




Speakers and Letter Writers May Wish to Use the Website for Talking Point and Facts. [www.pinepointbeach.com](http://www.pinepointbeach.com)

	<p><b>Welcome to Pine Point Beach.com</b></p> <div data-bbox="778 512 1228 641">  </div>	
<p><a href="#">Town of Scarborough Web Site</a></p>	<p><b>Pine Point, Maine Information</b> E-mail address for this mail group is <a href="mailto:Pine-Point-Beach@maine.rr.com">Pine-Point-Beach@maine.rr.com</a></p>	<p><a href="#">350th Web Site</a></p>
<p>Volunteers maintain this website to share news and information about events and issues in Pine Point on behalf of the Residents Association. The Residents Association is an informal group of citizens who become informed of neighborhood issues and take positions on those to present to town officials.</p>	<p><b>MEMBERSHIP</b></p> <p>To Join, Email Judy Shirk at <a href="mailto:jshirk@maine.rr.com">jshirk@maine.rr.com</a></p> <p>Tell Friends, Family and Neighbors</p>	<p><b>Association Representatives:</b></p> <p>Judy Shirk (Membership), Elaine Richer, Harold Hutchinson, John Thurlow (Webmaster), Sue Perrino, Judy Mushial, Jack Callahan, Joe DeGrinney</p>
<p><a href="#">The Town Council &amp; Town Manager Contacts</a></p>		<p><a href="#">Letters to Editors: Here Are E-mail Addresses to the Editors</a></p>
<p><a href="#">Agenda Watch- Click Here For Town Council Agendas (Scroll to bottom of page)</a></p>	<p>The most recent postings are at the top of the page</p>	<p><a href="#">Watch Town Council Meetings Online - Fast Forward Feature Bottom of Viewing Screen</a></p>

# Speakers and Letter Writers May Wish to Use the Website for Talking Point and Facts. [www.pinepointbeach.com](http://www.pinepointbeach.com)

## Land Swap Information & Pictures

Click on Blue Links

<p><a href="#">Parking Simulation</a> A group of citizens lined up cars where the "new" motel parking lot will go to point out the loss of views that Mr. Hall's "deed restrictions" purport to preserve.</p>	<p><a href="#">Proportion and Value</a> This is NOT an even land swap. Study this data and images which reveal a very disproportionate exchange. The Motel will be give 1/8 acre of oceanfront land at no charge assessed at about \$400,000</p>	<p><a href="#">Scarborough Leader</a> Full Page Ad</p> <p><a href="#">Scarborough Leader</a> Full Page Ad PDF Version</p>	<p><a href="#">Scarborough Leader</a> Full Page Ad, Several Letters to the Editor in the August 6, 2009 Issue</p> <p><a href="#">Jeff Messer Weighs In</a> The former Council chair and co-worker of the current Council chair offers his wisdom and a bit of misinformation and personal smears. He used to praise the Association at every chance for their "professionalism."</p>
<p><a href="#">Deed Restrictions</a> The Town Manager stated these restrictions will preserve public view corridors and beach access.</p>	<p><a href="#">Land Exchange Proportion</a> When something is "traded" or exchanged, isn't it generally of equal value? This graphic shows the unequal value to the Town of the plan, and it does NOT include the intangible yet tremendous value to the motel for redevelopment. Interesting fact: the EXCESS land given for free to the motel adds 45% to their tiny lot. good deal.</p>	<p><a href="#">Town Manager's Plan</a> The Town Manager's plan as designed by the Town Engineer. Requests will be made to determine who paid for all of the legal and engineering work for this plan.</p>	<p><a href="#">Can't Park in Front of Motel?</a> Sure they can. They just don't want to. Why do that when you have a beautiful paved road between your condotel and parking lot. Well, other businesses do it all the time. Here's the new Hospice Center at Oak Hill. Doesn't look too bad. Got approved.</p>
<p><a href="#">Value of EXCESS Land Motel Gets</a> An Appraisal should be done to determine the actual value of the 6,700 SF land the motel receives from the town for free. However, using the tax assessor's rate for the motel property, it is possible to determine a value that way, although it does not take into account the significant intangible value to the motel owners.</p>	<p><a href="#">Pictures Tell a Thousand Words</a> Anyone who views this might scratch their head when they hear this is a land exchange of equal value.</p>	<p><a href="#">A Simple Fair Alternative</a> Move the road southerly a bit and attach their parking to their property. Simple, fair, benefits both the motel and town. There must be a reason why such a simple plan isn't considered.</p>	<p><a href="#">Tourist Bus</a> Interesting Picture</p>
<p><a href="#">Letters to the Editors</a> Portland Press Herald</p>	<p><a href="#">Letters to the Editor</a> Scarborough Leader July 24, 2009</p>	<p><a href="#">Letters to the Editor</a> Scarborough Leader July 3, 2009</p>	<p><a href="#">Letters to the Editor</a> Scarborough Leader June 12, 2009 <a href="#">Judy Shirk</a> <a href="#">Dianne McLellan</a></p>
<p><a href="#">Letter to Ed Murphy - Correction</a> The Association wrote to the reporter to clarify several items which appeared in the August 3, 2009 article about the land swap.</p>	<p><a href="#">Citizens' Petition Signature - Typed Version</a> Here is a list of the taxpayers and residents who signed the petition.</p>	<p><a href="#">Talking Points</a> Check out these arguments</p>	<p><a href="#">Save Depot Street Association</a> Letter to Town Council from this Association's attorney</p>

**AN OPEN LETTER TO REPORTER ED MURPHY REQUESTING CORRECTION OF PARTS OF HIS AUGUST 3, 2009 ARTICLE.  
THE FULL TEXT OF THE ARTICLE IS AT THE END OF THIS DOCUMENT ALONG WITH THE GRAPHICS MENTIONED.**

Dear Mr. Murphy,

The Pine Point group asked if I would write to you to ask for a clarification or correction regarding the August 3, 2009 article in the Press Herald. I am one of the 8 Association representatives. The clarifications are below in UPPER case to distinguish them from the text in the article.

Members of the public have been frequently credited with giving misinformation, but it has been our goal to be very factual and objective to support our views. So we seek to clarify this media report. We understand articles are edited and therefore can inadvertently be inaccurate. Should the Press Herald report further on this important Scarborough issue, we ask you to consider these points. I offer MY opinion at the conclusion.

Some graphics are attached to further clarify the points made below. More information is available at [www.pinepointbeach.com](http://www.pinepointbeach.com).

Thank you for your consideration.

Enjoy your weekend.

Sue Perrino  
Member, Pine Point Residents Association

**On the Web Site –  
Some Good  
Talking Points**

**THE ARTICLE|**

**Land swap foes press their case at Pine Point**

Residents plan to use a Town Council rule to resurrect the matter at the Aug. 19 council meeting.

# On the Web Site – Some Good Talking Points

## Talking Points |

- The land swap issue has energized a great many people from all over town.
- There has been a petition presented and validated by the Town Clerk with 370 residents and taxpayers names on it
- There have been over 50 speeches made to the Council during its last three meetings urging delay, careful study, public involvement
- There have been 27 letters to the various editors in the past month promoting similar messages. More did not get published.
- Many people have expressed appreciation for comments made by Councilors Roy, Sullivan, Rancourt and D'Andrea expressing a need for more details and time.
- The vote was as close as one can get. A Reconsideration rule is in place for good reasons and is very appropriate to do.
- A great deal of new legal and historical information has come to light which makes reconsideration very important.
- There have been claims of misinformation coming from the Town, motel lawyer, and members of the public. The facts need to be determined and this is a complex issue.

# On the Web Site – Consider some calls. 411.com

## CITIZEN PETITION Relating to the Depot Street Area of Pine Point

	NAME	STREET	TOWN
1	Amy Carson	28 Ocean View Rd.	Scarborough, Maine
2	George Thurlow	82 King Street	Scarborough, Maine
3	Kevin B. Delahanty	13 King Street	Scarborough, Maine
4	Dory Hoy	28 King Street	Scarborough, Maine
5	Frank Hoy	28 King Street	Scarborough, Maine
6	Helen Netos	25 King Street	Scarborough, Maine
7	Marcia Taylor	22 River Sands	Scarborough, Maine
8	Regina Gross	26 River Sands	Scarborough, Maine
9	Jeffrey Thurlow, MD	7 Avenue 7	Scarborough, Maine
10	Cynthia Fosse	8 Pillsbury Drive	Scarborough, Maine
11	Fosse Family Trust	8 Pillsbury Drive	Scarborough, Maine
12	Susan Tevald	34 Pillsbury Drive	Scarborough, Maine
13	Susan Thurlow	1 Starpine Lane	Scarborough, Maine
14	Linda Thurlow	7 Avenue 7	Scarborough, Maine
15	Roberta Mulazzi	35 Pillsbury Drive	Scarborough, Maine
16	Robert Mulazzi	35 Pillsbury Drive	Scarborough, Maine
17	Gerry Gaudette	38 Pillsbury Drive	Scarborough, Maine
18	Judie Gaudette	38 Pillsbury Drive	Scarborough, Maine
19	Joseph Tevald	34 Pillsbury Drive	Scarborough, Maine
20	Janice Costello	9 King Street	Scarborough, Maine
21	Sue Perrino	23 Driftwood Lane	Scarborough, Maine
22	Michael Siminski	6a Avenue Three	Scarborough, Maine
23	Amy Chamberlain	9 East Grand Ave. #11	Scarborough, Maine
24	Teresa Barron Keahon	32 Jones Creek Drive	Scarborough, Maine

# Response to Hall's Request for Work Group – not sent yet.

Pine Point Residents Association

July 29, 2009

Mr. Hall,

Thank you for your reply to our request for information about the workgroup you are planning for the Depot St. area.

We polled the Association members and their conclusions are as follows:

The Association expected to be involved in a Depot Street study anticipated once the fall 2008 committee met success, as the Council indicated in June of 2008.

The community was involved in last fall's discussions and recommendations about the use of the Town-owned parcel surrounded by Claudia Way. We would want to continue our participation, particularly if changes to that committee's conclusions are contemplated. We are opposed to the DeWan plan you commissioned and presented in January. Acquisition of that parcel was one of our group's lobbying achievements and we are intensely vested in its development.

We are urging the Council to reconsider its action on July 15<sup>th</sup> at the August 19<sup>th</sup> meeting. That would obviously change plans but a committee would still be a necessary to conclude that work.

Finally, we believe the Town Council should formally create this committee, give it their charges, and determine its composition and time frame, a process we have been promoting this summer on the land exchange. Town Councils followed this process in 2005 and 2008 and both committees were productive means of involving all interested parties. Furthermore, that process would allow members of the public to address the Council on this important committee. The Association members feel this is preferable to "a small working group to assist staff" since we have consistently sought to slow the process down for maximum public involvement. That may not meet your timeline, but August 19<sup>th</sup> is not far away and it seems reasonable the Council could act to create this committee at that time. You also indicate the Council needs to approve the \$30,000 you discovered, so that authorization could presumably be granted along with creation of the committee.

Please pass along our request for the Council to add creation of an ad-hoc committee to its August 19th agenda.

Thank you once again.

Jack Callahan, Joe DeGrinney, Judy Shirk, Sue Perrino, Judy Mushial, John Thurlow  
Harold Hutchinson, Elaine Richer

Representatives of the Pine Point Residents Association

# Hall's Erroneous Claim - Referendum



## Pine Point residents propose alternate plan for Scarborough land swap Published: Jul 02, 2009 8:50 am - By Peggy Roberts

"The council passed the first reading and that's what will be coming back to them," he said. "Many will present their plans, I suspect, to the council; I don't intend to prepare a written commentary of their plan."

Hall said he planned to offer the council a list of public benefits that any proposal must be measured against, "because if it doesn't benefit the public, we shouldn't be talking about it."

As for the group's petition, Hall said it has no legal power before the council's decision.

"After the council takes action," he said, "there is a citizens' initiative process to overturn it."

If the group does not agree with the council's decision, it could attempt to collect the requisite number of signatures, which would place the initiative on the ballot for all town residents, Hall said.

Peggy Roberts can be reached at 781-3661 ext. 125 or [proberts@theforecaster.net](mailto:proberts@theforecaster.net).



# Road Ownership Questions

**From:** Rep. Sean Flaherty [mailto:seanflahertyforscarborough@gmail.com]  
**Sent:** Wednesday, August 12, 2009 2:14 PM  
**To:** john@thurlow.com; rbaizley@maine.rr.com  
**Subject:** Fwd: FW: The wide Pine Point Road...from Bob Rovner, Pine Point

FYI: I've asked Bob to get in contact w/ Commisioner Cole. He's happy to put his staff on looking into the State v. Town ownership. Hope it helps, let me know if you need help working with anyone up there at DOT.

Thanks,  
Sean

Representative Sean Flaherty  
Maine House District 127 - Scarborough  
207.450.4188 (c)  
[RepSean.Flaherty@legislature.maine.gov](mailto:RepSean.Flaherty@legislature.maine.gov)

From: **Rep. Sean Flaherty** <[seanflahertyforscarborough@gmail.com](mailto:seanflahertyforscarborough@gmail.com)>  
Date: Wed, Aug 12, 2009 at 2:10 PM  
Subject: Re: FW: The wide Pine Point Road...from Bob Rovner, Pine Point  
To: [PGRMAR1@aol.com](mailto:PGRMAR1@aol.com)

Bob,

Just got off the phone with Commisioner David Cole. He would like you to e-mail him a location of the property so that he can than pass it on to his proper folks. Please e-mail him at [david.a.cole@maine.gov](mailto:david.a.cole@maine.gov) and he will be happy to put the right people on the task!

Let me know if you need help getting anywhere with them, but David sounded ready to help.

Thanks,

Sean



**Button for Unity  
or Other Idea?  
On Web Site**

**Pine**



**Point**

# Letter from Save Depot Street Association's Attorney to Town Council: Some Good Talking Points. On Website

**PERKINS | THOMPSON**  
ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1871

ONE CANAL PLAZA  
PO BOX 426  
PORTLAND ME 04112  
TEL 207.774.2635  
FAX 207.871.8026

[www.perkinsthompson.com](http://www.perkinsthompson.com)

August 12, 2009

**BY HAND DELIVERY**

Scarborough Town Council  
Scarborough Municipal Building  
PO Box 360  
Scarborough, ME 04070-0360

Re: Land Exchange Between Town of Scarborough and Trumans; Orders No.  
09-88, 09-89, 09-90 and 09-91/Request for Reconsideration

Dear Chair and Members of the Scarborough Town Council:

This letter is written on behalf of the Save Old Depot Street Association, and on behalf of Scarborough residents and/or taxpayers Robert and Pammela Rovner, Suzanne Richard Rousseau, Gaston Lee, Paul Kirby, George Pulkkinen, Judy Shirk, Lily Serrecchia, Joe Tedeschi, Christine Provencher, John and Carol Barrett, Dianne McLellan, Joe DeGrinney and Don Cote.

Our clients support the Scarborough Town Council's reconsideration of the four orders (09-88, 09-89, 09-90, and 09-91) it approved on July 15, 2009 to effect a discontinuance and exchange of a 49.5 ft. wide portion of the paved Pine Point Road (formerly "Depot Street," the "49.5-foot wide road") for an approximately 21 ft. wide strip of abutting private land as described in the Trumans' deed at Book 4969, Page 313 of the Cumberland County Registry of Deeds ("the 21-foot wide strip"), and request that the Council reverse its approval of those orders. Reconsideration appears to be the only way that the concerns of the Save Old Depot Street Association can be addressed, since Section 901 of the Town Charter limits the referendum process to ordinances, and to orders or resolves that either appropriate or authorize borrowing of \$100,000 or more for capital expenditures, and these orders for a discontinuance and land exchange are not within any of these categories.

**Legal Considerations**

It is appropriate that the Council reconsider and reverse its approval of the

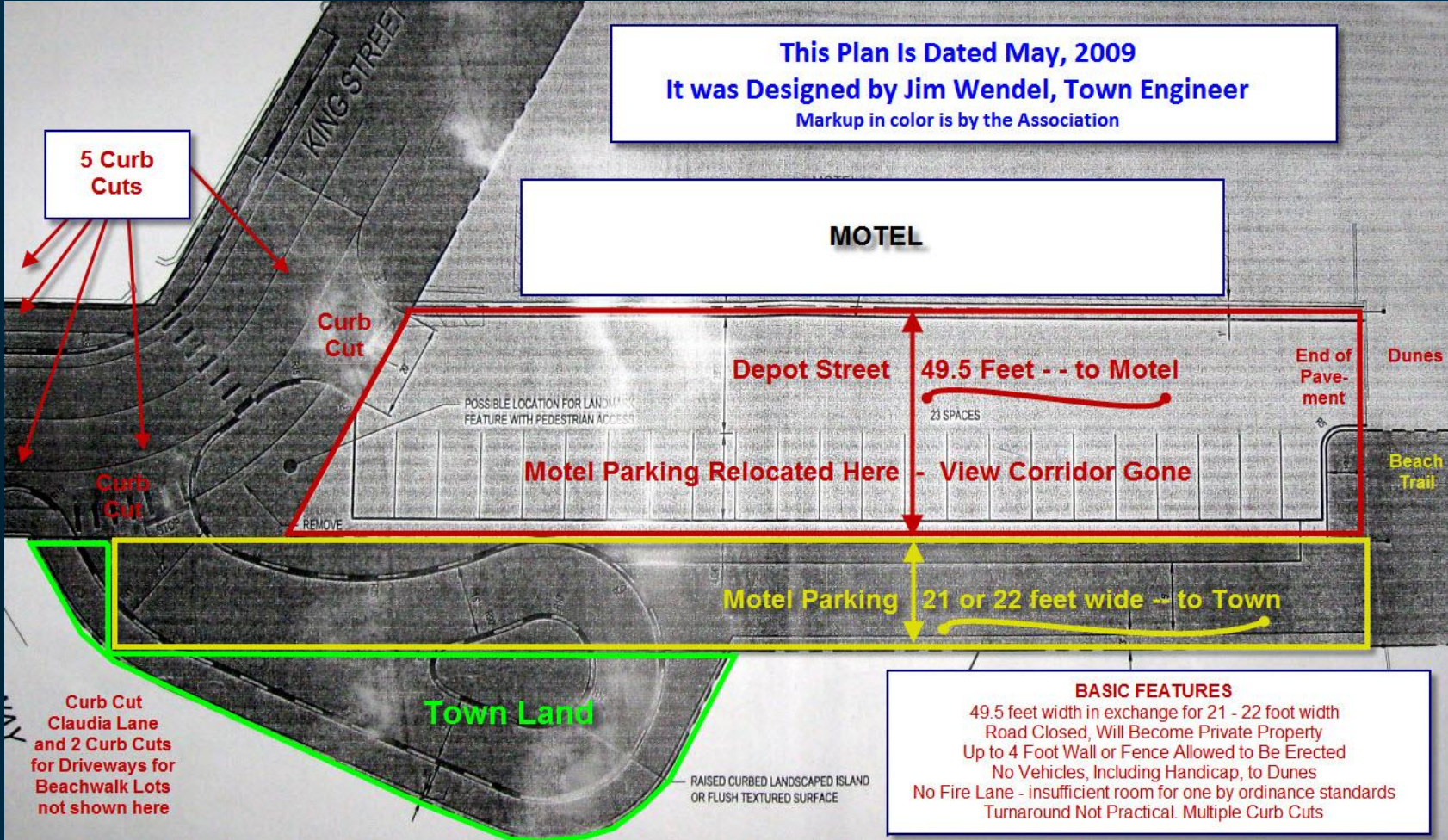
DOUGLAS S. CARR  
PHILIP C. HUNT  
JOHN S. UPTON  
PEGGY L. MOSEHEE  
MELISSA HANLEY MURPHY  
JOHN A. CRALDO  
JOHN A. HOBSON  
JAMES N. KATSIARICAS  
TIMOTHY P. BENNETT  
J. GORDON SCANNELL JR.  
FRED W. BORRIS  
MARK P. SNOW  
WILLIAM J. SHULS  
DAVID B. MCCONNELL  
PAUL D. PETROPOULOS  
HOPE CREAL JACOBSEN  
RANDY J. CIESWELL  
JENNIFER H. PRICUS  
DAWN M. HARMON  
CHRISTOPHER M. DARGE  
ANTHONY J. MANHART  
STEPHANIE A. WILLIAMS  
PETER J. MCDONELL  
KEITH J. DUNLAP  
SARA H. MORMAN

**OF COUNSEL**

THOMAS SCHULTEN  
OWEN W. WELLS  
ANDREW A. CADOT  
JULIANNE C. RAY



**Wendel Plan with New Parking Lot – not presented. Mark ups are by Assn.**



## Ad Number 2 August 7<sup>th</sup> Leader

Thank you Elaine and  
George and Gaston  
and Mr. Lewis

Page 2!

### Attention Scarborough Citizens...

This is your public road to the beach which  
may be closed and deeded to the motel.



**PLEASE CONTACT YOUR TOWN COUNCIL. SHOW YOUR  
SUPPORT FOR AN EVEN LAND EXCHANGE THAT'S FAIR FOR  
THE TOWN AND WILL KEEP OUR PUBLIC ROAD OPEN.**



A "Before and After" simulated view of the Pine Point Road if the motel parking lot moves on to the road historically known as Depot Street.

The Land Swap includes "deed restrictions" to "Preserve Public Views." A group of citizens lined up cars on the public street to show the actual loss of views when the road is closed and conveyed to the motel for parking. Fences and walls four feet high would be allowed. (Note: this simulation was on public property. See sign at the dunes in both photos for comparison.)

#### THE QUESTION OF VALUE Plan Before Town Council

Total Land Involved in Swap	32,875 SF
Land Going to Motel	19,831 SF
Land Left to Town	13,044 SF
Difference in Favor of Motel	.16 Acre or 6,787 SF
Assessor's Value of Motel Land per Acre	\$2,200,000.00
Motel Gets 1/8+ acre of additional land worth	<b>\$342,777.78</b>
(Using Assessed Value, not Potential Real Value)	

#### Support A Simple, Even Swap



**Urge the Councilors to make a Fair Swap. Contact them at:**

Michael J. Wood	Ronald Ahlquist	Shawn Babine	Richard Sullivan, Jr.	Judith L. Roy	Carol Rancourt	Karen D'Andrea
730-4198 Extn 6200	730-4198 Extn. 6204	730-4198 Extn. 6203	730-4198 Extn 6206	730-4198 Extn. 6201	730-4198 Extn. 6205	730-4198 Extn. 6202
mjwood@	rahquist@	sbabine@	rsullivan@	joy@	crancourt@	kdandrea@
d.scarborough.me.us	c.scarborough.me.us	d.scarborough.me.us	d.scarborough.me.us	c.scarborough.me.us	c.scarborough.me.us	c.scarborough.me.us



# Ad Number 2 August 14<sup>th</sup> Leader

## Thank you Elaine and George

## Contributions needed.

## Support an 'Even Swap' in Pine Point **Keep Your Beach Road Open!**

On July 15th, a majority of the Town Council voted to close the end of the Pine Point Road at the Beach and deed it to the Lighthouse Motel. The vote included a gift of 6,787 square feet of oceanfront public land to the Motel. It was an unprecedented act following an incomprehensible decision making process. Please help get this mistake overturned. Tell the Council members you want a fair, even swap of land.

### THE UNEQUAL SWAP

Town gives 49.5 foot-wide public road at the Beach. Town gets Motel's 21-foot wide parking strip. *Fair swap?*

### THE GIFT

The Unfair Swap gives the Motel 6,787 square feet of additional shorefront land for FREE. Source: Town Manager's Land Exchange Plan.

### THE VALUE

Excess Land Gift to Motel .....	6,787 Sq. Ft.
Assessor's Rate for this Area .....	\$2.2 million/acre
Value Based on Assessment .....	\$342,777.00
Brokers' Opinion of Value.....	\$450,000-\$600,000
Price Paid by Motel .....	\$0.00
Value to the Citizens .....	Priceless

### THE VOTE

**4 Councilors Voted  
in Favor of  
the Unequal Swap**  
Babine, Wood, Ahlquist,  
Sullivan

**3 Opposed the Swap**  
Roy, Rancourt,  
D'Andrea

### LETTERS TO THE EDITOR

38 Letters to the Editor have appeared opposed to the unequal land exchange with only one Letter to the Editor in favor.

### CITIZENS' PETITION

374 citizens, taxpayers, voters signed a petition indicating a clear opposition to the land swap. Their outrage was minimized by the Council Chairman who suggested people will sign anything.

### TESTIMONY

52 citizens have addressed the Town Council at the podium over the past three meetings. 51 have spoken against the unequal swap, 1 in favor.



**URGE THE COUNCIL TO RECONSIDER,  
APPROVE AN EQUAL SWAP, AND NOT  
CLOSE OUR PUBLIC ROAD TO THE BEACH**

PLEASE ATTEND THE COUNCIL MEETING  
Wednesday, Aug. 19th, 7:00 PM, Town Hall  
Demand Reversal of this Decision

Visit  
[www.pinepointbeach.com](http://www.pinepointbeach.com)  
To Learn More

# Fire Chief's Memo June 17<sup>th</sup> Day of 1<sup>st</sup> Reading

## The Emergency Vehicle Access Questions

TO: TOM HALL, TOWN MANAGER  
FROM: B. MICHAEL THURLOW, FIRE CHIEF  
SUBJECT: DEPOT STREET ACCESS TO THE BEACH  
DATE: 6/17/2009

Redacted  
Memo

Even though the department would likely not access the beach from Depot Street I believe it would be very important to maintain a fire lane for access as close to the beach as possible at that location in any design plans that are being considered for this area.

### 10. Fire Protection Infrastructure Standards

1. Fire protection infrastructure standards shall be required when a road is required to be constructed by Section IX(I)4d and shall be in compliance with the following National Fire Protection standards.
  - a. Access
    - i. A private way shall provide a minimum unobstructed width of 20 feet with an unobstructed vertical clearance of 13 feet-6 inches.
    - ii. The road within the private way shall provide sufficient width for fire apparatus to execute a turning maneuver with a minimum 50 feet outside radius.
    - iii. Any dead-end private way greater than 150 feet in length shall provide a hammerhead turnaround.
    - iv. The road shall be able to support the imposed fire apparatus load of 70,000 lbs.
    - v. If fire protection infrastructure for the project requires underground fire tanks, a 30 ft by 50 ft easement to the Town shall be required.

- Citizens Alternative Plan leaves 44 feet of public road to provide the fire lane recommended
- Excerpt from Zoning Ordinance speaks to the standards for fire lanes in private roads.
- Residents suggest that emergency vehicle access would be compromised if the existing 50' road is exchanged with the 22 foot parking strip.
- An even exchange would maintain 44 feet of public road

**CHAPTER 306  
TOWN OF SCARBOROUGH  
ESTABLISHMENT OF FIRE LANES**

**Purpose**

Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there exist and will in the future exist buildings and other areas within the Town within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt adequate emergency services including access by firefighters and fire-fighting equipment and other emergency personnel and equipment in order to accomplish said purposes and effect the saving of life and property in emergency situations.

**Definitions**

**(a) A “fire lane”**

Is defined for the purposes of this article as a designated unobstructed passageway at least twenty (20) feet in width with a outside turning radius of fifty (50) feet and constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of season of year or weather conditions, in areas or in developments or subdivisions, as may be required elsewhere in this article.



## Scarborough's Comprehensive Plan

**Excerpts relating to Marine Resources demonstrate importance of access and maintenance.**

### Chapter 5: Policy Objectives and Actions

#### D. Marine Resources

##### Our Vision for Scarborough's Marine Resources

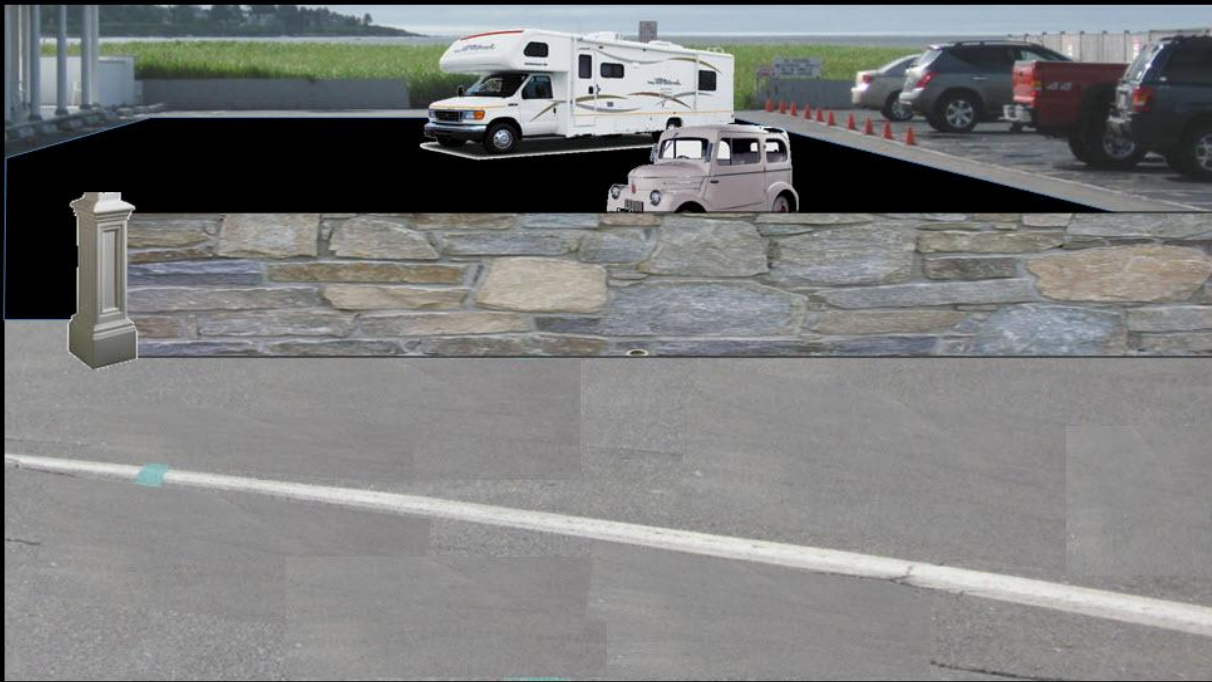
***Objective D.3. Maintain the existing public marine related facilities and access points, and expand the number of access points and facilities when feasible.***

The Town over the years has invested in rest rooms, showers, and changing facilities at both Pine Point and Ferry Beach where the Town operates parking lots. Those facilities should be maintained and not allowed to deteriorate over time. Existing access points, including boat ramps and launches, also need to be maintained in good condition so they remain safe and usable for the public. In instances where the use of existing public access points and/or facilities is impeded, clarification of property rights needs to be addressed so that these access points are not blocked or become off-limits to the public. The Town should also pursue, when feasible, additional points of public access to the marine environment for recreational and/or commercial use, as well as additional facilities such as parking lots, boat launches, restrooms, showers, and changing rooms.

**Action D.3.g.** The Town should annually review all existing public access points and facilities for any issues relating to property rights and/or infringement by abutters to the public's use of those access points and facilities. Any issues need to be addressed so as to maintain and protect public access.

**Action D.3.h.** The Town should study the possibility of introducing language into the Town's Subdivision Ordinance that would require the reservation of, at a minimum, a pedestrian access easement to the marine environment through any proposed subdivision which borders tidal waters that merit being accessed.

**Action D.3.f.** Investigate the possibility of developing a drop-off point at Higgins Beach, in addition to any reservation of a long-term parking area.





# Unequal Exchange Principles - Free 1/8 Acre

## Percentages of Ownership Reversed

## Value Determined

## No Bid Process to sell public property

### Calculations of Land Swap: Using Plan Presented to the Town Council

#### Source: Town Engineer Plan

	Square Footages	Percentage of Land
<b>Plan Before Town Council (Includes the Dunes and Beach Beyond Pavement)</b>		
Land to Motel	19,831	60% Motel
Land to Town	13,044	40% Town
<b>Total</b>	<b>32,875</b>	<b>100%</b>

Land to Motel	19,831	60% Motel
Land to Town	13,044	40% Town
<b>Total</b>	<b>32,875</b>	<b>100%</b>

#### Plan Before Town Council (Excluding the Dunes and Beach - Paved Portion Only)

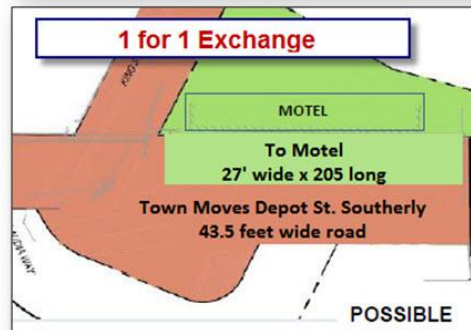
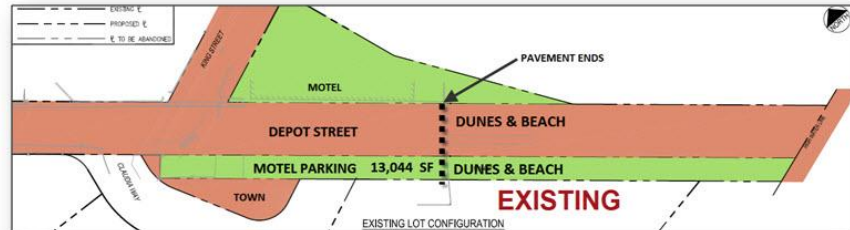
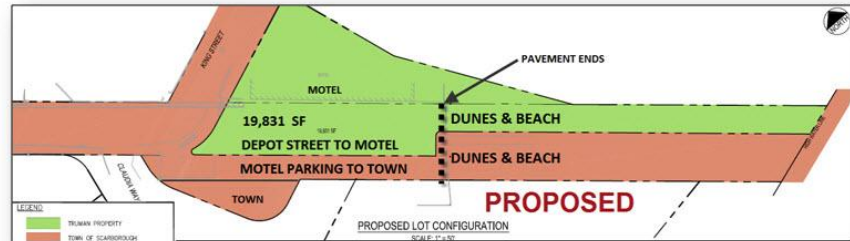
Land to Motel (The Paved Portion of Depot Street)		
49.5 wide by 205 feet	10,148	64% Motel
Land to Town (Entire Motel Parking Strip)		
270' x 21.0' (the deed reads 21.0 feet, not 22.5')	5,670	36% Town
<b>Total</b>	<b>15,818</b>	<b>100%</b>

#### The Way It Is NOW (Paved Portions Only - no dunes or beach)

Parking Strip		
21 wide by 270 feet	5,670	36% Motel
Depot Street		
205' x 49.5	10,148	64% Town
<b>Total</b>	<b>15,818</b>	<b>100%</b>

#### Citizens Alternative Plan - Maintain Ratio of Ownership (1 for 1 Exchange)

Land to Motel (Move Parking Strip 21.0' x 205' and add extra 6' x 205' for lost motel parking spaces)		
27 wide by 205 feet	5,535	35% Motel
Land to Town (49.5' Depot Street Moved Southerly, Reduced 6' x 205')		
205' x 43.5	8,918	
Sacrificed Motel Parking Spaces to Town 65' x 21'	1,365	65% Town
	10,283	
<b>Total</b>	<b>15,818</b>	<b>100%</b>



#### THE QUESTION OF VALUE: Plan Before Town Council

Land to Motel	19,831	SF
Land to Town	13,044	SF
Net Additional Land to Motel	6,787	SF
Acre is at 43,560 SF Increase in Acreage to Motel	0.16	Acre
Current Assessed Value of Motel Land per Acre	\$ 2,200,000.00	
Value of Net Additional Land to Motel	\$ 342,777.78	
(based on tax assessment only - actual value higher)		

### Plan Before Town Council

Land to Motel	19,831	60% Motel
Land to Town	13,044	40% Town
<b>Total</b>	<b>32,875</b>	<b>100%</b>

### Plan Before Town Council (Without Dunes and Beach)

Land to Motel (Paved Portion of Depot Street) 49.5 wide by 205 feet	10,148	63% Motel
Land to Town (Entire Motel Parking Strip) 270' x 22.5'	6,075	37% Town
<b>Total</b>	<b>16,223</b>	<b>100%</b>

### Current Configuration (Developed Portions Only - no dunes or beach)

Parking Strip 22.5 wide by 270 feet	6,075	37% Motel
Depot Street 205' x 49.5	10,148	63% Town
<b>Total</b>	<b>16,223</b>	<b>100%</b>

## THE QUESTION OF VALUE: Plan Before Town Council

Land to Motel	60%	19,831	SF
Land to Town	40%	13,044	SF
Net Additional Land to Motel		6,787	SF
Acre Is at 43,560 SF Increase in Acreage to Motel		0.16	Acre
Current Assessed Value of Motel Land per Acre		\$ 2,200,000.00	
Value of Net Additional Land to Motel		<b>\$ 342,777.78</b>	
(based on tax assessment only - actual value higher)			

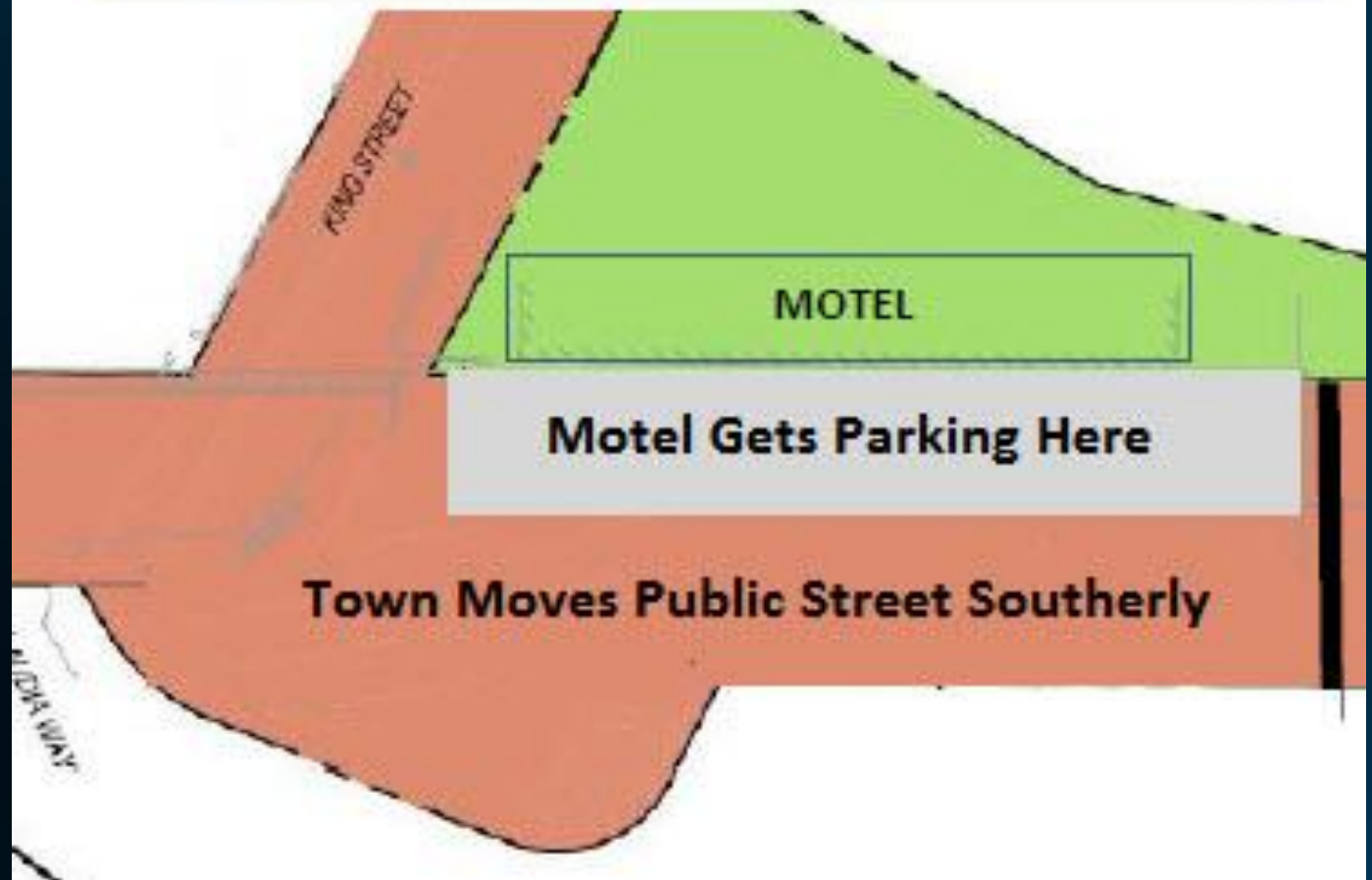
# Parking Simulation





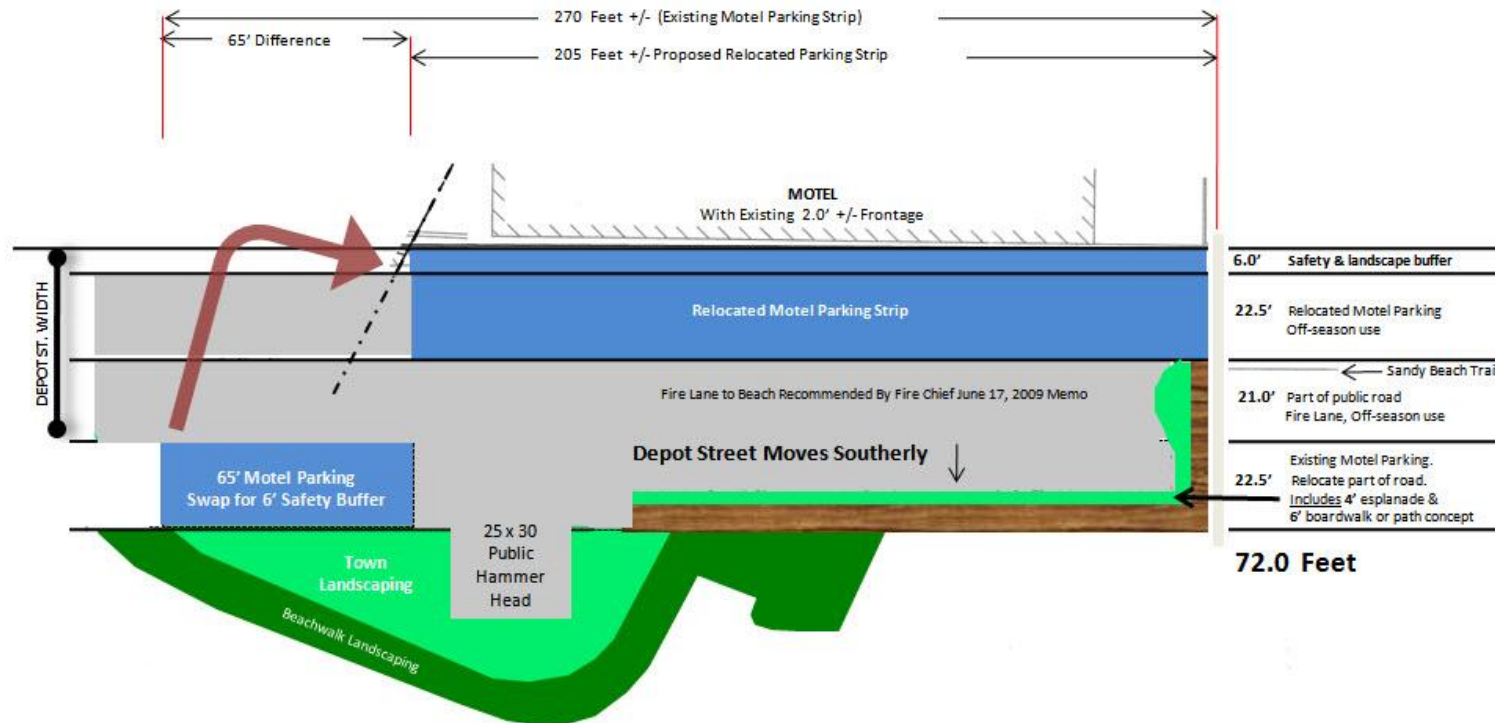
## Promote Alternative Plan

### Support A Simple, Even Land Swap

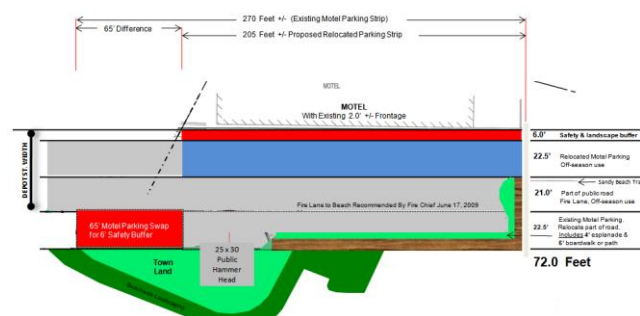
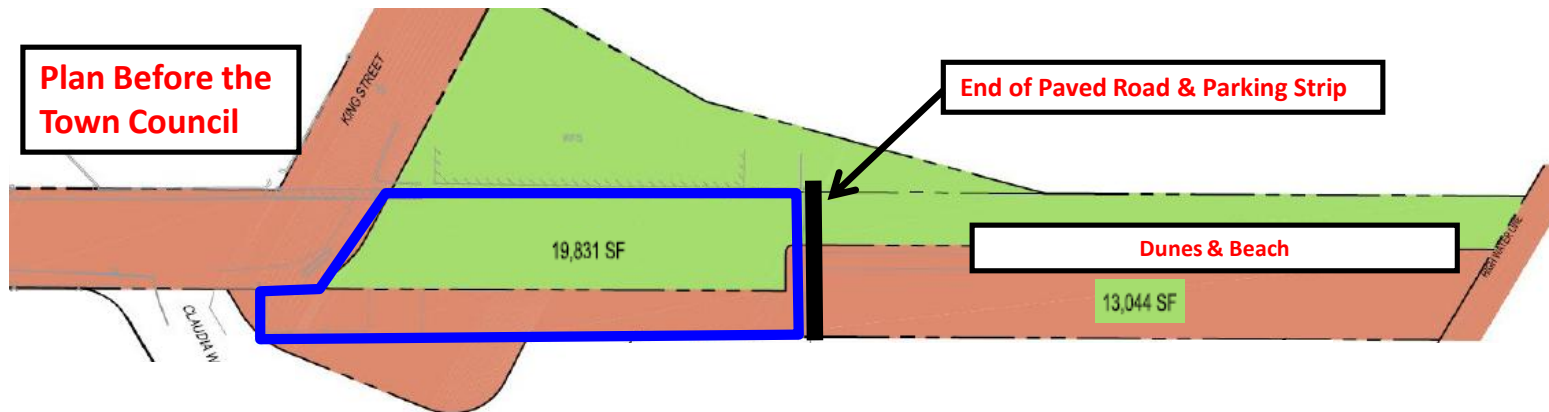




## Citizens' Alternative Land Swap Plan (Without the dune/beach areas)



**Plan Before the  
Town Council**



## Citizen's Alternative Depot St. Land Exchange Proposal

June 22, 2009

The attached is a citizen proposal for an alternative plan to reconfigure Depot St. Several residents worked on this plan to accomplish these goals:

1. Offer a compromise solution in good faith.
2. Maintain the shorefront public road to the extent possible.
3. Allow the off-season use of the road due to the 6-month occupancy restriction of the motel.
4. Exchange land evenly between public and private interests to the extent possible.
5. Provide the motel with a safer, more attractive and functional parking area.
6. Provide improved motel parking maneuverability with larger turning areas.
7. Provide a safe public drop off area off from the busy intersection of King St. and Pine Point Rd.
8. Maintain a fire lane for emergency beach access recommended by the Fire Department.
9. Complement the reconstruction Plan for the end of the Pine Point Rd. presented to the Council January 2009 calling for sidewalks and grassed esplanades.
10. Provide perimeter green space everywhere with landscaping to reduce paved, impervious surfaces.
11. Complement and enhance the Beachwalk landscaping and beautify neighborhood while protecting private property.
12. Provide opportunities to collaboratively design the "Ocean Gateway" vision promoted by community members and the 2005 Council Study. Involve all parties.
13. Embrace the intent of the Comprehensive Plan calling for enhanced marine access.
14. Provide opportunities for the motel owners to present a re-development plans in the future without burden of restrictions imposed in the pending proposal before the Council presented June 17, 2009.

### 4 Current Alternatives

#### Four Alternatives for Examination

1. The proposal presented June 17, 2009 to the Council by the Town Manager.
2. The original 1:1 exchange presented in 2005 to facilitate the motel's redevelopment into high-end condos followed by an 8-month study.
3. The citizen-crafted Alternative Plan presented here.
4. Do nothing at this time pending further review.

### Frontal Dunes and Beach

The frontal dunes and beach are not included in the Citizen's Alternative Plan. These areas cannot be altered or developed and public rights there are not in question. We recommend they not be included in the discussion other than for technical legal reasons regarding a land lease or contract.



**Pine Point Rd. Would Be Closed at Beach**

The Plan: To Swap the End of the  
Pine Point Rd. for the Motel Parking Strip?  
Please Say No!  
Support an EVEN Exchange of Land That's Fair

**Motel's Parking Strip**



# The Hall - Delahanty Messages

## Hall contradicts the motel attorney

## Quotable

## Do they know what the motel plans are?

**From:** Thomas Hall [mailto:THall@ci.scarborough.me.us]

**Sent:** Wednesday, July 15, 2009 9:57 AM

**To:** John Delahanty

**Cc:** Shawn Babine; Carol Rancourt; Councilor Ahlquist; Councilor Babine; Councilor Rancourt; Councilor Roy; Councilor Sullivan; Councilor Wood; Judy Roy; Karen D'Andrea; Mike Wood; Richard Sullivan; Ron Ahlquist

**Subject:** RE: Pine Point - Depot St; Opposition to Proposed Land Swap

Mr. Delahanty – Thank you for the courtesy of being aware of what you sent to the Town Council and for your thoughtful comments. I will forward your email to Councilor Rancourt to ensure that she receives it before the meeting.

Without getting into the particulars of the proposal or the alternate plan, I would like to offer a couple of comments on how we arrived at this point. As in any negotiation, a successful conclusion requires both parties to agree to the final outcome, which often represents a compromise - this case is no different. I made a conscious decision to negotiate outside of the public process, not secretly, but privately. I did this under the belief that inviting others into the process would have been challenging at best and we likely would not be able to get to point we are. It obviously remains to be seen whether the land exchange I was able to negotiate is good enough, and the beauty of the process is that someone else (the Town Council) will make that decision. The fact is that we need the Truman's cooperation to utilize and maximize other Town-owned lands in an effort to enhance public access and ideally address some of the long-standing safety issues in the area. Perhaps more so, the Truman's need the Town to improve the functioning of the current non-conforming use and certainly to maximize re-development opportunities. We always have the option of saying no and living with the status quo with the knowledge and comfort that they will be back in the future. I have analyzed other possible design scenarios, including the "alternative" plan, and have failed to identify another scenario that will serve the public better. For me, it comes down to the question of whether the opportunities for enhanced public access made possible through the land exchange are sufficiently superior to the current situation.

This backdrop makes for what will be an interesting and challenging meeting this evening. If I can be of any further assistance, please do not hesitate to contact me. Otherwise, perhaps I will meet you tonight. Thanks for your interest in this matter. Tom

**Thomas Hall,**  
**Scarborough Town Manager**

**Petition  
Validation by  
Town Clerk**

**Voters only?  
Chairman  
Discredits  
taxpayers and  
residents as  
legitimate  
signers.**

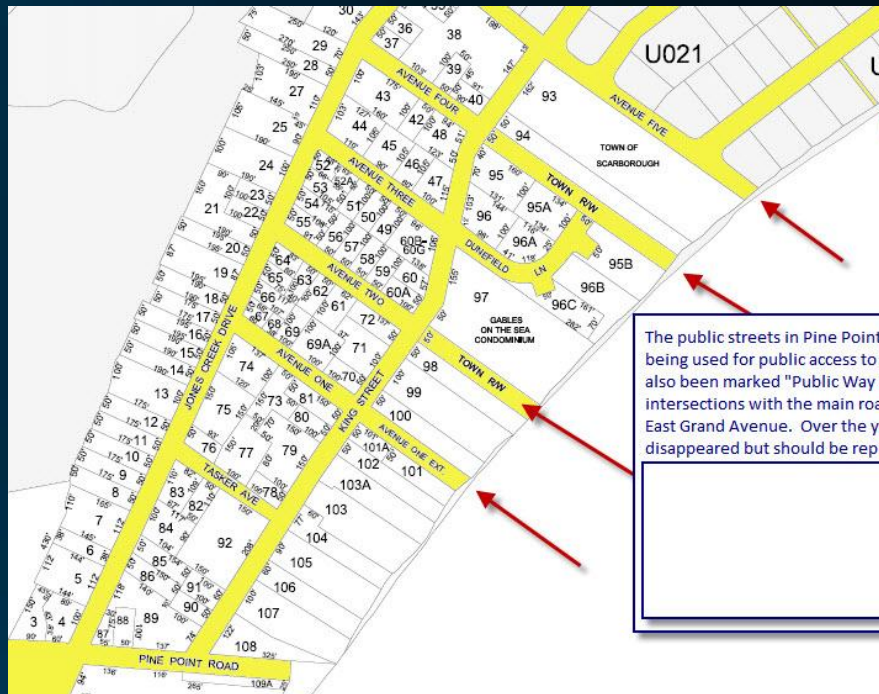
**343 Residents or  
Taxpayers**

**Disclaimed this.  
Voters?**

Registered to Vote in Scarborough	Not Registered in Scarborough But are in the Maine Central Voter System	Not Registered In the Maine Central Voter System
26	5	11
29	10	11
25	17	8
24	14	12
34	8	8
10	7	15
43	7	0
25	9	16
216	77	81



# Impact on other rights of way





The paved portion of Oak Street is 15 feet wide. Depot is 49.5 wide. What would be the impact on Oak St. and others when people try to drive to the shore?



IMG\_2649.JPG




IMG\_2650.JPG



IMG\_2652.JPG



IMG\_2653.JPG

 Screenshot sa  
click to view

# Insufficient Public Notice

## No mention of the Public Easement

**BERNSTEIN SHUR**  
COUNSELORS AT LAW

207 623-1596 main  
207 626-0200 facsimile  
bernsteinshur.com

146 Capitol Street  
PO Box 5057  
Augusta, ME 04332-5057

June 12, 2009

Mr. Dan Bacon  
Planning Department  
Town of Scarborough  
259 US Route 1, PO Box 360  
Scarborough, Maine 04070-0360

Re: Notice of proposed discontinuance of town way

Dear Mr. Bacon:

I am writing on behalf of the municipal officers of the Town of Scarborough to give you notice of their intention to meet on Wednesday, June 17, 2009 at 7:00 p.m. at the Scarborough Town Offices, 259 US Route 1, to consider Town Council Order No. 09-91, which states as follows:

Act to discontinue all of that portion of the town way accepted on March 28, 1872 and depicted as "Town Road" on a plan entitled "Plan of Pine Point, Scarborough, Me." recorded in the Cumberland County Registry of Deeds at Plan Book 6, Page 36, formerly known as Depot Street and renamed Pine Point Road in 1976, which lies southeasterly of the intersection of King Street and Pine Point Road, with the westerly boundary line of that portion of Pine Point Road to be discontinued being defined by the turning of an approximate 49.5 ft radius, with the radius point on the pin at the intersection of the northeasterly sideline of Pine Point Road and the northwesterly sideline of King Street, from the southeasterly sideline of Pine Point Road to the extension and on the same course of the southeasterly sideline of King Street and then on the same course of that sideline extension to the southeasterly sideline of King Street as depicted on said plan. Said discontinuance to take effect only upon recording in the registry of deeds of the deeds described in Order No. 88, Order No. 89 and Order No. 90.

Very truly yours,

*Amanda A. Meader*

Amanda A. Meader

## CHAPTER 302 SCARBOROUGH TOWN COUNCIL RULES, POLICIES & PROCEDURES MANUAL

### 103.0: Regular Meetings.

The regular meetings of the Town Council shall be held in the room known as the Town Council Chamber of the Town Hall at 7:00 P.M., Eastern Standard Time, on the first and third Wednesdays of each calendar month, with the exception of the months of July and August when only one meeting will be held on the third Wednesday of each of the two months.

### 118.0: Item for Meetings: Filed When.

No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order, or resolve shall be filed in the office of the Town Clerk on or before 2:00 p.m. in the afternoon on the Wednesday prior to the regular meeting held on the following Wednesday and before 2:00 p.m. in the afternoon of the business day next to the day of any other special meeting. (amended 12/01/04)

118.1: In the event that the Town Clerk's Office is not open on Wednesday, then the deadline for filing will fall at 2:00 p.m. on Tuesday the day before the original filing deadline. Members of the public wishing to place an item on the agenda shall do so with the support of a Councillor. Agenda items shall not be removed from the agenda after the agenda has been published. (adopted 04/19/00) (amended 12/01/04)

### 124.0: Motion to Adjourn: Lay on Table.

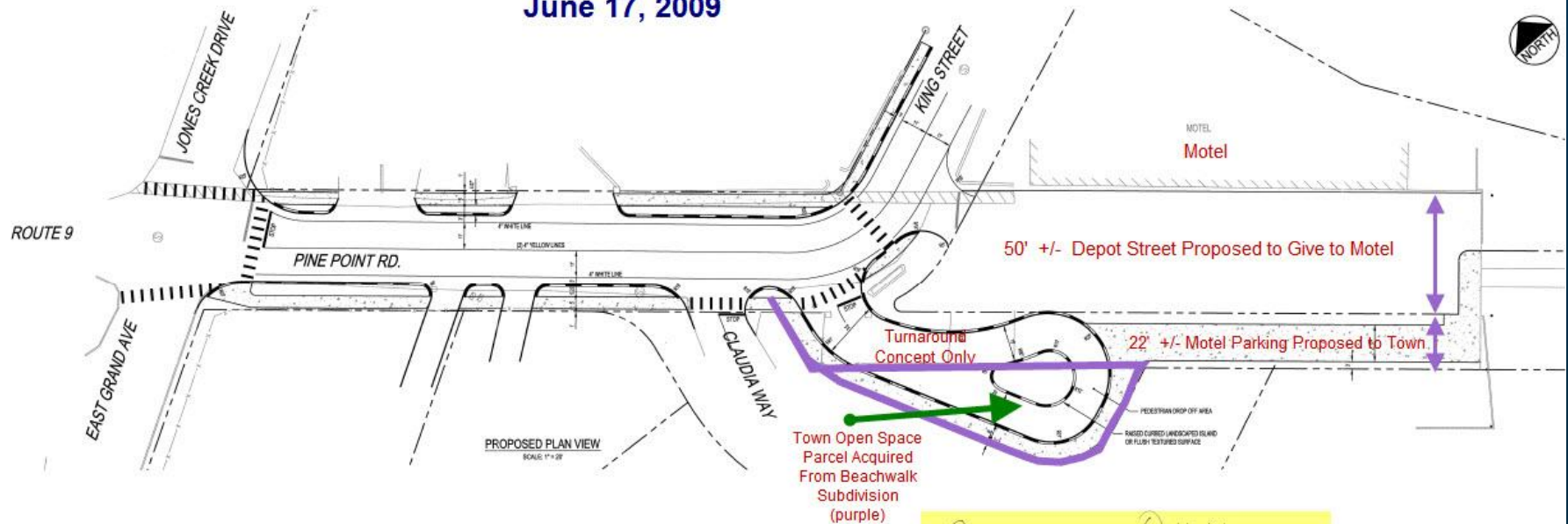
The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

### 125.0: Reconsideration.

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

125.1: No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next meeting unless an item to that effect is contained on the agenda for such next meeting, or unless five of the members consent to such reconsideration.

**Engineering Done for Turnaround  
Presented to the Council  
June 17, 2009**

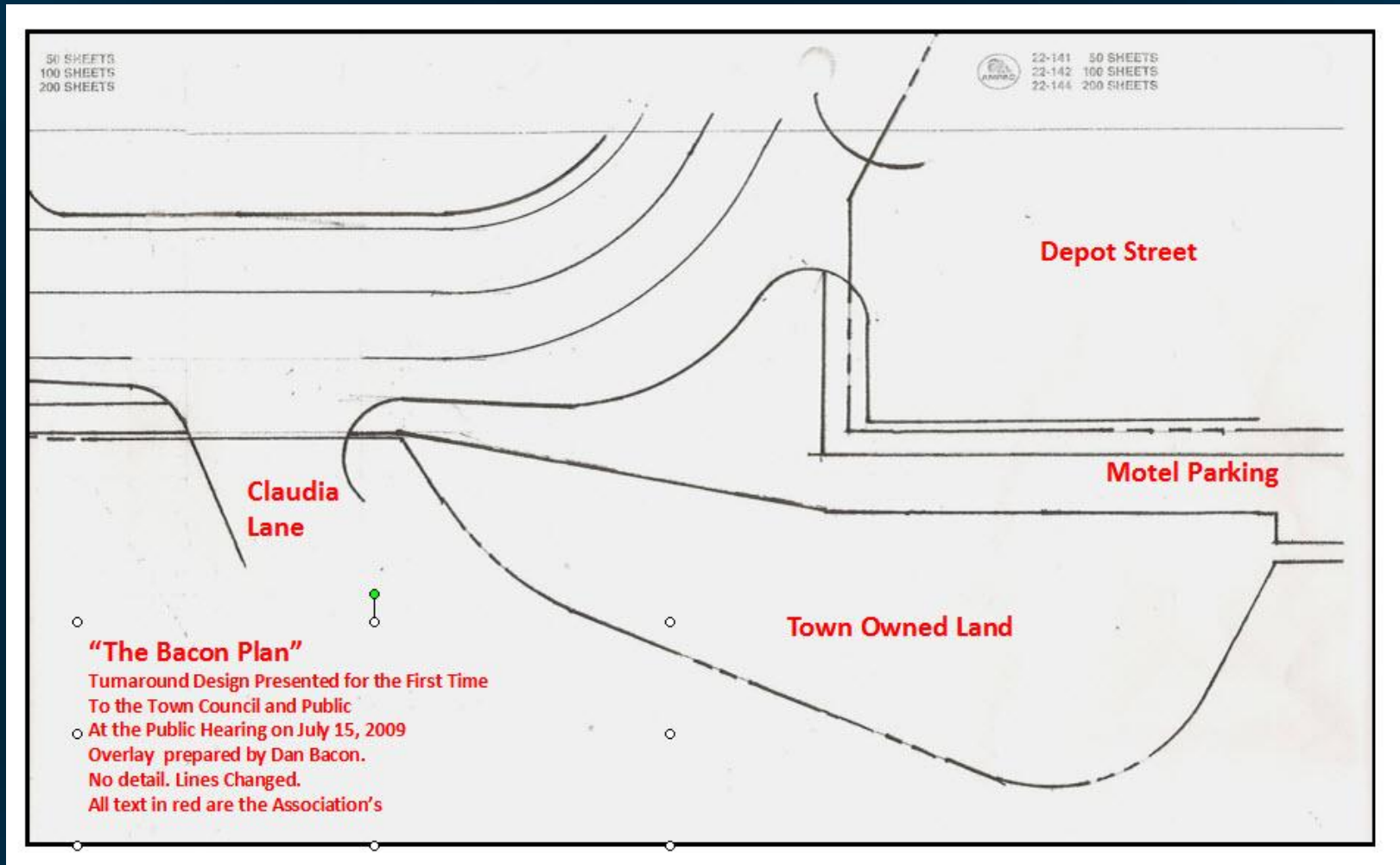


All red, blue and purple notations added to the  
Plan by the Association for clarification

CONCEPT ONLY -  
FOR DISCUSSION PURPOSE



# The Bacon Plan Presented on a Sheet of Paper July 15<sup>th</sup> – a new turnaround design - ???

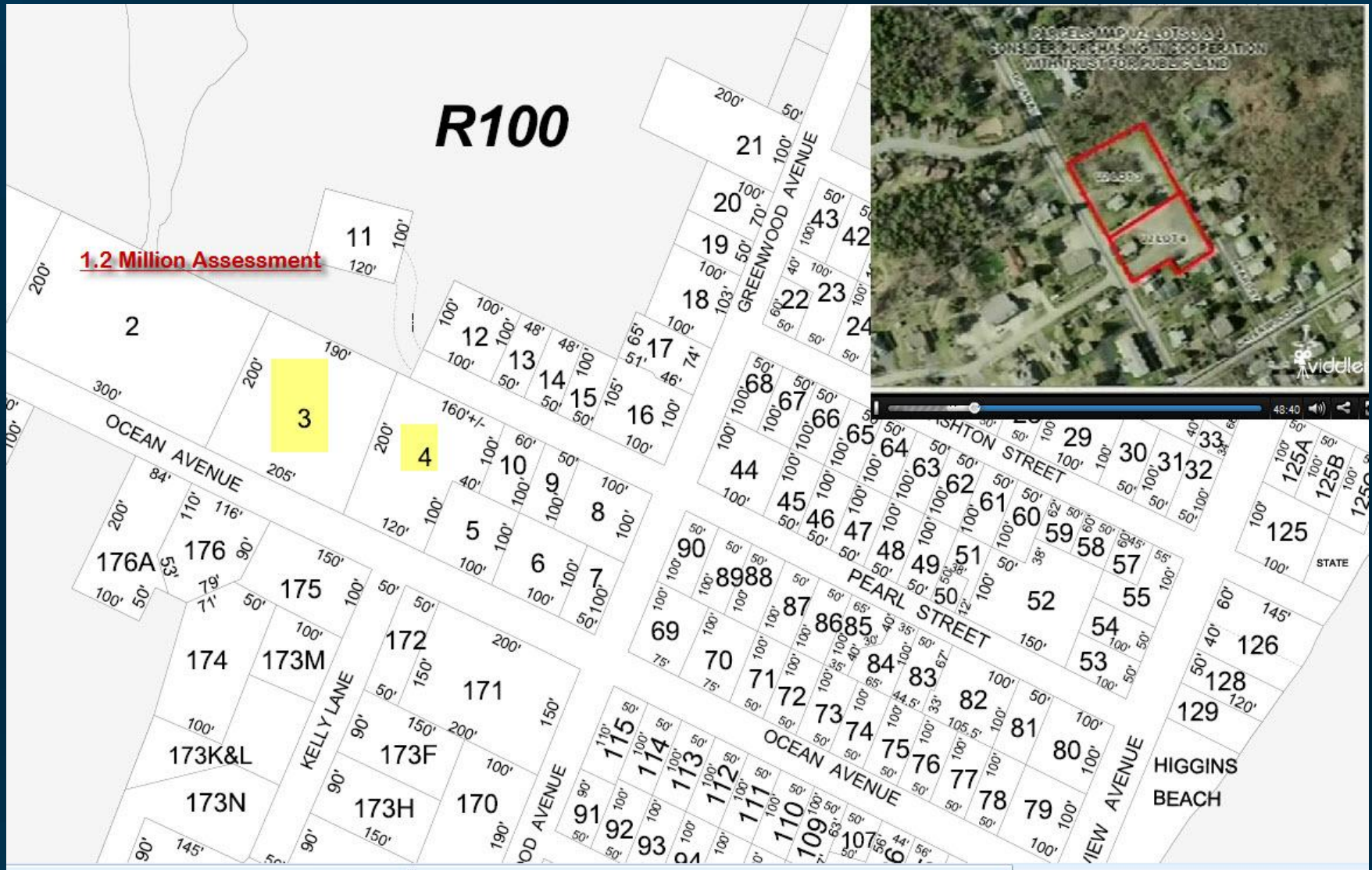


Depot Street - the end of the paved portion, the cement slabs and the sandy road suitable for vehicles. And the sign confirming that this has been maintained for vehicular access.



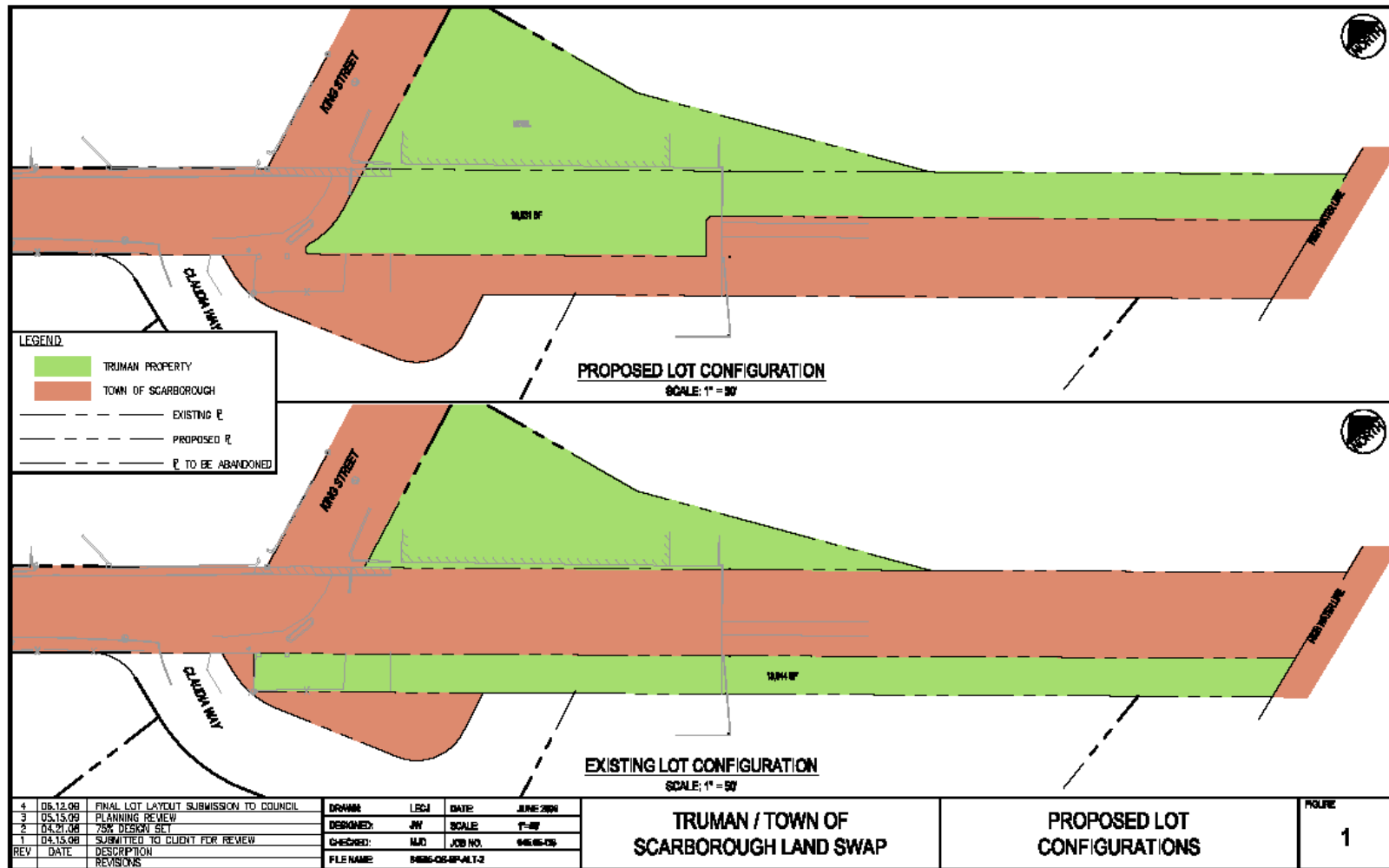


# Higgins Beach Contradiction – BUY LAND?





# The Plan from Tom Hall



# Deed Restrictions Inadequate

## BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main  
207 774-1127 fax/m e  
bernsteinshur.com

100 Middle Street  
PO Box 3729  
Portland, ME 04104-3029

Amanda A. Meader  
ameader@bernsteinshur.com

June 17, 2009

Seaborough Town Council  
Town of Seaborough  
259 US Route 1, PO Box 360  
Seaborough, Maine 04070-0360

Re: Pine Point Road

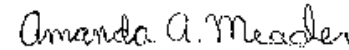
Dear Members of the Town Council:

I am writing regarding the proposed discontinuance of a portion of Pine Point Road and a land swap arrangement related to the discontinuance. In particular, the Council is being asked to consider whether to approve the land swap with Peter and Nicolas Truman as proposed in Council Orders 09-88, 09-89 and 09-90, as well as whether to discontinue the portion of Pine Point Road formerly known as Depot Street as proposed in Council Order 09-91.

I understand that if the Council approves Order 09-90 then the Council would like the following restrictions included in the deed to Peter and Nicolas Truman:

1. For the purpose of maintaining a public view corridor, no structures (including walls and fences) or vegetation shall exceed 4 feet in height, with the exception of lamp posts.
2. The Town shall retain the right to clean, maintain and patrol the sand beach and the intertidal zone.
3. The public has the right to use the intertidal zone and the sand beach for normal beach-going activities, continuing the historical use.
4. No fences, barricades or any other impediments to public access shall be installed in the intertidal zone or on the sand beach.
5. Dune grass shall not be removed or disturbed.

Very truly yours,



Amanda A. Meader

cc: Tom Hall

# Tax Assessment Inequities

Account Number: 3525.0  
Street Number: 5.0  
Street: KING ST  
Map/Lot No.: U022107  
Owner 1: FORCIER, LAWRENCE & DONNA  
Owner 2:  
Mailing Address: 16 RAVINE WAY  
Mailing City: YARMOUTH  
Mailing State: ME  
Mailing Zip: 4096.0  
Book: 14815  
Page: 117  
Date: 06/09/99

Acreage: 0.23  
Land Value: \$604,300.00  
Building Value: \$118,200.00  
Exemptions: \$0.00  
Taxable Value: \$722,500.00  
SFLA: 2016.0  
Sale Date: 6/1/1999  
Sale Amount: \$290,000.00  
Year Built: 1922



Account Number: 8744.0  
Street Number: 7.0  
Street: KING ST  
Map/Lot No.: U022107A  
Owner 1: LEMIEUX, RICHARD N  
Owner 2: LEMIEUX, DORIS D  
Mailing Address: 8100 RIVER RD #1019  
Mailing City: NORTH BERGEN  
Mailing State: NJ  
Mailing Zip: 7047.0  
Book: 17865  
Page: 071  
Date: 07/22/02

Acreage: 0.25  
Land Value: \$945,000.00  
Building Value: \$352,300.00  
Exemptions: \$0.00  
Taxable Value: \$1,297,300.00  
SFLA: 3088.0  
Sale Date: 7/1/2002  
Sale Amount: \$910,000.00  
Year Built: 2001

Oceanfront

Account Number: 3526.0  
Street Number: 378.0  
Street: PINE POINT RD  
Map/Lot No.: U022108  
Owner 1: TRUMAN, PETER & NICHOLAS  
Owner 2: LIGHTHOUSE MOTEL  
Mailing Address: 366 PINE POINT RD  
Mailing City: SCARBOROUGH  
Mailing State: ME  
Mailing Zip: 4074.0  
Book: 4969  
Page: 313  
Date: 06/09/82

Acreage: 0.36  
Land Value: \$792,000.00  
Building Value: \$498,200.00  
Exemptions: \$0.00  
Taxable Value: \$1,290,200.00  
SFLA: Not Available  
Sale Date:  
Sale Amount: Not Available  
Year Built:

## Tax Assessment Questions & Value of the Land

What will the motel be paying for the net increase in acreage they will receive under the Town Manager's plan? The Assessor's rate is \$2.2 million per acre in his area.

### 7 King Street

### Lot 107

Account Number: 8744.0	Acreage: 0.25
Street Number: 7.0	Land Value: \$945,000.00
Street: KING ST	Building Value: \$352,300.00
Map/Lot No.: U022107A	Exemptions: \$0.00
Owner 1: LEMIEUX, RICHARD N	Taxable Value: \$1,297,300.00
Owner 2: LEMIEUX, DORIS D	SFLA: 3088.0
Mailing Address: 8100 RIVER RD #1019	Sale Date: 7/1/2002
Mailing City: NORTH BERGEN	Sale Amount: \$910,000.00
Mailing State: NJ	Year Built: 2001
Mailing Zip: 7047.0	
Book: 17865	
Page: 071	
Date: 07/22/02	



### Motel 378 Pine Point Rd Lot 108

Account Number: 3526.0	Acreage: 0.36
Street Number: 378.0	Land Value: \$792,000.00
Street: PINE POINT RD	Building Value: \$498,200.00
Map/Lot No.: U022108	Exemptions: \$0.00
Owner 1: TRUMAN, PETER & NICHOLAS	Taxable Value: \$1,290,200.00
Owner 2: LIGHTHOUSE MOTEL	SFLA: Not Available
Mailing Address: 366 PINE POINT RD	Sale Date:
Mailing City: SCARBOROUGH	Sale Amount: Not Available
Mailing State: ME	Year Built:
Mailing Zip: 4074.0	
Book: 4969	
Page: 313	
Date: 06/09/82	

### Motel Parking 378 Pine Point Rd Lot 109A

Account Number: 5066.0	Acreage: 0.13
Street Number: 375.0	Land Value: \$101,000.00
Street: PINE POINT RD	Building Value: \$0.00
Map/Lot No.: U022109A	Exemptions: \$0.00
Owner 1: TRUMAN, PETER & NICHOLAS	Taxable Value: \$101,000.00
Owner 2: LIGHTHOUSE MOTEL	SFLA: Not Available
Mailing Address: 366 PINE POINT RD	Sale Date:
Mailing City: SCARBOROUGH	Sale Amount: Not Available
Mailing State: ME	Year Built:
Mailing Zip: 4074.0	
Book: 4969	
Page: 313	
Date: 06/09/82	

### Motel Parking



Account Number: 3526.0  
Street Number: 378.0  
Street: PINE POINT RD  
Map/Lot No.: U022108  
Owner 1: TRUMAN, PETER & NICHOLAS  
Owner 2: LIGHTHOUSE MOTEL  
Mailing Address: 366 PINE POINT RD  
Mailing City: SCARBOROUGH  
Mailing State: ME  
Mailing Zip: 4074.0  
Book: 4969  
Page: 313  
Date: 06/09/82

Acreage: 0.36  
Land Value: \$792,000.00  
Building Value: \$498,200.00  
Exemptions: \$0.00  
Taxable Value: \$1,290,200.00  
SFLA: Not Available  
Sale Date:  
Sale Amount: Not Available  
Year Built:

Account Number: 5066.0  
Street Number: 375.0  
Street: PINE POINT RD  
Map/Lot No.: U022109A  
Owner 1: TRUMAN, PETER & NICHOLAS  
Owner 2: LIGHTHOUSE MOTEL  
Mailing Address: 366 PINE POINT RD  
Mailing City: SCARBOROUGH  
Mailing State: ME  
Mailing Zip: 4074.0  
Book: 4969  
Page: 313  
Date: 06/09/82

Acreage: 0.13  
Land Value: \$101,000.00  
Building Value: \$0.00  
Exemptions: \$0.00  
Taxable Value: \$101,000.00  
SFLA: Not Available  
Sale Date:  
Sale Amount: Not Available  
Year Built:

Motel Parking

Fire Chief's  
Memo  
dated the  
day of the  
June 17<sup>th</sup>  
meeting  
when the  
Council  
voted in  
favor of the  
first reading



**SCARBOROUGH FIRE DEPARTMENT**

246 U. S. ROUTE ONE

SCARBOROUGH, MAINE 04074

PHONE 207/883-4542 FAX 207/883-0273

B. MICHAEL THURLOW, FIRE CHIEF

**INTEROFFICE MEMORANDUM**

**TO:** TOM HALL, TOWN MANAGER  
**FROM:** B. MICHAEL THURLOW, FIRE CHIEF  
**SUBJECT:** DEPOT STREET ACCESS TO THE BEACH  
**DATE:** 6/17/2009  
**CC:**

Tom,

As we discussed this morning the fire department has very rarely used the access to the beach from Depot Street for emergency vehicles. The reason for this is that the vegetation on the frontal dune has grown in to the point where the path is very narrow and not conducive to vehicular traffic. There are significantly better access points to the beach at both Avenue 5 extension and Oak Streets which are wider and allow for better and smoother access for emergency vehicles.

The department has access to an ATV which was procured through the joint efforts of the police and community services departments and is housed at Pine Point fire station. We also recently received a very generous donation of a side unit that will be installed on that ATV which includes a fire pump, water tank, hose, class A foam capability, and the capacity to hold a specialized stretcher for the transport of patients. This unit would provide the primary response and access to beach incidents including bon fires, dune grass fires, and medical emergencies on the beach or in the water. Patients would normally be transported to the rescue unit at either the Avenue 5 or Oak Street access points by means of this ATV.

Even though the department would likely not access the beach from Depot Street I believe it would be very important to maintain a fire lane for access as close to the beach as possible at that location in any design plans that are being considered for this area.

If you have any further questions or concerns please don't hesitate to contact me.

## Recall Provision in the Charter

Babine said he  
would make  
sure to alert  
Charter  
commission of  
referendum  
issue. How  
about recall?  
Would he  
support that?

STATE OF MAINE  
YORK, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-02-150  
2002

TEN VOTERS OF THE CITY  
OF BIDDEFORD,

Plaintiffs

v.

ORDER  
AND  
DECISION

DONALD L. GARBRECHT  
LAW LIBRARY

SEP 10 2002

CITY OF BIDDEFORD, et al.,

Defendants

Several voters in the City of Biddeford were dissatisfied with the performance of an elected City Councillor and wanted to start a petition seeking to recall him. The voters determined that the Biddeford City Charter's provisions on recalls were such that they would not be successful. They then decided that the Charter should be amended to make recalls easier to accomplish.

On May 31, 2002 five voters went to the Biddeford City Clerk to initiate a charter amendment relating to recalls. The Clerk, while not refusing their request for the necessary petitions, discouraged them from going forward because of Article X, Section 6 of the Biddeford Charter which reads, "The Charter may be changed in matters of form and substance only by a duly elected charter commission consisting of nine (9) members selected as follows: Seven (7) members, one (1) elected from each ward and two (2) appointed by the mayor and confirmed by the city council, who shall serve in accordance with 30-A M.R.S.A. §§2101-2106, as amended."

# Tom Hall's request to Jack and Hutch for "working group"

- Association letter requesting information
- Tom Hall's response
- \$30,000 found two days after July 15<sup>th</sup> hearing



**From:** Thomas Hall [<mailto:THall@ci.scarborough.me.us>]

**Sent:** Wednesday, July 22, 2009 10:10 AM

**To:** Pine Point Residents Association; Harold Hutchinson

**Cc:** Joe DeGrinney ; Judy Shirk ; Sue Perrino ; Judy Mushial ; John Thurlow ; Elaine Richer; Jim Wendel; Mike Shaw; Shawn Babine; Carol Rancourt; Councilor Ahlquist; Councilor Babine; Councilor Rancourt; Councilor Roy; Councilor Sullivan; Councilor Wood; Judy Roy; Karen D'Andrea; Mike Wood; Richard Sullivan; Ron Ahlquist

**Subject:** RE: Spam: Committee and Budget

Please see my responses below:

**Thomas Hall,**  
**Scarborough Town Manager**  
**Town of Scarborough**

Dear Mr. Hall,

Jack Callahan passed along your message about a committee for the Depot Street project. Thank you. He is on vacation and asked that the Association consider the opportunity. Could you please reply to us on a few questions about this so we can reply? We understand you are looking for two or three individuals to serve? Do you want one or more representatives from the Association?

In the interest of time and efficiency, I would like to assemble a small working group to assist staff in the design details for the improvement of the Town-owned land. For our own purposes related to the land exchange, staff has identified at least two options that can be considered. Beyond the basic conceptual design, there are important decisions regarding construction materials, aesthetics and amenities that must be considered.

Jack indicated the budget of \$170,000 for the road reconstruction project was found to be overestimated, and there may be \$30,000 the town could allocate to the project. Will that be the budget?

The preliminary cost estimates for the work contemplated by the Committee (for the section of Pine Point Road from East Grand to Kind Street) was \$170,000 and we were able to secure an \$85,000 CDBG grant, with the other \$85,000 secured in the budget. In preparation for completing the final design and preparing for bidding, we have recently reconsidered the probable construction costs and now believe that the project is likely to come in around \$140,000. Although the Town Council will have to approve the use of these funds I offered it as a funding option as there was understandable concern for how the improvements will be completed. To be clear, we will not know of the available funds until we have bids. We are performing final design currently and expect to bid the project by mid-September. In the meantime, I would like to finalize the design for the beach access and ideally fold this additional work into the project if time and funding allow.

Would you want the group to work toward a proposal for the Council's meeting in August?

That timeline would be ideal, but over-optimistic. If we can complete conceptual design by mid-September it should be fine. With a preferred design, we can cost of the proposal, identify and secure funding with the Town Council and be in a position to perform the work late Fall/early winter in combination with the other work.

What would be the composition of the committee?

I would think that one or two members from the Association (the neighborhood generally), along with a representative from Beachwalk (presumably John Wiggins) would serve the purpose of ensuring that local input and perspective is include in the design phase. Normally, I would involve the abutters in such an effort, but I do not intend to involve the Truman's (although I will certainly share the results with them) - I will make the attempt to involve the immediate abutter in Beachwalk (the new home under construction) as they will be obviously impact by any design. As is our practice with "neighborhood" projects, once we have a preferred design we would make an effort to share the information with a larger audience – we had great success with this approach recently in Higgins Beach, Green Acres (Maple Avenue) and the Hillside drainage project.

Thank you for the opportunity. We will share your information and get right back to you. Jack is away on vacation.

Sincerely,

Representatives of the Association:

Joe DeGrinney, Judy Shirk, Sue Perrino, Judy Mushial, John Thurlow, Harold Hutchinson, Elaine Richer

I look forward to hearing from you next week and getting this process underway. Tom

## **DRAFT REPLY**

**Mr. Hall.**

**Thank you for your reply. We have polled the Association representatives and their conclusion is that we would appreciate the opportunity to be involved in any committee to consider plans for town-owned land, including the parcel abutting the Beachwalk. Consistent with our understanding from the Council in 2008, a study committee was going to do exactly that once last fall's committee on the road reconstruction "met with success," We therefore propose the Council formally create this committee, give it their charges, and determine its composition and time frame as they did in 2005 and 2008. That process would allow members of the public to address the Council on this important process. The members feel that is preferable to "a small working group to assist staff" since we have consistently sought to slow the process down for maximum public involvement. That may not meet your timeline, but August 19<sup>th</sup> is not far away and it seems reasonable the Council could act to create this committee at that time.**

**Thank you once again.**

**(Signed by the Representatives)**



A group of citizens have dipped into their own pockets to retain a lawyer because of the apparent legal issues with this exchange. They are circulating a pledge card for help funding the legal research

## SAVE DEPOT STREET CONTRIBUTION & PLEDGE CARD

IN AN EFFORT TO PRESERVE AND SAVE DEPOT STREET FOR THE  
COMMUNITY OF PINE POINT AND ITS VISTIORS  
AND RETAIN LEGAL COUNCIL  
WE PLEDGE THE FOLLOWING...

Your Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

\_\_\_\_ \$ 50.00      \_\_\_\_ \$ 150.00      \_\_\_\_ \$ 250.00      \_\_\_\_ \$ 500.00

\_\_\_\_ \$ 100.00      \_\_\_\_ \$ 200.00      \_\_\_\_ \$ 300.00      \_\_\_\_ \$ \_\_\_\_ OTHER

ALL MONIES COLLECTED WILL BE HELD IN A TRUST ACCOUNT  
AT THE LAW FIRM OF: PERKINS THOMPSON

**\*\*IF YOU WOULD LIKE TO BE LISTED AND REPRESENTED BY  
BY OUR ATTORNEYS THEN PLEASE MAKE YOUR CHECK PAYABLE TO:  
PERKINS THOMPSON PA**

**\*\*IF YOU WOULD LIKE TO CONTRIBUTE TO THIS ACTION AND NOT HAVE  
YOUR NAME PRESENTED TO OUR ATTORNEYS, THEN PLEASE MAKE YOUR  
CHECK PAYABLE TO: ROBERT ROVNER.**

**\*\*\*YOUR FUNDS WILL BE FORWARDED TO THE TRUST ACCOUNT, AND A  
RECEIPT WILL BE SENT TO YOU.**

PLEASE SEND CHECKS TO: ROBERT ROVNER  
4-KING STREET  
SCARBOROUGH, ME 04074

## Your Town Council: Dial 730-4198 & Extension

Name	Extn	E-Mail
Ronald D. Ahlquist	6204	rahlquist@ci.scarborough.me.us
Shawn Babine	6203	sbabine@ci.scarborough.me.us
Karen D'Andrea	6202	kd'andrea@ci.scarborough.me.us
Carol S. Rancourt	6205	crancourt@ci.scarborough.me.us
Judith L. Roy	6201	jroy@ci.scarborough.me.us
Richard J. Sullivan, Jr.	6206	rsullivan@ci.scarborough.me.us
Michael J. Wood	6200	mjwood@ci.scarborough.me.us





Formal Request allowed under Council rules for a citizen to have an agenda item sponsored.

Dear Councilors D'Andrea and Rancourt,

I am writing to respectfully request that you place four items on the agenda for the August 19, 2009 Council Meeting. The agenda items would be for Reconsideration Motions on Orders:

**Order No. 09-88**

**Order No. 09-89**

**Order No. 09-90**

**Order No. 09-91**

All related to the matters of the Pine Point Rd. land exchange with the Trumans and the discontinuance.

Council rule **118.1** states

**“Members of the public wishing to place an item on the agenda shall do so with the support of a Councillor.”**

I would also like to request that you make this request in e-mail to the Town Clerk and please provide me with a copy of it as well as the clerk's reply. Would you please make the request as soon as possible, even though the deadline is August 12<sup>th</sup> at 2:00 p.m., one week in advance of the meeting? That would confirm the agenda item and provide additional time for preparation of comments under the Council rules.

I have attached excerpts of the Council rules for your convenience. My understanding is that a citizen can request an agenda item, as stated above, with the support of one Councilor. The rules do not indicate any prohibitions on the item, including a reconsideration motion agenda item. The rules are clear that only those who voted in the affirmative on an item can actually make the motion to reconsider, but that is a distinctly separate action from simply putting reconsideration items on the agenda. The request should be for all four orders above, or course, given that they are all related orders.

As I understand the process, the Town Clerk would comply with your request, provided it is made before August 12<sup>th</sup> at 2:00. Then when the agenda item is read on the 19th, the public can raise their hands during the Clerk's announcement of the item and speak to it under the Council's rules. I cite the rule here:

201.1: Procedure. Persons wishing to address the Town Council on an agenda item shall signify their desire to speak by raising their hands when the Town Clerk announces consideration of such item. After being recognized to speak by the Chair, such persons will preface their comments by giving their name and address. No person shall be permitted to address the Town Council on such item once the Town Council has begun deliberations. (amended 04/18/01).

Should there be any challenge to this request regarding the specific language for the agenda item, I request that you embrace the intent of this request and ask for the correct language be included on the agenda, or inform me of what is required so I can revise the request.

Thank you for your consideration.

John Thurlow

Attached Excerpts from Council Rules Chapter 302

# **CHAPTER 302**

## **SCARBOROUGH TOWN COUNCIL**

### **RULES, POLICIES & PROCEDURES MANUAL**

#### **103.0: Regular Meetings.**

The regular meetings of the Town Council shall be held in the room known as the Town Council Chamber of the Town Hall at 7:00 P.M., Eastern Standard Time, on the first and third Wednesdays of each calendar month, with the exception of the months of July and August when only one meeting will be held on the third Wednesday of each of the two months.

#### **118.0: Item for Meetings: Filed When.**

No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order, or resolve shall be filed in the office of the Town Clerk on or before 2:00 p.m. in the afternoon on the Wednesday prior to the regular meeting held on the following Wednesday and before 2:00 p.m. in the afternoon of the business day next to the day of any other special meeting. (amended 12/01/04)

**118.1:** In the event that the Town Clerk's Office is not open on Wednesday, then the deadline for filing will fall at 2:00 p.m. on Tuesday the day before the original filing deadline. Members of the public wishing to place an item on the agenda shall do so with the support of a Councillor. Agenda items shall not be removed from the agenda after the agenda has been published. (adopted 04/19/00) (amended 12/01/04)



## 125.0: Reconsideration.

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

125.1: No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next meeting unless an item to that effect is contained on the agenda for such next meeting, or unless five of the members consent to such reconsideration.

## VOTES

Order 1:	Table	5-2	(Rancourt and D'Andrea)
Order 1:	Motion	4-3	(Rancourt and D'Andrea, Roy)
Order 2:	Table	5-2	(Rancourt and D'Andrea)
Order 2:	Motion	5-2	(Rancourt and D'Andrea)
Order 3:	Table	5-2	(Rancourt and D'Andrea)
Order 3:	Motion	5-2	(Rancourt and D'Andrea)
Order 4:	Table	5-2	(Rancourt and D'Andrea)
Order 4:	Motion	5-2	(Rancourt and D'Andrea)

# The Petition

- E-mail from local attorney who obtained draft of typed version of petition sent to membership July 14<sup>th</sup> to confirm accuracy
- Forwarded to Tom Hall who forwarded to Town Clerk afternoon of the Public Hearing
- Town Clerk's office must have had to validate names that afternoon to provide the statistics the chairman presented during his comments that evening
- Another process question

You forwarded this message on 07/15/2009 12:51 PM.  
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Tody Justice**

**From:** Thomas Hall  
**To:** Tody Justice  
**Cc:**  
**Subject:** FW: Spam: Fw: PUBLIC HEARING - MEDIA REPORTS - PETITION  
**Attachments:** Petition FINAL SS PRESENT.pdf(348KB)

FYI

*Thomas Hall,  
Scarborough Town Manager*

*Town of Scarborough  
259 U.S. Route 1  
P.O. Box 300  
Scarborough, ME 04070-0300  
ph: 207-730-4031  
fx: 207-730-4033  
e-mail: [Thall@ci.scarborough.me.us](mailto:Thall@ci.scarborough.me.us) web: [www.scarborough.me.us](http://www.scarborough.me.us)*

*Confidentiality notice: the email message contained herein is intended only for the individual named and is addressed as shown at the beginning of the message and may contain information exempt from disclosure under applicable law. If the reader of this message is not an employee or agent responsible for delivering the message to the named individual, you are notified that any review, dissemination, distribution, use, or copying of this message is unauthorized. If you have received this message in error, please notify us immediately by return email. Your reply to the extent it includes this message. Thank you for your cooperation.*  
*Town of Scarborough*

-----Original Message-----

**From:** Dan Warren [<mailto:dwarren@jwlawfirm.com>]  
**Sent:** Wednesday, July 15, 2009 12:20 PM  
**To:** Thomas Hall  
**Subject:** Spam: Fw: PUBLIC HEARING - MEDIA REPORTS - PETITION

----- Original Message -----

**From:** Pine Point Residents Association  
**To:** [Pine Point Residents Association](#)  
**Sent:** Tuesday, July 14, 2009 10:42 PM  
**Subject:** PUBLIC HEARING - MEDIA REPORTS - PETITION

<http://this1/exchange/YJustice/Inbox/FW:%20Spam:%20Fw:%20PUBLIC%20HEARING...> 07/15/2009

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**Subject:** PUBLIC HEARING - MEDIA REPORTS - PETITION

# Mr. Baizley Historical Research



From: Robert Baizley [rbaizley@maine.rr.com]

Sent: Sat 7/25/2009 5:38

To: John @thurlow.com

Cc:

Subject: Fw: Pine Point land exchange

Hi John

I figure you could use a little help with the struggles at Pine Point.

Richard King was cheif Petty officer for the British Naval Board and took over Naval Board operation from Col Westbrook in the 1740s. It is my understanding from my research that King Street is names after Richard King and Depot Street was named after Richard king large warehouse and depot. Richard King was hung at 28 Dunstan landing in April of 1775 by Col. Phinney of Gorham and other Revolutionary members.

I have a very strong hunch that King and Depot Street belong to the U.S. Goverment due to the fact that George Washington commendered all of the British war machine operations including those related to British Ship Building and Naval Board.