

Town Council Letters

The following letters were read by citizens to the Town Council on June 3' 2009 following the Association's statement read by Harold Hutchinson. The authors have e-mailed them for publication on the website.

JUDY SHIRK

Thank you for the opportunity to speak and for your service to the Town. My name is Judy Shirk and I have lived in Pine Point my entire life. I love this community and do not always like the changes I've seen over the years. Many of the old families are gone because their children and grandchildren could not afford to live in Pine Point. I can't think of more than one fisherman who lives here although we are about to make a huge investment in a commercial pier for their benefit, as we should. But those changes were inevitable, I suppose. Waterfront property in Southern Maine has become so valuable that it has driven the natives up on the hill or beyond. But other changes are more difficult to accept.

We used to have Town Meetings which are a wonderful Maine tradition. And even though those aren't practical now, it seems to me that the people who live here and pay their taxes should have a voice in what happens. But we don't. The latest news about the Town talking about a land exchange with the motel on Depot St. without any public discussion or information is a perfect example. I've been very involved in neighborhood issues for years and it has happened over and over.

Five years ago this land exchange business came up when the motel owners wanted the Town to help them re-develop their property. Fortunately a large group of people formed to demand a public process so we didn't lose this public way to the beach.

Then a couple years ago the Town sold off a 10,000 square foot piece of Hurd Park, one of the few open spaces we have in Pine Point which, as you know, is a very densely populated neighborhood. People were outraged because there was no effort to inform the neighbors or get their input. How can we spend hundreds of thousands of dollars buying open space in Town, or asking developers for it, while selling off one of the very few open green spaces in Pine Point?

The new pier will probably be of great help to the fishermen. I know it would have been for my father and grandfather and his father. But has there been any public discussion, neighborhood meetings, showing of the plan and asking for feedback? It's a closed process just like this land exchange is.

I could go on and on, but I will close with one more example. I sat through every one of those committee meetings last fall about redesigning the road by the new Beachwalk. I didn't agree with most of the proposals, but at least you had a committee. Only two citizens served on it. It was mostly town staff and abutters. But they made their recommendations last winter to you, and I could not believe that a landscape designer was paid to draw up a plan that took away the public's access and use of the land that a lot of people worked hard to get. That was bad enough. When the town engineer finished his plan months after it was submitted to you, he added in sidewalk and grass area across Depot Street which was absolutely not part of the committee's plan. Please check that out.

Finally, the secrecy of this land exchange is just awful. This is public property and a lot of people worked for almost a year to design what Ron Owens called the Ocean Gateway Park on Depot Street. That committee had a great idea to change Depot Street from being privately used by the motel to a nice area for the public to enjoy.

When I was growing up, there was an amusement park where the Beachwalk mansions are now. The motel was an eating place and then it was converted to a horse stable. With all of the activity there way back then, my mother could still drive down Depot Street and look out to see her husband and son

fishing. As she got older and became disabled, she and her sisters would spend hours there looking at the ocean. The fishermen always used that road to check the weather or retrieve their traps washed up after a storm.

This is our property, our access to the nicest beach in Maine, and if any land exchange plan is being presented to you, I urge you to vote against it until everyone can participate in what the plan will be, and how the Town will benefit from it, not just a private corporation.

Finally, I watch your meetings because I am interested in town affairs. I've seen citizens come here and speak passionately on matters of importance to them, like tonight. But sometimes members of past Town Councils used their comment time at the end of the meeting to become defensive or react to what was said. This Council seems a bit different to me in how it receives citizens. I hope that the comments made tonight will be listened to very carefully and reflected upon, and maybe looked into before you respond. That has been one of the most frustrating things I've watched over the years.

The idea that government at the local level should be very open and communicate with citizens is so important. And please do not believe the myths that have circulated about the organized residents of Pine Point. They are providing a service to the Town and the neighborhood, and their work always been thoughtful and professional.

Thank you.

DIANE MCLELLAN

My name is Diane McLellan and I live at 59 East Grand Avenue. As you can imagine, word spreads fast around Pine Point when certain subjects come up. I just learned about a land swap last week and I couldn't believe what I was hearing.

I've lived in Pine Point all my life and now spend winters in Florida. It seems like the Town does something to upset the community every season. Don't get me wrong, I do not blame the Town Council. But the time has come for you to make it clear to your employees that local government is to serve the people, not special or private interests.

I have been outspoken about the Lighthouse Motel's owners' efforts over the years because they have continually kept this neighborhood in an upheaval with one scheme after another. The time and town resources that have been devoted have been enormous.

But I give credit to the eight or nine neighbors who have stuck it out all these years to let the Council know what's going on. They have worked tirelessly for the rest of us, many who go away during the winter, and they have acted very honorably. They have a great deal of support. But you will hear the motel owners complain of being harassed and that there is a personal vendetta against them. Don't buy it. That is their strategy to discredit the good people who have been persistent and professional in looking out for the neighborhood.

I often read the Pine Point group's website when I'm away which does an excellent job of presenting the news and documenting all that is going on at the Point. I truly believe that if an investigative journalist from the Portland Papers spent some time reviewing this record, they could write a scandalous story about the goings on in Pine Point the past few years.

In fact, it amazes me that no one has picked up on the deals the town administration made with the Beachwalk landowners. I read where the Town finally released three legal agreements that were secret until recently, and they showed that the Town agreed to pave the Beachwalk's private road and also give them tens of thousands of dollars for their utilities and infrastructure. The town administration apparently didn't collect the bond these developers have to provide, and that mistake costs us thousands. Then the president of the Beachwalk homeowners threatened more legal action during last fall's committee if the Town decided to use the land it got from the Beachwalk as a condition of their approval. So a plan was made to fill in the land with beach grass so only the Beachwalk people could enjoy it. That's not right. That is town land. Why are we paying a landscaper to draw up a fancy plan that would make this property unusable? People forget that these Beachwalk owners are investors who wanted to make a quick buck on their land. Then when Paul Hollis, the developer, went bankrupt, they wanted to blame the town. They have only to blame themselves and there never should have been any secret legal deals or taxpayers' money spent on their speculation. This all should be exposed because it's no different from the secret conversations happening with the motel owners now.

My bottom line is that we have to count on you to make sure the residents of Pine Point are told what is going on and that your employees serve the citizens, not developers who want to make a profit, whether it is those 22 condos at the Lighthouse or the Beachwalk's houses.

I have to commend the Pine Point Association again. They have been very patient and have spent hundreds of hours looking out for the interest of us at Pine Point.

SUE PERRINO

My name is Sue Perrino and I live on Driftwood Lane. I am here because I've been a close observer of the controversies over the Town administration's decisions about Pine Point over the years and it appears now that another one is about to happen.

I have to say that I simply cannot believe there have been private negotiations about a land swap again with the owners of the motel or condotel, or whatever it is. Don't get me wrong, a land swap might be a good thing for the Town of Scarborough, but secrecy in government is not. I think every reasonable person knows that there are times when the Town has to keep some issues confidential. Employment issues, labor negotiations, and other sensitive items are among those. But my understanding of the law is that there are very narrow circumstances when the public's business is done behind closed doors.

When I learned that an executive session of the Town Council included a discussion of a land exchange I was stunned. The property in question is a public road and a private parking lot. This is not a real estate transaction which meets the standards of Chapter 13 pertaining to executive sessions. I researched it and the law states that real estate discussions may be held, quote, "only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency." It occurs to me that the private party, not the municipality, is the one seeking a bargaining advantage. Let them propose their ideas in a public meeting.

The residents at Pine Point have been vocal for years about this issue, so Town officials clearly know we want to be informed and involved and we want full disclosure. I do not understand why there would be any private discussions about a very public and controversial public issue.

I've been reading wonderful articles lately in the Scarborough Leader from the Fire Department, Police Chief and Public Works Director. I believe this is something new and it is a wonderful service to the

community. I can't help wonder why the same sort of excellent communication is non-existent between the town administration and the people of Pine Point.

We have a new town manager and I am sure he is trying hard and has been very busy. He inherited a set of circumstances regarding Pine Point and for that he can't be blamed. The problem is that he needs the benefit of understanding everything that has transpired in the past several years and even longer back than that. I am convinced that if he spent time talking with people in the neighborhood, seeking out the facts, understanding the history, and taking his time before reaching any agreements, he would not present you with a proposal in the next few weeks which has had no input from the public.

Mr. Hall recently wrote that he could not share details of the discussions because they were tentative, although he indicated that the Town attorney is working out the details. That does not sound so tentative. You can't expect neighbors will be able to learn about and respond to a plan in just two weeks. Furthermore, wouldn't there be a better outcome if the citizens were involved early in the process?

In closing, you are urged to follow the same process former Councils have adopted when it comes to major decisions. Establish a committee of affected parties, led by an effective leader, and take the time necessary to ensure that the public is involved and has a voice. The Council did say that once last fall's committee successfully studied the road reconstruction project by the Beachwalk, then the study could continue to include Depot Street. That commitment has not happened, but it should.

One last thing. A few years back our Town lost a huge court case over the big development in Dunstan known as the Great American Neighborhood. We lost the case because we had not updated our comprehensive plan and followed it, the court decided. Since then we have updated that plan and it has some very specific provisions about maintaining and expanding access to natural and marine resources. The Comprehensive Plan should be carefully examined as part of a study about Depot Street. Otherwise, all of the work that has gone into that plan will be disrespected.

Thank you.

KAREN LOTHROP

I am Karen Lothrop, 56 Jones Creek Drive

I am here to ask the Town Council to appoint an independent committee of citizens and give them power to investigate several questionable administrative decisions made by your employees regarding the Beachwalk subdivision and Lighthouse motel over the past three years.

I've recently learned of such things as undisclosed legal agreements, paving by the Town of Scarborough of the private road at the Beachwalk, expenditures of taxpayers' money for private development, and public business conducted in private sessions and not disclosed. I believe you will want a thorough investigation and a full and public report of their findings. I also request that you include as part of their job a study of the tax assessments on the properties at the Beachwalk. A quick glance through the assessor's records on the Town's website shows that the land values for the Beachwalk are assessed at approximately half the value of nearby ocean front properties. Inconsistencies in assessments should be determined, explained or corrected in the spirit of fairness and to avoid more speculation and rumor about agreements made with that developer. Please consider this a formal request from a citizen to add this to your agenda.

Thank you