Guter, Human Resource Director be appointed as the Acting Town Manager.

Motion by Councillor Temm, seconded by Councillor Foley-Ferguson, to confirm Tom Guter, Human Resources Director, as the Acting Town Manager as recommended by the Town Manager, for periods when the Town Manager is absent from the community.

Vote: 7 yeas.

Order No. 00-205. Appeal by John Lyon, of decision of the Shellfish Conservation Committee under section 5(H)(3) of the Shellfish Conservation Ordinance. John Lyon, 269 Pine Point Road, stated that he would like to move forward with his request to appeal to the Town Council on the decision of the Shellfish Conservation Committee.

Chairman Maroon asked if it would be wise not have a motion until the Council has had discussion on this matter. The consensus of the Council was to hear the matter first before making any motion or decision.

John Lyon read a prepared statement, which the Council received in their packet. Mr. Lyon was asking that the Council to appeal the decision of the Shellfish Committee on his suspension his commercial shellfish license would cause undue hardship and also felt the 30-day suspension was far to severe a penalty for not tagging his clams.

Joan Fortin, Town Attorney, stated that her role with the Shellfish Commission was to help them interpret the ordinance to determine there was a violation. She pointed out that there was another appeal and another case that asked the Commission to determine whether the particular violation of State Law triggered the ordinance. Mr. Lyon's is bringing forth a hardship type of argument and asking for some discretion. At this point Ms. Fortin stated that Commission does not have the discretion. She mentioned to the Commission that she was not aware whether this Council would have that discretion. In speaking with Chris Vaniotis (town attorney) regarding this issue, he advises that the Council does not have that discretion to make a hardship type waiver.

Ms. Fortin went to note that the ordinance requires an automatic 30-day suspension. As long as there is a violation of the ordinance there is no discretion to reduce the suspension.

In response to questions from Councillor Foley-Ferguson, Ms. Fortin stated yes, the Council does have the authority to interpret the ordinance. Her concern was that this was not the issue on an appeal, as she understands it, Mr. Lyon is not arguing that he didn't violate state law and that the Town's ordinance isn't triggered. His argument is that his case warrants some sort of leniency in that the Council should reduce the automatic suspension. The Shellfish Committee did receive the letter from Chris Vaniotis, dated December 11, and it was discussed at the meeting.

In response to questions from Councillor Temm, Ms. Fortin stated that the Council could retroactively change an ordinance. In order to do this the Town would have to be very explicit in order to do this. Ms. Fortin pointed out that the Shellfish Committee is at least considering changing this section of the ordinance and was a big part of the discussion at the meeting. In order to make change to the ordinance the Council would still have to hold a first reading, public hearing and second reading.

Councillor Downs stated that he was a commercial shellfish digger and a cousin of Mr. Lyon and wanted to ensure everyone knows this.

Councillor Messer felt that the Councillor should abstain due to the fact that he is related to Mr. Lyon. Councillor Temm stated that she would support this as well.

As a point of order, Councillor Messer noted that there has to be a vote on this matter to have Councillor Downs abstain.

Motion by Councillor Messer, seconded by Councillor Temm, to have Councillor Downs abstain from further conversation on Order NO. 00-205.

Vote: 6 yeas.

Ms. Fortin stated that the Council could table this issue until she was able to get a clear cut answer with regards to the Council hearing an issue that was raised on appeal.

Motion by Councillor Temm, seconded by Councillor Foley-Ferguson, to table Order No. 00-205 until there is further clarification on the course the Council wishes to take and stay the enforcement of the penalty until such time as the Council determines.

Chairman Maroon apologized to Councillor Crispin for not allowing him to continue to speak, however the item had been tabled and once tabled there is no further discussion.

Vote: 6 yeas.

Order No. 00-206. Act on the application of Robert Lamy d/b/a Hodges Furniture for a license to conduct a closing out sale under 30-A M.R.S.A. Section 3781. Motion by Councillor Messer, seconded by Councillor Foley-Ferguson to approve the application of Robert Lamy d/b/a Hodges Furniture for a license to conduct a closing out sale under 30-A M.R.S.A. Section 3781.

There was discussion regarding why this item was on the agenda when there was already signs posted at the location indicating the business was going out of business. The owner had been told at the time of application for the permit what the guidelines were, but he did realize that this request had to come before the Council. It was asked whether there was a limit as to how many sales could be held at one location. There was discussion as to signs being put on poles.

Motion by Councillor Temm, seconded by Councillor Messer, to amend to approve Order No. 00-206 to include that the expectation is that staff will follow up appropriately following the town's ordinance in terms that the ordinance is followed.

Vote on amendment: 6 yeas. 1 nay (Councillor Crispin)

There was further Council discussion regarding signs on the poles. It was also pointed out that the letter from Mr. Lamy indicated the final day of the sale as January 10, 2001.

Vote on main motion as amended: 5 yeas. 2 nay (Councillor Crispin & Chairman Maroon)

Order No. 00-207. Act on Council Committee Appointments. Chairman Maroon read the following recommendations for Council Committee Appointments.

Motion by Councillor Temm, seconded by Councillor Borduas, to approve the Council Committee Appointments as recommended by Council Chair. Recommendations are as follows:

Appointments Committee - Councillors Temm*, Crispin and Chairman Maroon (*Chair)

Finance Committee - Councillors Crispin*, Messer and Downs

Ordinance Committee - Councillors Borduas*, Foley-Ferguson and Chairman Maroon

Rules and Policies Committee – Councillors Messer*, Borduas and Downs

Affordable Housing Alliance - Councillors Downs, Crispin and Temm

Conservation Commission Liaison - Councillor Downs

COG General Assembly - Councillors Temm and Borduas (Chairman Maroon, Alternate)

COG Executive Committee - Councillor Borduas

Eastern Trail Alliance Liaison – Councillor Foley-Ferguson

Fair Hearing Authority - Councillors Temm, Downs and Borduas

Fire Commissioner - Councillor Messer

Library Liaison - Councillor Borduas

Long Range Planning Committee Liaison - Councillor Foley-Ferguson

Municipal Facilities Liaison - Councillor Messer

Recreation Advisory Liaison - Councillor Foley-Ferguson

Regional Waste System's Liaison - Councillor Temm (Ron Owens, Town Manager)

Saco Bay Regional Beach Management Liaison – Councillor Foley-Ferguson

School Board Liaison – Councillor Temm

SEDCO Contact – Councillor Crispin

Shellfish Conservation Committee Liaison - Councillor Downs

Solid Waste and Recycling Committee Liaison - Councillor Foley-Ferguson

Vote: 7 yeas.

Order No. 00-208. Discussion with possible action of Council Policy with regards to holding a second reading at the same meeting as the public hearing. Chairman Maroon noted that he had requested this item be placed on the agenda for discussion. There was mixed feelings from the Council regarding this item. It was noted that the Council already had the authority hold a second reading at the time of the public hearing as it so choose.

Motion by Councillor Messer, seconded by Councillor Crispin, to institute a policy where the Council would have the first reading on night and the public hearing and second reading on the second night with the flexibility to table an item for a second reading if need be.

Vote: 3 yeas. 4 nays. (Councillors Borduas, Downs, Foley-Ferguson and Temm)

Item 6. Non-Action Items. None at this time.

Item 7. Standing Committee Reports. Councillor Borduas stated that she would be scheduling the Ordinance Committee meetings and they would be announced at the next Council meeting.

Councillor Messer gave an update on the status of appointments and had written a memo to the new Chair of the Appointments Committee and would have staff send it along to that individual.

Councillor Foley-Ferguson gave an update on the last Ordinance Committee meeting.

Item 8. Special Committee Reports. Councillor Borduas gave an update on the ADA Ad-Hoc Committee.

Item 9. Liaison Reports. Councillor Foley-Ferguson gave an update on the Solid Waste Recycling Committee and noted that their next meeting would be January 9, 2001.

Councillor Downs gave updates on the Conservation Commission and the Shellfish Committee.

Councillor Borduas gave updates on the Library and a focus group at the Greater Portland Council of Governments regarding urban housing.

Item 10. Public Comments. No comments.

Item 11. Council Member Comments.

1. Ron Owens, Town Manager mentioned the retreat dates for the Council and it was decided that January 16 and 18 would be scheduled for 6:00 p.m. Regarding the committee assignments, he felt that there was a staff liaison for each one, there may be a few committees that do not have one, but he would be the liaison for these committee. He noted that that there was some work being done in-house to try to formulate some kind of interim growth management strategy to bring to the Council for sometime in January. The Council received the response from the Smart Growth Committee and Mr. Owens had met with them last week. He would try to bring forth recommendations and the Council may want members of the Smart Growth Group and the Growth and Services Committee present. The Council did talk about having a meeting with just the Smart Growth Group. Members of the Growth and Services Committee would be receiving copies of the Smart Growth Group Report as well as Market Decisions.

Mr. Owens touched base with the annual budget and that the Department Heads were working this; on the Haigis Parkway sewer design and felt that Heritage Estates should be considered when looking at this; he mentioned that enforcement is a tricky issue, with reference to the appeal to the Shellfish Commission and their decision the Council needs to think about the role of the Commission and the Harbor Master. The Council has empowered them with an ordinance to enforce it and they have attempted to do that. If there is going to be an effective enforcement policy the Council stand behind ordinance.

With regards to the question on the Haigis Parkway sewer design and whether it would need to go to public referendum, it would not due to the fact that sewers are exempt.

2. Councillor Messer he appreciated the response to Mr. Bruns' question from last week, but would like further clarification from legal counsel with regards to the fiber optics, gas and other utilities – are these also exempt? His issue with the shellfish violation was that there was a violation of the ordinance, but does the punishment fit the crime? He felt that this area of the ordinance should be revisited.

He wished Mr. Guter a happy 50th. He then reviewed a few things that happened over the past year and went on to list about a dozen. He then wished everyone a happy holiday.

3. Councillor Crispin stated he was uncomfortable with after the fact changes to ordinances. He mentioned an article in the Wall Street Journal school funding.

4. Councillor Foley-Ferguson wished everyone a happy holiday.

5. Councillor Downs wished everyone a happy holiday.

6. Councillor Borduas wished everyone a happy holiday.

7. Councillor Temm gave an update on the NLC Conference she attended and then wished everyone a happy holiday.

8. Chairman Maroon wished everyone a happy holiday.

Order No. 00-209. Request by Councillor Borduas for an executive session to discuss status of litigation in the matter of Valentine vs. Town of Scarborough. Councillor Borduas noted that the information that she wanted to give to the Council had not been received and therefor she withdrew her request for an executive session.

Item 12. Adjournment. Motion by Councillor Messer, seconded by Councillor Temm, to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 yeas.

Meeting adjourned at 9:38 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk