

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 4, 2015
TOWN COUNCIL WORKSHOP – 6:00 P.M.
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Council Chair Holbrook called the regular meeting of the Scarborough Town Council to order at 7:05 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Item The roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Shawn A. Babine

William J. Donovan

Jean-Marie Caterina, Vice Chair

Jessica L. Holbrook, Council Chair

Katherine A. St. Clair [Absent]

Edward NMI Blaise, III

Pete F. Hayes

Item 4. General Public Comments. None at this time.

Item 5. Minutes: January 21, 2015 – Regular Meeting. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the minutes from the January 21, 2015, regular Town Council meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. The Town Clerk noted that she would like to add one item that being Order No. 15-011. Act to approve the Resolve to accept donations for the Fuel Assistance Program. This would be the last item under New Business.

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

Item 8. Non Action Items.

a. Final update from the Wentworth Building Committee. Paul Koziell, of Lillian Way and former Chair of the Wentworth Building Committee gave a final update to the Town Council on the new Wentworth School. The school is complete and is open – everyone should be very proud of the completed project. The project was finished on time, under budget and with money still in the bank. The total cost of the project was a little over \$35.5 million which means the project came in under budget by \$3,572,696. He responded to questions from the Town Council.

b. Presentation on the MMA’s Report on State/Municipal Partnership. Councilor Caterina presented a PowerPoint presentation on Maine Municipal/State Partnership. She noted that a “partnership program” was a state law that compels municipalities to conduct certain activities or provide specific services for the general good, as well as related systems established in law to support or supplement those required activities. Municipalities are required to conduct Elections, General Assistance, Animal Control, Local Road Assistance, Cemeteries/Veterans’ Graves, Automobile Junkyards, Subdivision Review & Approval, Shoreland Zoning, Solid Waste Management, Tree Growth, Comprehensive Planning/Mandatory Land Use Zoning, Code Enforcement, Sand-Salt Storage Sheds, BETR [Business Equipment Tax Reimbursement], Homestead Exemption, School Consolidation, MUBEC [State Building Codes] and Worker’s Compensation. She went on to give an explanation of Municipal of Use Revenue Sharing.

Order No. 15-003, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 702 – Town of Scarborough Street Opening Ordinance. Thomas J. Hall, Town Manager, a brief overview on this item. Council Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:44 p.m.

Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to Chapter 702 – Town of Scarborough Street Opening Ordinance, as follows:

**AMENDMENT TO CHAPTER 702
TOWN OF SCARBOROUGH
STREET OPENING ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 702 – Town of Scarborough Street Opening Ordinance is amended as follows with strike through and underlines:

**CHAPTER 702
TOWN OF SCARBOROUGH
STREET OPENING ORDINANCE**

Section I Definitions, License, Insurance, Permit

Definitions:

The following words and phrases, when used in this article, shall have the following meanings respectively ascribed to them:

1. **Town:** ~~Shall mean~~ Town of Scarborough and/or its public works authority.
2. **Excavation:** ~~Shall mean~~ Any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place. Trenchless Excavation – Any subsurface disturbance of a public place for the purpose of installation or removal of a facility that does not require a surface opening.
3. **Facility:** ~~Shall mean~~ Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public place.
4. **Licensed excavator:** ~~Shall mean~~ Any person ~~who has been~~ issued an Excavating License by the Town of Scarborough to excavate in public places in the Town.
5. **Newly constructed, reconstructed or repaved streets:**~~Shall mean~~ Any street which has been newly constructed, reconstructed or repaved within the past five (5) years.
6. **Permittee:** ~~Shall mean~~ Aa person who has obtained a permit as required by this article.
7. **Public place:** ~~Shall mean~~ Any public street, way, place, sidewalk, park, square, plaza, or any other similar public property owned or controlled by the Town and dedicated to public use, and any dedicated-but-unaccepted street or way.

8. **Substructure:** ~~Shall mean~~ Any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, or any other similar structures located below the surface of any public place.

9. **Digsafe:** The one-call utility-locating organization that contractors must call, under Maine Law, before breaking the plane of the ground surface.

10. **Utility:** ~~Shall mean~~ A private company, corporation or quasi-municipal corporation under the direction and control of the Public Utilities Commission.

License:

1. ~~No person or utility without a valid Excavating License approved by the Town of Scarborough shall excavate in a public place without holding a valid license for such work from the Town. The Scarborough Public Works Department public works authority shall issue an Excavating License such license upon receipt of an application therefor and the annual license fee, and after determining having satisfied himself or herself of the competency and ability of the applicant to perform excavation to the standards of the Town carry on the business of excavating. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. An Excavating License issued to an excavator may be revoked after notice and hearing, if the Town determines the it is determined by the Town that the licensed excavator has willfully disobeyed any portion of this article.~~

2. ~~The annual Excavator License fee as specified in the Schedule of License, Permit and Application Fees is established by the Town Council. The license is valid from January 1 to December 31 of the year issued and contains no prorated provisions.~~

Insurance

1. ~~This article shall not be construed as imposing upon the Town or any official or employee any liability or responsibility for damage to any person injured by the performance of an excavation work for which an Excavation Permit is required under this article, nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this article shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the Town for highway or any other purposes. For purposes of this section, every licensed excavator shall maintain at all times maintain a minimum of \$4300,000.00 public liability insurance coverage protecting himself, his agents and the Town from all such claims for damages or injuries and naming the Town as an additional insured. The Scarborough Public Works Department requires proof Evidence of such coverage prior to approval of any Excavating License shall be a condition precedent to the issuance of any license hereunder and shall be submitted in a form satisfactory to the public works authority.~~

Permit

1. ~~No person or utility shall make any excavation or fill any excavation in any public place without first obtaining an approved permit to do so from the Town. A certificate of Public Liability Insurance Certificate is required prior to the issuance of any excavation permit, with a minimum of~~

~~\$300,000.00 coverage~~ naming the Town as an additional insured and a minimum coverage of \$4300,000.00 coverage is required before an Excavation Permit will be approved.

- ~~2.~~ No ~~E~~excavation ~~P~~ermit shall be issued unless until an written application on a Excavating Permit "Fform" provided by the Town for the issuance of an excavation permit is- has been submitted and approved by the Scarborough Public Works Department to the Town. The form requires the following information: excavation location, property description, contractor contact information, estimated start date, utility approvals with a Digsafte number, and the signature of approval by an authorized Public Works Administrator. ~~written application shall state the name and address of the applicant, the name of the public place to be excavated and street number, the beginning date of proposed work, the type of work to be done, signatures of utility approval, the signature of Town Departments (if involved), a diagram of the planned excavation on the back of the form.~~
- ~~3.~~ Utilityies Companies, although having to submit an application for a permit to the Town, may contact other utilities involved by phone and fill in the Excavating Permit form accordingly. ~~the authorized person doing so shall sign the application in the appropriate place.~~ All request forms applications shall be submitted to the Scarborough Public Works Department presented to the Town for the issuance of an excavation permit within thirty (30) days from the date of the last utility approval. Once After the expiration of this thirty (30) day period such application shall become null and void and shall have to be renewed a request is no longer valid and the application process must be renewed.
- ~~4.~~ A Fees as specified in the Schedule of License, Permit and Application Fees are established by the Town Council. A fee is charged for each permit issued. Each Excavating Permit is approved for work at a single location shall be paid for each issuance and for each renewal of an excavation permit.
- ~~5.~~ Excavation Work must be started no later than thirty (30) days from the approval date of issue of on the Eexcavatingen Permit. The permit expires after this 30-day period and must be renewed before any work can begin. After the expiration of this thirty (30) day period, such permit shall become null and void and shall have to be renewed.

Section II Special Conditions, Excavation, Resurfacing, Fees

Special Conditions

1. Relocation and protection of utilities

The permittee shall not interfere with any existing facility without the written consent of the Town and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across the work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this section that the permittee shall assume all

liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Town shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

2. Protection of public property

The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate Town department or Town official having control of such property.

3. Urgent Work

When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee beyond normal working hours including up to twenty-four (24) hours a day to end that such excavation work may be completed as soon as possible.

4. Emergency action

Nothing in this article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact ~~all utilities~~ [Digsafe](#) for on the spot locations.

5. Noise, dust and debris

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of excavation work, noise, dust and unsightly debris and between the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the Town or in case of an emergency ~~as herein otherwise provided~~, any tool, appliance or equipment producing noise of sufficient volume to disturb sleep of occupants of the neighboring property.

6. Preservation of monuments

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Town to do so. Permission to remove or disturb such monuments, reference points or bench marks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Town is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expenses incident to the proper replacement of this monument by the Town or permittee.

7. Granite and bituminous curb

No person or utility shall remove, damage, haul away or cause misalignment ~~or of~~ any bituminous curb, granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the Town. Any curb missing, damaged or misaligned shall be replaced or aligned, ~~by the Town at the rate set forth herein and will be charged to the permittee; provided, however, that the Town, at its option, may allow~~ the permittee to replace or realign that portion of curb by the permittee's excavation. In such event, replacement or realignment shall be done in a manner and under specifications prescribed by the Town and subject to inspection by the Town and shall be completed within a period of ninety (90) days after such authorization to complete work. The permittee shall, for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such work and shall promptly repair or replace the same upon notice of the Scarborough Public Works Department ~~public works authority~~ and to the satisfaction thereof.

8. Maintenance of drawings

Every person or utility owning, using, controlling, or having an interest in substructures, under the surface of the public way used for the purpose of supplying or conveying gas, electricity, communication, impulse, water, steam, ammonia or oil in the Town, shall file with the Town, a map or set of maps each drawn to a scale of not less than one (1) inch to fifty (50) feet, showing in detail the plan, location, size and kind of installation, if known, of all new or renewed substructures, except service lines designed to serve single properties. These maps shall be provided to the Town no later than sixty (60) days after the completion date of construction. The same information shall be provided in a geo-reference CAD file.

9. Annual work program to be submitted by utilities

Each year on or before March thirty-first, each utility shall submit to the Scarborough Public Works Department ~~public works authority~~ its planned work program for the ensuing year, which shall not include emergencies and normal house service lines. Thereafter, no permit shall be issued to a utility for excavations not contained within its planned work program, except for emergencies and house service lines, until a prior written application for such excavation shall have been submitted to and approved by the Scarborough Public Works Department ~~public works authority~~.

Excavation

1. Clearance for vital structures

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops and all other vital equipment as designated by the Town.

2. Protective measures and routing of traffic

a. Safe crossings:

The permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.

b. Barriers and warning devices.

It shall be the duty of every permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian and bicycle traffic shall be subject to final review and approval of the Scarborough Public Works Department. Barriers, warning signs, lights, etc., shall conform to the latest edition of the “Manual on Uniform Traffic Control Devices”. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace light sources.

c. Normalizations of traffic conditions.

The permittee shall take appropriate measures to assure that during the ~~performance of~~ the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

d. Closing of streets.

When traffic conditions permit, the Scarborough Public Works Department, with the approval of the Scarborough police and fire departments of the Town, may ~~be written approval (or by verbal approval in case of emergency);~~ permit the closing of streets to all traffic for a period of time ~~if prescribed by him or her, if in his or her opinion it is~~ necessary. ~~The W~~written approval of the Scarborough Public Works Department may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency on week nights, weekends or holidays the utility company having such emergency shall contact the Scarborough police and fire departments by phone before closing a street to traffic.

e. Interference with arterial streets.

~~Unless an emergency condition exists construction activities of T~~the permittee ~~is also informed that construction activities (unless an emergency condition exists)~~ shall not interfere with the normal flow of traffic on arterial streets of the Town of Scarborough. The full in-bound roadway lane width shall be maintained between the hours of 6:45 a.m. and 8:30 a.m. and the full out-bound roadway lane width shall be maintained between the hours of 4:00 p.m. and 5:45 p.m.

f. Shifting traffic to opposite side.

~~The~~ permittee may shift traffic to the opposite side of the roadway to maintain required lane width. The permittee may only make such shift with the approval of the Scarborough Public Works Department following proper review of detour plans to insure adequate safe two-way traffic flow and proper number and placement of police officers.

3. Breaking through pavement in streets and sidewalks

~~a.~~All excavations on paved street and sidewalk surfaces shall be pre-cut in a neat straight line with pavement breakers, saws, or asphalt cutters.

~~b.~~Heavy duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.

~~e.~~Cutouts of the trench lines must be normal or parallel to the trench line.

~~d.~~Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

~~e.~~ Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

~~f.~~ The permittee shall not be required to pay for repair of pavement damage existing prior to the excavation unless ~~his or her~~ the cut results in small floating sections that may be unstable, in which case, the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

~~g.~~ When three (3) or more street openings are made in sequence (fifteen (15) feet or less, center to center, between each adjacent opening), the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.

~~h.~~ On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.

4. Care of excavated material

a. All material excavated from trenches and piled adjacent to the trench or ~~in~~ on any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the permittee haul the excavated material to a storage site and then re-haul it to the trench site at the time of backfilling.

b. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

c. All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Town. Whenever necessary in order to expedite the flow of traffic or to abate the dirt or dust nuisance, the boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes.

5. Backfilling of excavation

Crushed stone or sand shall be used to bed and backfill all underground utilities and shall be thoroughly compacted under, around and to a minimum of 6 inches above the structure. After being properly bedded, the backfill material for all other substructures shall be of a fine material, free from lumps, frozen materials and no stones larger than four (4) inches in diameter. All backfill materials shall be placed in eight (8) to ten (10) inch lifts and thoroughly compacted with approved mechanical compactors. Within eighteen (18) inches of the subgrade of the pavement, gravel shall be used as backfill material consisting of fifteen (15) inches of bankrun and three (3) inches of crushed or screened gravel in accordance with the Town's specifications. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Town. All expense of such tests shall be borne by the permittee.

6. Trenches

The maximum length of open trench in an excavation permissible at any time shall be two hundred (200) feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the Town.

7. Prompt completion of work

~~After~~ Once an excavation has begun is commenced, the permittee shall ~~prosecute with diligence and expedite~~ all excavation work covered by the excavation permit, ~~and~~ shall promptly complete ~~such the~~ work and restore the street ~~as specified~~ in accordance with this article. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle.

8. Winter Excavations ~~during winter~~

No person or utility shall be granted a permit to excavate or open any street or sidewalk from ~~the time of~~ November first of each year to April fifteenth of the following year unless an emergency or special condition exists and permission is obtained in writing from the Town. Any person or utility wishing to obtain a street opening permit between these aforementioned dates shall first explain fully in writing the emergency situation existing to the Town ~~before issuance is granted~~. If a hazardous condition, ~~which could~~ endangering life or property exists, excavation work shall not be delayed by this section, ~~2~~ However, a written explanation shall be delivered to the Town as soon as possible to obtain a permit and a street opening permit obtained for the opening made.

9. Manholes and/or catch basins

No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the Town without first receiving written permission from the Town. Any manhole and/or catch basin castings, frames and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the permittee in accordance with the specifications set forth by the Scarborough Public Works Department.

10. Excavations in reconstructed streets

Whenever the Town has developed plans to reconstruct a street, the Town or its representative shall give written notice ~~thereof~~ to all abutting property owners, to the Town departments, and to all public utilities which have, ~~or want, may wish~~ to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have sixty (60) days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall make a written application to the Town explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five (5) years unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. The above mentioned five (5) year moratorium for street openings also pertains to all new public or private streets, i.e. new subdivisions or developments that have been accepted in accordance with the Town specifications.

11. Incurred expenses through repairing and backfilling by Town

a. If the work or any part thereof mentioned in this article for repairing or backfilling the trenches or excavations shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done, and shall keep an account of the expense thereof, and in such case such person or utility

shall pay the Town an amount equal to the whole of the expense incurred by the Town with an additional amount of fifty (50) percent. Thereafter, upon completion of the work and the determination of the costs thereof, the Town shall not issue any additional no further or new permits to any person or utility until receipt of payment due it shall receive payment of the costs.

b. Any person or utility who continues to violate any section of this article shall receive no further permits until such time as the Town is satisfied that the person or utility shall comply with the terms of this article.

12. Resurfacing of streets and sidewalks

~~a. Permanent resurfacing by the Town.~~

~~Permanent resurfacing of excavations in streets shall be made by the Town.~~

~~a b. Temporary resurfacing by the permittee.~~

The top surface of backfill shall be covered with four (4) inches compacted depth of bituminous temporary resurfacing material, by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the Town may require hot mix. All temporary paving material shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the temporary paving and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced. ~~with permanent paving by the Town, except~~ If it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and vehicular traffic, then the permittee shall maintain barriers and lights where necessary required herein.

~~b e. Permanent resurfacing by the permittee.~~

Upon completion of all excavation the backfilling and temporary resurfacing of an excavation within a public place for the installation or removal of a substructure, the Town, at its option, may allow the permittee shall to permanently resurface that portion of the street surface damaged by the permittee's ~~excavation~~. In such event, permanent resurfacing shall be done ~~in a manner and~~ under specifications prescribed by ~~the Town~~ and subject to inspection by the Scarborough Public Works Department. Completion is required Town and shall be completed within a period of ninety (90) days after such authorization to complete final resurfacing. If such permanent resurfacing is satisfactory to the Scarborough Public Works Department Town, all charges for resurfacing except for permit fees, ~~long-term maintenance reserves and Town inspection charges, as herein set forth,~~ will be canceled. The permittee shall, for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such resurfacing and shall promptly repair or replace the same upon notice of the public works authority and to the satisfaction thereof.

13. Inspection

The Town shall make such inspections as are reasonably necessary in the enforcement of this article. The Town shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

Fees and Charges

1. Fee:

A fee as specified in the Schedule of License, Permit and Application Fees established by the Town Council, shall be paid for each excavation permit issued and renewed ~~and for each renewal of an excavation permit.~~

2. Cost of Replacement:

After openings ~~c~~Charges shall be established by order of the Town Council to cover replacement costs ~~the cost of replacement~~ of the street or sidewalk ~~after openings~~. Under this article, ~~which~~ charges shall not be in excess of the reasonable cost of such replacement.

3. Special Conditions:

a. Where three (3) or more street openings are made in sequence (fifteen (15) feet or less, center to center, between each adjacent opening), the permittee shall be charged for one opening measured from the first opening to the last opening.

b. ~~For If the~~ street openings exceeding fifty (50) square yards, a utility company or contractor may request, in writing, the Town's permission to contract privately for the street or sidewalk repairs. If the Town agrees, the contractor shall post a letter of credit for the actual amount of the street opening times the appropriate unit rate established or as approved by the Scarborough Public Works Department ~~public works authority~~. The letter of credit shall be for a period of one year or as otherwise approved by the Scarborough Public Works Department ~~public works authority~~ and shall be retained by the Town for the period of time. Upon notification from the public works authority, that the repairs have been accepted, the Town shall release the letter of credit to the contractor. Street repair ~~work~~ must be done in accordance with the Town's specifications and is subject to inspection by a Town representative.

c. The Town shall provide an on-the-job inspector to supervise all excavation, ~~backfilling~~ of temporary or permanent repairs. The permittee shall be charged ~~at~~ the appropriate hourly inspector's rate ~~of the inspector~~, plus thirty-five (35) percent overhead for the services of such inspector.

~~d. In streets where the Town has installed a new sanitary sewer or storm drain and the pavement on such streets is in need of major repair, the Town may waive up to fifty (50) percent of the total street opening repair charge to utilities and individuals having work to do on such streets.~~

Billing Procedures

~~1.~~ Upon completion of the excavation work and after ground settlement has stabilized, the size of the opening will be measured a measurement shall be made by the Scarborough Public Works Department ~~Town of the size of the opening~~ The Town's long-term cost to maintain the opening are calculated by multiplying the size of the road cut (total square yards) by the appropriate rate as set forth herein. and a bill will be mailed to the permittee depending upon the costs of the opening to be repaired. Cost of repair of the opening will be a factor of the total number of square yards multiplied by the appropriate rate as set forth herein. An invoice is generated and mailed to the permittee. Invoices Bills rendered in accordance with this section shall be due and payable by the permittee immediately upon receipt thereof. If a permittee does not pay ~~any~~ such invoice bill within thirty (30) days of receipt, the Town shall issue no further permits to ~~any such~~ permittee until ~~it receives~~ payment has been received of such outstanding bill.

**Town of Scarborough
STREET OPENING FEE SCHEDULE**

Street Opening Charges

As specified in the Schedule of License, Permit and Application Fees established by the Town Council.

Sidewalk and Driveway Opening Charges

As specified in the Schedule of License, Permit and Application Fees established by the Town Council.

Curbing

As specified in the Schedule of License, Permit and Application Fees established by the Town Council.

Other Charges

As specified in the Schedule of License, Permit and Application Fees established by the Town Council.

Vote: 6 Yeas.

Order No. 15-005, 7:00 p.m. Public Hearing and second reading on the proposed amendments to the Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4).

Thomas J. Hall, Town Manager, gave a brief overview on this item. Council Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:45 p.m.

Motion by Councilor Babine, seconded by Councilor Blaise, to move approval of the second reading on the proposed amendments to the Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4), as follows:

Amend the Town of Scarborough General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after July 1, 2014, as follows:

GA OVERALL MAXIMUMS (Appendix A)
Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	603	725	874	1,096	1,261
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation,					

Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	585	585	699	942	1,089
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	537	635	829	1,044	1,107
Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	762	901	1,163	1,463	1,565
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	950	952	1,138	1,656	1,801
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	633	742	954	1,260	1,501

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	753	751	899	1,131	1,551
York County HMFA: Acton, Alfred, Arundel, Biddeford,	689	714	903	1,206	1,248

Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells					
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***Note: Add \$69 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	514	547	653	851	941
Franklin County	564	593	720	867	1,232
Hancock County	603	693	854	1,130	1,161
Kennebec County	517	598	764	964	1,027
Knox County	709	719	877	1,124	1,275
Lincoln County	660	727	916	1,140	1,223
Oxford County	551	610	735	992	1,284
Piscataquis County	573	651	802	1,016	1,086
Somerset County	582	608	724	985	1,001
Waldo County	643	687	826	1,027	1,091
Washington County	552	593	707	874	1,058

*** Please Note: Add \$69 for each additional person.**

FOOD MAXIMUMS (Appendix B)

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through June 30, 2013, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	45.12	194
2	83.02	357
3	118.84	511
4	150.93	649
5	179.30	771
6	215.12	825
7	237.67	1,022
8	271.86	1,169

Note: For each additional person add \$146 per month.

**GA Housing Maximums
(Heated & Unheated Rents)**

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

Aroostook County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	84	362	107	461
1	84	362	113	487
2	99	426	136	584
3	134	575	179	770
4	143	614	197	848
Franklin County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	96	412	119	511
1	97	418	124	533
2	115	493	151	651
3	137	591	183	786
4	210	905	265	1,139

Hancock County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	105	451	126	563
1	117	503	145	625
2	145	622	180	776
3	197	845	241	1,038
4	197	845	245	1,054
Kennebec County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	83	359	106	355
1	94	404	123	424
2	123	529	160	526
3	159	685	203	730
4	159	685	214	763

Non-Metropolitan FMR Areas

Knox County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	128	552	151	649
1	128	552	151	651
2	150	645	186	799
3	197	846	240	1,032
4	209	899	272	1,168
Lincoln County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	140	600
1	124	535	153	659
2	159	684	195	838
3	200	862	244	1,048
4	207	889	260	1,118
Oxford County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly

0	89	382	114	491
1	101	434	126	542
2	113	487	153	657
3	161	693	209	900
4	216	928	274	1,179
Piscataquis County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	89	421	111	479
1	108	465	125	539
2	134	575	154	663
3	172	740	196	844
4	176	759	205	881
Somerset County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	100	432	123	529
1	100	432	127	548
2	116	498	152	655
3	166	714	210	904
4	166	714	211	908

Non-Metropolitan FMR Areas

Waldo County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	116	497	136	583
1	119	510	144	619
2	139	597	174	748
3	174	749	217	935
4	176	758	230	987
Washington County	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	93	402	114	492
1	95	410	122	525

2	108	465	146	629
3	134	575	182	782
4	163	703	222	954

Metropolitan FMR Areas

Bangor HMFA				
	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	101	432	126	543
1	120	518	153	657
2	145	625	185	796
3	184	790	233	1,004
4	210	904	268	1,154
Penobscot County HMFA				
	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	99	424	122	525
1	99	424	122	525
2	104	448	144	621
3	148	636	198	850
4	169	725	228	982
Lewiston/Auburn MSA				
	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	89	381	111	476
1	103	445	132	566
2	139	597	175	751
3	178	766	221	952
4	180	774	233	1,003

Metropolitan FMR Areas

Portland HMFA				
	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	142	611	163	702
1	166	715	194	833
2	214	922	252	1,085
3	271	1,165	319	1,371
4	274	1,180	339	1,458

York/Kittery/S. Berwick HMFA	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0				
1	181	779	207	890
2	181	779	207	890
3	206	887	247	1,060
4	314	1,350	364	1,564
	334	1,434	394	1,694
Cumberland County HMFA	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	111	479	133	573
1	131	563	157	674
2	167	720	204	876
3	228	982	272	1,168
4	271	1,167	324	1,394
Sagadahoc County HMFA	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	140	603	161	693
1	140	603	161	693
2	155	667	191	821
3	192	825	242	1,039
4	276	1,187	336	1,444
York County HMFA	<i>Unheated</i>		<i>Heated</i>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	126	541	146	629
1	126	541	150	646
2	156	672	192	825
3	216	928	259	1,114
4	216	928	266	1,143

UTILITIES (Appendix D)
ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

Number in Household	Weekly	Monthly
1	\$19.10	\$82.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

HEATING FUEL (Appendix E)

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 6 tons of coal per year, 7 cords of wood per year, 113,400 cubic feet of natural gas per year, or 900 gallons of propane.

PERSONAL CARE & HOUSEHOLD SUPPLIES
(Appendix F)

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.300	\$100.00
4	\$27.90	\$120.00

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-007. First Reading and refer to the Planning Board, the proposed amendments to Chapter 405-the Scarborough Zoning Ordinance, establishing a new Section VIIG. Historic Preservation Provisions - which would create a local list of historic properties and provide for zoning and building code incentives for preservation of these historic resources. Dan Bacon, Town Planner, gave a brief over on the proposed amendments to Chapter 405-the Scarborough Zoning Ordinance, establishing a new Section VIIG. Historic Preservation Provisions - which would create a local list of historic properties and provide for zoning and building code incentives for preservation of these historic resources.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the first Reading and refer to the Planning Board, the proposed amendments to Chapter 405-the Scarborough Zoning Ordinance, establishing a new Section VIIG. Historic Preservation Provisions - which would create a local list of historic properties and provide for zoning and building code incentives for preservation of these historic resources and schedule a public hearing after the filing of the recommendations of the Planning Board, as follows:

Proposed Amendments to the Zoning Ordinance
to Establish a List of Locally Significant Historic Properties and Incentives for Preservation

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Add a new SECTION VIIG. HISTORIC PRESERVATION PROVISIONS to the Zoning Ordinance as follows:

SECTION VIIG. HISTORIC PRESERVATION PROVISIONS

A. PURPOSE

This section provides an inventory of the buildings and properties that the Town Council has identified as significant historical resources that contribute to the history, culture, identity and general welfare of the Town of Scarborough. In addition to identifying locally historic buildings and properties, the purpose of these provisions are to also provide zoning and land use measures and incentives to preserve, protect and enhance these community resources.

B. HISTORICAL PROPERTIES

The following is a list of buildings and properties of historical significance (“significant historical resources”) that have been designated by the Scarborough Town Council:

<i>Street Address</i>	<i>Assessors Map/Lot</i>	<i>Current or Historical Property Name</i>
193 Beech Ridge Rd	R021005	Merry Farm
213 Beech Ridge Rd	R012012	Meserve Homestead
132 Black Point Rd	R081014	Causeway Church
255 Black Point Rd	U014014	Cobble Stone House
319 Black Point Rd	R090010	Foss Homestead
428 Black Point Rd	R103010	Cobble Stone House
81 Black Point Rd	R073012	Hunnewell House
79 County Rd	R015078	Ralph Temm Homestead
80 County Rd	R015014	North Scarborough Grange
450 County Rd	R002005D	Universalist Church and Parsonage
1 Dresser Rd	R031020B	John Libby Homestead
12 Dunstan Landing Rd	U033013	Lettie Merrill Homestead
13 Dunstan Landing Rd	U033029	Noah Pillsbury Homestead
18 Dunstan Landing Rd	U033014	Jonathan Pilsbery Homestead
37 Dunstan Landing Rd	R065003	Old Fabyan House
49 Elmwood Ave	R057001	Owen Leighton House

4 Highland Ave	R081016	Abraham Plummer
184 Holmes Rd	R022009	Beech Ridge School
23 Hunnewell Rd	U048028	2nd Hunnewell House
22 King St	U022079	Ebb Tide (formerly Phoenix)
100 Manson Libby Rd	R062006	Samuel Manson Libby Homestead
42 Manson Libby Rd	R062001	Libby Mitchell Post 76
34 Ocean Ave	U002171	Higgins Beach Inn
237 Pine Point Rd	U026049	1840 House
211 Pine Point Rd	U026058	The Old Maine House
248 Pine Point Rd	U025042	Old Blue Point Church
212 Pine Point Rd	U025002	John Harris Seavey House
265 Pine Point Rd	U024052	Proctor House
272 Route One	U041002	Bessey School
397 Route One	U038011	Dr. Haigis House
577 Route One	U034037	Southgate House
581 Route One	U034036	Southgate Barn
591 Route One	U034033	Dunstan School
605 Route One	U034029	Wayland
725 Route One	U029007	Ezra Carter Farm
720 Route One	U029001	Mulbery Milliken Tavern
674 Route One	U032034	One Room Dunstan Schoolhouse
626 Route One	U032001	Dr. Bacon House
672 Route One	U032033	Benjamin Chadwick House
656 Route One	U032011	Dunstan Church (W Scar Methodist Ch)
647 Route One	U031033A	Scarborough Historical Society
649 Route One	U031033	Dunstan Grange Hall
152 Spurwink Rd	R098016	Ivory Kilburn House
178 Spurwink Rd	R098023	Mitchell Farm
194 Spurwink Rd	R097002	Stanford House
2 Two Rod Rd	R049013	Scottow Hill Schoolhouse
122 Two Rod Rd	R032001	Blossom Place
5 Winslow Homer Rd	U002044	Winslow Homer Studio

The standards the Town Council used in designating these properties as significant historical resources included: the age of the structure(s) on the property; the historical significance of the design and architectural features of the structure(s) on the property; the historical significance of the people associated with the property; and the historical significance of events associated with the property. This list of significant historical resources may be reviewed and updated by the Town Council from time to time by utilizing these standards as review criteria. When conducting a review and update to this list the Town Council may consult with the State Historic Preservation Office, the Scarborough Historical Society, and/or a similar organization with background in historic preservation for information and guidance on compliance with these standards.

C. RESIDENTIAL DENSITY CREDIT FOR HISTORIC PRESERVATION

As an incentive to encourage the preservation of significant historical resources as identified by the Town of Scarborough as listed above, a property that includes the preservation of such significant historical resources may utilize a residential density “credit” in accordance with the following provisions and through Planning Board review and approval:

1. The subdivision or development plan shall be designed in a manner that preserves the identified significant historical resource and maintains, or improves, its historical nature and integrity. In the case of a historical building or structure that is in poor condition or disrepair, improvements may be necessary to repair or renovate the building or structure to restore its historical integrity, enable the long term preservation of the building or structure, and/or make it available for occupancy as determined by the Planning Board. The Planning Board shall also review and approve the form of long term preservation of the resource, which can be achieved by: establishing a historic preservation easement; by deed restriction; by donation to the Scarborough Historical Society, the Town of Scarborough, or similar organization with the mission of historic preservation; or by other means achieving long term preservation.
2. As part of the development review process the Planning Board shall review and approve the amount of land area necessary to preserve the significant historical resource (the “Preservation Lot”). The Planning Board shall ensure the land area is adequate to preserve the resource and configured to reasonably protect its historical significance. Unless already an existing legally nonconforming lot, the Preservation Lot shall be equal to the minimum lot area required for the zoning district it is in, unless the Planning Board determines additional land is required to preserve the significant historic resource due to certain landscape or other features.
3. Upon approval of the Preservation Lot by the Planning Board, the total number of dwelling units allowable within the remainder of the subdivision or development shall be increased by the number of dwelling units that exist within the historic building and/or are allowed for on the Preservation Lot, calculated by applying the net residential density requirement of the applicable zoning district to the net residential area of the Preservation Lot alone. This residential density increase, or “credit”, for the remainder of the subdivision or development shall be in addition to the existing and/or allowed residential density within the historic building and/or on the Preservation Lot, as an incentive to encourage the preservation of the significant historic resource.

D. BUILDING CODE EXCEPTIONS

The Maine Uniform Building and Energy Code (MUBEC) and the National Fire Protection Association Codes (NFPA) may provide for specified code exceptions for historic buildings that are

designated by a local jurisdiction or municipality as a means for helping enable the preservation of historic buildings and their character and construction. This subsection establishes that the inventory of significant historical resources listed under subsection B. above shall qualify as historic buildings under MUBEC and NFPA exceptions, unless otherwise excluded from these exceptions in the code standards.

2. Amend Section VIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection E. MASTER PLAN PHASE, 2. as follows (proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through):

g) Any historic or archeological resource that has been identified by the Maine Historic Preservation Commission, the Town's adopted Comprehensive Plan, or ~~Council~~Section VIIG. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance should be preserved and incorporated into the development plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored. The Planning Board, Planning Department, and the applicant may consult the State Historic Preservation Office, the Scarborough Historical Society, or similar organizations with the mission of historic and archeological preservation on options for preserving the resource. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.

3. Amend Section VIIE. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS subsection D. SITE INVENTORY AND ANALYSIS PHASE, as follows (proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through):

11. The approximate locations of all culturally, historically or archaeologically significant buildings, features, or sites. In particular, buildings, features or sites listed by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or Section VIIG. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance ~~other list of local historic and/or archeological resources adopted by the Town Council~~ shall be identified.

Proposed Amendments to Chapter 405B Site Plan Review Ordinance Regarding Historic Preservation

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Site Plan Review Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Amend subsection C. Submission Requirements in section III. Administrative & Review Procedures as follows (proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through):

12. The location and description of all historic and archeological resources on the parcel as identified by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or ~~other list of local historic and/or archeological resources adopted by the Town~~

Council[Section VIIG. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance](#) together with a narrative describing how these resources can be preserved and incorporated into the development plan. If an identified resource will be removed, altered, or not included as part of the development plan, a statement shall be provided as to why the resource cannot be preserved and the options considered but rejected for including it as part of the development plan.

2. Amend section IV. Performance & Design Standards as follows (proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through):

M. Preservation of Historic and Archeological Resources

Any historic or archeological resource that has been identified by the Maine Historic Preservation Commission, the Town’s adopted Comprehensive Plan, or [Section VIIG. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance](#)~~other list of local historic and/or archeological resources adopted by the Town Council~~ should be preserved and incorporated into the development plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored. The Planning Board, Planning Department, and the applicant may consult the State Historic Preservation Office, the Scarborough Historical Society, or similar organizations with the mission of historic and archeological preservation on options for preserving the resource. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.

Proposed Amendments to Chapter 406 Subdivision Ordinance
Regarding Historic Preservation

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Subdivision Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Proposed additions to the ordinance are underlined; proposed ~~deletions~~ are struck through.

1. Amend subsection 7.2. in Section 7. Preliminary Plan Requirements and Procedures by adding a new item p to read:

(p) The location and description of all historic and archeological resources on the parcel as identified by the Maine State Historic Preservation Office, the Town’s adopted Comprehensive Plan, or [Section VIIG. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance](#)~~other list of local historic and/or archeological resources adopted by the Town Council~~ together with a narrative describing how these resources can be preserved and incorporated into the subdivision plan. If an identified resource will be removed, altered, or not included as part of the subdivision plan, a statement shall be provided as to why the resource cannot be preserved and the options considered but rejected for including it as part of the plan.

2. Amend Section 6. General Requirements by adding a new subsection 6.8 to read:

6.8 Any historic or archeological resource that has been identified by the Maine State Historic Preservation Office, the Town’s adopted Comprehensive Plan, or [Section VIIG. Historic](#)

Preservation Provisions of the Town of Scarborough Zoning Ordinance ~~other list of local historic and/or archeological resources adopted by the Town Council~~ should be preserved and incorporated into the subdivision plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored. The Planning Board, Planning Department, and the applicant may consult the State Historic Preservation Office, the Scarborough Historical Society, or similar organizations with the mission of historic and archeological preservation on options for preserving the resource. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.

Vote: 6 Yeas.

Order No. 15-008. Act on the names posted to the various Committees/Boards at the Town Council meeting of January 21, 2015, by the Appointments Committee. Motion by Councilor Blaise, seconded by Councilor Babine, to move approval of following names that were posted to the various Committees/Boards, as recommended:

Energy Committee:

Move David Kirstein from 1st Alternate to a full voting member – term to expire in 2015 and Michael Wallace from 2nd Alternate to a full voting member – term to expire in 2016.

Housing Alliance:

Appoint Timothy Peters as a full voting member – term to expire in 2015.

Vote: 6 Yeas.

Order No. 15-009. Act on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2015. Thomas J. Hall, Town Manager, gave a brief over on this item.

Motion by Councilor Babine, seconded by Councilor Blaise, to move approval on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2015, as follows:

	2015	2014
	<u>Proposed Allocations</u>	<u>Allocations</u>
• Resident Commercial License:	30	29
• Non – Resident Commercial Licenses:	3	4
• Over 60 Commercial Bushel Licenses:	1	3
• Resident Student Commercial License:	10	10
• Non- Resident Student Commercial License:	1	1
• Resident Recreational Licenses:	200	200
• Non- Resident Recreational License:	20	20
• Day Permits:	10 per day	10 per day

Vote: 6 Yeas.

Order No. 15-010. Act on the request to approve the 2015 Town Council Goals. Thomas J. Hall, Town Manager, gave an update on the 2015 Town Council Goals.

Motion by Councilor Babine, seconded by Councilor Blaise, to move approval to approve the 2015 Town Council Goals, as follows:

Motion by Councilor Babine, seconded by Council Chair Holbrook, to move approval to amend the main motion to add “Better communications with internal committee/boards and School Board” under *Improve Communication Goals*.

Vote on amendment: 6 Yeas.

Motion by Council Chair Holbrook, seconded by Councilor Babine, to move approval to amend the main motion as amended to add another bullet at the end of the goals for Historic Preservation with continued oversight on completion of the recommendations.

Vote on amendment: 6 Yeas.

Main Motion as Amended:

2015 Scarborough Town Council Goals

**** Responsible & Realistic Budget:***

- Maintain Essential Services
- Avoid Layoffs
- Re-Develop Staffing Plans
- Level Service vs. New Initiatives
- Recognize Fiscal Constraints
- Consider Non Property Tax Revenues
- Maximize Value
- Trade-Off Conversations
- Stability in Tax Rate
- Capital/Long-term Planning

****Maintain/Strengthen Legislative Relationships***

- Budget Implications

****Town-Wide Revaluation***

****Economic Development:***

- Coordinate with SEDCO
- Diversify Tax Base
- Business Retention and Expansion
- Business Visitation
- Explore “Business-Friendly” Designation
- Ordinance Review – Zoning, Policies and Fees
- High-Speed Internet
- Focus on Haigis Parkway

****Benchmarking:***

- Financial
- Demographic – “By the Numbers”

****All Committee Summit:***

- Bi-Annual

****Master Plan:***

- Long Range Facility Plan

****Survey of Services***

****Improve Communication:***

- Civic Engagement Strategy
- Promote Open Government –Transparency
- Better communications with internal town committees/boards and School Board

****Affordable/Work Force Housing:***

- Lesson Learned – New Strategies

****Historic Preservation:***

- Continued oversight on completion of Committee’s recommendations.

*Goals are not listed in order of priority.

Vote: 6 Yeas.

Order No.15-011. Act to approve the Resolve to accept donations for the Fuel Assistance Program. Motion by Councilor Babine, seconded by Councilor Blaise, to move approval of Order No. 15-011, as follows:

**TOWN OF SCARBOROUGH
IN TOWN COUNCIL ASSEMBLED**

February 4, 2015

RESOLVE Accepting Donations for the Fuel Assistance Program.

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL AS FOLLOWS:

THAT THE Town of Scarborough gratefully accepts the pledges and donations from the following businesses and/or persons, that have been collected to date, to be used for the Fuel Assistance Program:

Mr. & Mrs. Phillip R. LaRou, Jr.

Dog Owners of Greater Scarborough

AND, be it further Resolved that each business, organization and/or person be recognized for their generous donations as a token of the Town’s appreciation.

Sponsor: Town Council

Originator: Town Council

Vote: 6 Yeas.

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

- Council Blaise updated on the Habitat for Humanity noting that it had received approval for its project located at 75 Broadturn road
- Councilor Caterina gave an update on MMA Legislative Policy Committee
- Councilor Donovan gave an update on Rules and Policies Committee meeting.
- Councilor Babine gave an update on the Town Council’s Finance Committee meeting – next meeting is February 25th at 4:00 p.m. He then noted that Sedco’s next meeting would be next Thursday. He gave an update on PACTS and noted that the discussion was about regional transportation planning.

- Council Chair Holbrook gave an update on the Historic Preservation Committee and the next meeting would be On Tuesday, March 3rd at 6:30 p.m. The Housing Alliance would be meeting at 6:30 tomorrow night – Thursday, February 5th. There would be a Communication Committee meeting this Friday morning. On behalf of Councilor St. Clair, she invited the residents to submit pictures for the Town’s new Facebook page to the Town Clerk’s Office.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Update on voter approval of pumper truck. Bids had been solicited and the results show 4 bids that are all under the bid price. A committee is in the process of reviewing these.
- On Monday, February 1st Dispatch will go live with Old Orchard Beach. There was an open house last Friday with the swearing in of three new dispatchers.
- During the last election there were a couple of high profiled individuals [Hilary Clinton and the President] whom visited the area in support of local candidates. He was pleased to inform the Town Council that the Public Safety Department received payment for services rendered during these visits.
- There would be a meeting with the local legislative delegation on Wednesday, February 18th at 6:00 p.m. here at Town Hall.

Item 11. Council Member Comments.

- Councilor Babine sent a thank you to the Public Works Department for their work over the past couple of storms and for those yet to come. He also thanked the Public Safety personnel. He encouraged residents to assist by shoveling out hydrant. He then asked for legal opinion on what the voters approved and what was spent and left over as what can be done with the money before we reallocate the funds for something else.
- Councilor Donovan mentioned an article in a local newspaper that rated municipalities and Scarborough came in 2nd. He spoke on the consolidation of the dispatch between Scarborough and Old Orchard Beach. He also spoke on the Community Center in South Portland and that residents from other communities were able to utilize this facility. This is an example of what kind of joint venturing between communities could do.
- Councilor Caterina reminded everyone that February 14th was coming and mentioned that Project Grace is having their Annual Fuel Assistance Program - they would like to raise \$15,000 and reminded residents not to forget the Clynk bags that were available in the Town Clerk’s Office. She urged residents to pay close attention the state budget as it would affect the local budget. She thanked those residents who adopted a hydrant – firefighters were pleased with those that have already been and urged others to follows suit.
- Councilor Blaise commented on a visit to the Dispatch Center – noting that the transition with Old Orchard Beach had been a success. He thanked Council Chair Holbrook for holding workshops prior to regular council meetings – these have been very informative and helpful.
- Councilor Hayes thanked the Police Department, the Fire Department and Public Works for all that they have done over the past few storms – it is amazing the road are so well kept.
- Councilor Chair Holbrook also noted the Fuel assistance fund raiser for Project Grace and the Clynk Bags that are available in Town Clerk’s office. She too thanked those who had adopted a fire hydrant – mentioning Mark Robinson who had been on who adopted a hydrant. She thought that the Seniors Program might want to explore a used wheel chair program and might want to work with the Lions group on this as there is a need for this in the community.

Item 12. Adjournment. Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk