

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 18, 2015
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Council Chair Holbrook opened the regular meeting of the Scarborough Town Council at 7:00 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	Katherine A. St. Clair [Absent]
William J. Donovan	Edward NMI Blaise, III
Jean-Marie Caterina, Council Vice Chair	Pete F. Hayes
Jessica L. Holbrook, Council Chair	

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

Item 5. Minutes: March 4, 2015 – Regular Meeting. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the minutes of the March 4, 2015, regular Town Council meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

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 report from the Ad Hoc Historic Preservation Advisory Committee. Council Chair Holbrook spoke on behalf of the Ad Hoc Historic Preservation Advisory Committee. She gave an update on the final report which noted 48 sites within Scarborough that contain structures of historic significance. The Committee recommended that a permanent committee be established and from that Committee there would be working groups that would work in conjunction with the new committee, town departments and others on various projects. The full report would be on file in the Town Clerk’s Office. Mr. Frederick Chair of the Ad Hoc Historic Preservation Advisory Committee stated that the committee focused on on-going preservation for the future. With a successor committee in place they would meet and review the list for any possible additions or deletions. The data could be maintained for future use adding the GIS information already has a layer for historic data. Council Chair Holbrook, thanked the Committee for its work.

Order No. 15-007, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405-the Scarborough Zoning Ordinance, establishing a new Section VII.G. 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 overview on the proposed recommendations.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to Chapter 405-the Scarborough Zoning Ordinance, establishing a new Section VII.G. 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, as follow:

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 VIII.E. 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 VIII.E. 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 ~~Council~~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.

Resolution 15-002. Act on the request to establish a standing *Historic Preservation Implementation Committee*. Motion by Councilor Chair Holbrook, seconded by Councilor Babine, to move approval of Resolution 15-002 to establish a standing Historic Preservation Implementation Committee, as follows:

**RESOLUTION 15-002
ESTABLISHMENT OF A HISTORIC
PRESERVATION IMPLEMENTATION COMMITTEE**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, the Town Council does hereby recognize the importance of Historic Preservation within the Town of Scarborough and it is important to preserve the historic quality of the Town for future generations to learn about and enjoy; and,

WHEREAS, on April 17, 2013, the Town Council approved Resolution 13-02, establishing the Ad Hoc Historic Preservation Advisory Committee charged to craft a Town-wide Plan for preserving the historical pieces and places that can be used as a guide for future reference.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled, that, with its work completed the Ad Hoc Historic Preservation Advisory Committee, recommends to the Town Council to establish a Historic Preservation Implementation Committee to preserve the Town's Historical footprint.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Town Council of the Town of Scarborough, Maine in Town Council assembled, that the Town Council does hereby establish the Historic Preservation Implementation Committee and its charge shall be as follows:

1. **Purpose.** The purpose of the Committee is to serve as an advisory Committee to the Town Council regarding historic preservation for the Town of Scarborough and to implement the *Final Report and Recommendations* from the Ad Hoc Historic Preservation Advisory Committee.
2. **Duties.** The Committee shall have the following duties concerning historic preservation:
 - Review and consider planning efforts; and,

- Develop further recommendations for the Town Council; and,
 - Provide an Annual Report to the Council; and,
 - Oversee, encourage, coordinate and carry out, as appropriate, preservation efforts and activities, including (i) creating, in consultation with the Town Manager, task specific Working Groups; and (ii) as appropriate, and at least annually, reviewing and making recommendations to the Town Council regarding the lists of historic sites in Ordinances and elsewhere; and,
 - Advising the Town Council, Planning Board, other Boards/Committees, and Town staff regarding historic preservation issues that come before them; and,
 - Maintaining an up-to-date Watch List of historic properties the preservation of which may be or, in the near future, may become uncertain.
3. **Membership.** The Committee shall be comprised of five (5) members. One (1) member shall be the Town Council member appointed as liaison to the Committee. All remaining appointments will be made by the Town Council. Terms of these four (4) members will be for two (2) years and will expire on December 31st. The initial appointments will be two (2) with terms expiring December 31, 2016 and two for terms expiring December 31, 2017.
 4. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.
 5. **Procedures.** Three (3) members of the Committee shall constitute a quorum. Every action by the Committee shall require the concurrence of three (3) members. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk's Office for filing. The Committee shall set its own meeting schedule. Meetings will be open to the public.

Signed and sealed this the 18th day of March, 2015, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Jessica L. Holbrook, Council Chair and attested by Town Clerk.

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-019. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 302 – the Town of Scarborough Town Council Rules, Policies & Procedures Manual as recommended by the Rules and Policies Committee. Councilor Donovan gave a brief overview on the proposed changes to Chapter 302 – the Town Council Rules, Policies & Procedures Manual.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the first reading on the proposed amendments to Chapter 302 – the Town of Scarborough Town Council Rules, Policies & Procedures Manual as recommended by the Rules and Policies Committee and schedule a public hearing and second reading for Wednesday, April 1, 2015.

Motion by Councilor Donovan, seconded by Councilor Babine, to move approval to amend the main motion to add to the last sentence of 201.0 as follows: "The term for new appointees will be for one year unless otherwise determined by the Town Council."

Vote on amendment: 6 Yeas.

Vote on main motion as amended:

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

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, to amend Chapter 302 - the Scarborough Town Council Rules, Policies & Procedures Manual, by adding either the underlined text or deleting the text shown in strikethrough type, as shown below to Section 200. Town Council Policies and Procedures:

1. Amend Subsection 201.0, as follows:

201.0 Appointments To Town Committees/Boards.

Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments Committee and certified by the Council. The term for new appointees will be for one year unless otherwise determined by the Town Council. [amended 09/04/02]

2. Amend Subsection 202.3, as follows:

202.3: Decorum.

Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or action taken at such meeting.

202.3.a: Citizens shall direct their remarks exclusively to the Council Chair unless the Chair allows otherwise. Citizens will strive to be accurate in their statements; and avoid ~~personalities;~~ and making personal, rude or provocative remarks. All statements should respect the dignity and seriousness of the proceeding. Citizens shall conduct themselves in a manner expected of all meeting participants. [amended 04/18/01]

202.3.b.: It shall be at the discretion of the Council Chair to ask any persons making in-appropriate statements, and/or conducting themselves in a disrespectful manner to cease such action or risk being asked to be seated or removed. [adopted 10/21/09]

Vote: 6 Yeas.

Order No. 15-020. First reading and schedule a second reading on the Bond Order for the 2015 Municipal and School Capital Improvement Projects. The following spoke on this item: Mr. Michael Turek of Bayberry Lane asked if the bond information would be available for the public and asked what the town debt was currently at? Ruth Porter, Finance Director, noted that the debt was currently at \$98,000,000 and would more than likely remain at this number even with this bond order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the first reading on the Bond Order for the 2015 Municipal and School Capital Improvement Projects and schedule the second reading for Wednesday, April 1, 2015.

After a brief discussion with regards to the bond order that had been presented in the packet it would need to be replaced with a new bond order that is reflective of current amounts that had not yet been bonded. All items that are listed have been approved by prior Councilors. Councilor Babine and Councilor Caterina withdrew their motion and made the following motion:

Motion by Councilor Babine, second by Councilor Caterina, to move approval to of the first reading on the proposed bond as presented this evening for the 2015 Municipal and School Capital Improvement Projects and schedule the second reading for Wednesday, April 1, 2015, as follows:

**BOND ORDER FOR
2015 MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS**

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Municipal and School Capital Improvement Projects are hereby approved for funding:

<u>2014-2015 Municipal - Equipment</u>	<u>Amount to Bond</u>
Software & Conversion	\$ 40,500.00
FD Major Apparatus Maint (refurb L 1/E6/E5)	62,000.00
F.D. Engine 3 Pumper (replacement schedule)	585,000.00
F.D. Lifepak Defibrillator/Monitor Replacement	95,000.00
Plow Truck # 4017	185,000.00
Pickup Truck # 4033	34,000.00
Additional Plow Truck	<u>170,000.00</u>
	<u>\$ 1,171,500.00</u>
<u>2014-2015 Municipal - Projects</u>	
MIS Town-Wide Desktop Replacement	103,560.00
OH Prof Building-PH III Waterproofing	15,650.00
Library Office Reconfiguration	125,000.00
F.D. Major Station Maintenance Program	248,150.00
Mid-Level Road Rehabilitation (3 miles per year)	454,960.00
Pleasant Hill Rd Reconstruct, Ph I (RR overpass)	<u>700,000.00</u>
	<u>\$ 1,647,320.00</u>
<u>2014-2015 Municipal - Lease Equipment</u>	
Electric Vehicle for Code Inspections	6,000.00
C.S. Replacement Tractor/Front Mount Broom	15,650.00
F.D. Replace Thermal Imaging Cameras	29,430.00
Traffic - Oak Hill Camera (Technology Upgrade)	<u>35,000.00</u>
	<u>\$ 86,080.00</u>
<u>2014-2015 Municipal - Lease Projects</u>	
MIS Main Office 10 GB Switch	29,500.00
MIS Backup Disaster Recovery System	30,000.00
Public Works Software Update	<u>55,000.00</u>
	<u>\$ 114,500.00</u>

2014-2015 School Projects

CIP Bus Purchase	277,450.00
DW Roofing	35,000.00
DW Movable Equipment-Machinery	30,000.00
HS Auditorium Public Space	36,850.00
Facilities Support Equipment	<u>111,000.00</u>
	<u>\$ 490,300.00</u>

2013-2014 Municipal - Projects

MIS Replacement Climate Control System	<u>45,000.00</u>
	<u>\$ 45,000.00</u>

2013-2014 Municipal - Equipment

2014 2ND0T KMBS BIZHUB 224E Copier Fin, Fire, Collectn, C Care	20,700.00
2014 Fire Narrowband Radio/Munc Fire Alarm Upgrade	22,500.00
2014 Fire Replace Thermal Imaging Cameras	27,550.00
2014 Police Cruiser Equipment	15,000.00
2014 Police Tactical Team Vests	19,800.00
2014 Police Fire Alarm Digitizers	72,500.00
2013 Public Works Heavy Truck Lifts	<u>66,250.00</u>
	<u>\$ 244,300.00</u>

2013-2014 School Projects

DW Roofing	84,000.00
Security System Upgrade	<u>145,000.00</u>
	<u>\$ 229,000.00</u>

Total 2015 Bond Order **\$ 4,028,000.00**

BE IT FURTHER ORDERED, That a sum, not to exceed \$4,028,000, is hereby appropriated to provide for the costs of said projects; and,

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$4,028,000, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Vote: 6 Yeas.

Order No. 15-021. Act on the request to amend the Disposition of Tax Acquired Property Policy, as recommended by the Rules and Policies Committee. Councilor Donovan gave a brief overview on the proposed amendments to the Tax Acquire Property Policy. The following spoke on this item: Rick Shinay of Hampton Circle thanked the Council for giving the property owner a way to purchase their property back.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the proposed amendments to the Disposition of Tax Acquired Property Policy, as recommended by the Rules and Policies Committee, as follows:

**TOWN OF SCARBOROUGH
POLICY FOR
DISPOSITION OF TAX ACQUIRED PROPERTY
ADOPTED OCTOBER 16, 2002
AMENDED , 2015**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, to amend the Town of Scarborough Policy for Disposition of tax Acquired Property, by adding either the underlined text or deleting the text shown in strikeover type, as shown below:

Article 1. General.

- 1.1 The purpose of this Policy is to establish procedures and guidelines for the efficient and fair management, administration and disposition of real property acquired under the tax lien procedures set forth in Title 36 M.R.S.A. Sections 942 and 943. Nothing in this policy is intended or shall be interpreted to give additional substantive or procedural rights to owners or former owners of properties forfeited for non-payment of taxes.

Article 2. Actions Concerning Tax-Acquired Property Pending Final Disposition.

- 2.1 Following the foreclosure of any tax lien mortgage, the Town Treasurer shall by first class mail notify the last known owner of record that his or her right to redeem the tax lien mortgage securing the collection of property taxes has expired, that the tax lien mortgage has foreclosed and vested ownership of the property in the Town. The notification shall also advise that the property will be disposed of in accordance with this ~~p~~Policy, a copy of which shall be included with the notification.
- 2.2 Each year the Treasurer shall prepare a list of properties acquired due to non-payment of property taxes and foreclosure of tax liens and provide ~~this~~ such list to the Town Manager.
- 2.3 The Town Manager, and as necessary in consultation with the Town Attorneys, shall review each property identified on the list ~~and to~~ determine:
- A. The potential liabilities (environmental, structural safety, health or other hazards associated with the property) that the Town might assume by taking possession or by operating the property and assess whether the Town's interests in light of such potential liabilities would be best served by immediately disposing of the property or retaining it;
 - B. The level of insurance required to protect the Town's interest in the property and to protect the Town from liability in the event that the property is retained; and
 - C. Whether the property is currently occupied and the likelihood of requiring needing legal assistance (and estimated costs of the same) to require the occupants to quit the premises.

2.4 In the event that a tax-acquired property remains or becomes vacant for sixty (60) consecutive days following the date of foreclosure of ~~the a~~ tax liens under which the Town becomes the owner of a property, the Town Manager shall obtain liability coverage for the property.

Article 3. Review and Disposition of Tax-Acquired Properties.

3.1 The Town Manager shall forward a copy of the list of tax-acquired properties to the ~~m~~Members of the Town Council, Chairman of the Planning Board, ~~the Pubic~~ Public Works Director, ~~the~~ Police Chief, ~~the~~ Fire Chief, ~~the~~ Community Services Director, ~~the~~ Conservation Commission, ~~the~~ Emergency Services Director, ~~the~~ Municipal Engineer as appropriate, other Town department heads; the Scarborough Historical Society, Affordable Housing Alliance and the Parks and Conservation Land Board. ~~These parties Chairman of the Planning Board, the Public Works Director, the Police Chief, the Fire Chief, the Community Services Director, the Conservation Commission, the Emergency Services Director, The Municipal Engineer and other Town department heads shall, within 21 days of the receipt of the list, review the list of tax-acquired properties and identify those properties that each the party believes should be considered as a candidates to be retained by the Town for public use and within twenty-one days of receiving the list provide the Town Manager with the party's recommendations and a brief statement of the reasons therefore.~~

The Town Manager shall collect and summarize these recommendations, ~~summarize and~~ the ~~results of his or her~~ review of each such property as per under Section 2.3 of this Policy and make one of the following recommendations to the Town Council on the disposition of each tax acquired parcel:

A. For non-residential or, commercial properties, or residential property that are is not the former owner's or the members of the former owner's immediate family's primary residence, to either:

1. Retain the property as Town property for a particular purpose identified by one of the above-identified department heads or other Town officials. For such to be retained properties, The Town Manager, in consultation with the Town Attorney shall review and pursue, if as appropriate ~~or required~~, judicial confirmation of the Town's right, title or interests in the subject property under 36 M.R.S.A. section 946; or
2. Sell or exchange the property with or without conditions: ; or
3. Offer to the former owner a one-time opportunity to redeem and require the tax foreclosed property under the procedures and terms set for in Article 4 below.

B. If the ~~P~~property is a single-family residence occupied by the owner or the former owner or the former owner's immediate family members, to enter into arrangements to secure just and prompt payment of outstanding and current taxes, related interests and costs.

1. If this option of disposition is pursued, the Town Manager shall present the ~~taxpayer~~ the former owner (or former owner's immediate family) with and the former owner shall agree to acknowledge a written plan and an installment sales contract for payment of past due and currently due taxes, interests, and costs under the tax lien process and all outstanding sewer charges, assessments and other lawful charges as are due and owing to the Town.
2. The installment sales contract shall require the former owner of the property to maintain property insurance and provide proof of the same to the Town and to reimburse the Town for its costs and expenses in negotiating and executing such

agreements and installment sales contract. The Town's costs shall include all costs incurred or to be incurred by the Town in addition to those incurred in the tax lien process and shall include, but not be limited to, insurance costs, registry filing and mailing costs, advertisement costs, and attorney's fees.

3. The former owner must timely sign the written plan and installment sales contract and affirmatively acknowledge in writing that title to the property belongs to the Town and shall remain with the Town until such time as the terms of the installment sales contract are all successfully and timely completed, and further acknowledge that the former owner will strictly comply with the terms of the plan and installment sales contract.
4. Failure of a n former owner to timely enter into an installment sales contract with the Town (within thirty (30) days) or strictly comply with ~~the~~ an executed plan and terms of the installment sales contract will result in a default and forfeiture of the plan and installment sales contract. Upon such failure, the former owner will be provided with the one-time opportunity to reacquire the property under the terms and procedures set forth in Article 4 and result in the property being either retained by the Town or sold under the other provisions of this policy.

3.2 The Town Manager shall forward his or her reviews, recommendations and determinations regarding each property to the Town Council. The Town Council may override a particular recommendation of the Town Manager to retain a property but shall otherwise direct that the property be processed in conformance with the terms of this Policy.

3.3 Any sale of tax-acquired property shall be through a public sale. The Town Manager shall otherwise oversee the exact terms and conditions of such sale and use his or her best judgment to seek the best and most expedient method of sale and return on the sale for the Town.

Article 4. One-Time Opportunity and Process to Reacquire Tax acquired industrial, commercial vacant land, non-primary residence property or residential tax acquired property subject to default and forfeiture of an instalment sales contact under Article 3.1.

- 4.1. Immediately following the Town Council's identification or properties qualifying to be offered a one-time opportunity for redemption and reacquisition, or following an event of default and forfeiture under Section 3.1(B)(4), the Town Manager shall send by certified and first class mail addressed to the former owner of properties so identified a letter notifying of the redemption and reacquisition process under this Article.
- 4.2. To elect the opportunity to be allowed the one-time opportunity to redeem and reacquire the tax acquired property, the former owner must inform the Town Manager, in writing, of their agreement within thirty (30) days of the Town Manager's notification letter, to the following terms:
 - A. Confirmation that the Town holds valid title to the property under the foreclosure process:
 - B. Agreement to make payment to the Town within ninety (90) days according to the following terms:
 1. Payment in full of the amount of all taxes and interest subject to liens and for all years through and including taxes assessed for the current tax year as would have been assessed to the subject property following the tax lien foreclosure if such taxes were not assessed;

2. Payment in full of the Town's cost of administering and filing the liens, including the filing of notices and registry costs, deed and discharge filings, insurance coverage and costs of securing or maintain the property and,
 3. Payment in full of an administrative fee in the amount of \$750.00 to cover and offset the Towns' legal costs and cost of preparing and filing the tax release deed and lien.
- C. Payment shall be by certified funds or wire transfer.
- D. Upon full, timely and satisfactory completion of all requirements and payment under this Article, the subject property shall be conveyed to the former owner by Municipal Tax Release Deed.

Adopted by the Scarborough Town Council

Amended , 2015

October 16, 2002

Vote: 6 Yeas.

Order No. 15-022. Act on the following requests, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance:

- a. **From Wegman Companies to accept the public infrastructure of the off-site improvements in Black Point Road and accept the right-of-way parcel, access and sidewalk easements as recommended by the Planning.**
- b. **From Scarborough Property Holdings, LLC and Scarborough Capital Partners LLC to accept the public infrastructure of the off-site improvements in Ginn Road.**

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the requests as noted in Order No. 15-022 in pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance:

Vote: 6 Yeas.

Order No. 15-023. Act on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground scheduled for Thursday, May 14th through Sunday, May 17th. Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground scheduled for Thursday, May 14th through Sunday, May 17th.

Vote: 6 Yeas.

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

- Councilor Babine gave an update on the Finance Committee meetings that were held last week. The next meeting is scheduled for March 24th at 4:00 p.m. here at Town Hall. A joint Town and School Finance meeting is scheduled for April 29th 7:00 p.m. at the High Auditorium. This would be a Public Forum on the budget and would serve as the public hearing for the Town Council. He went on to note that SEDCO would be holding their Board

meeting tomorrow Thursday, March 19th at 7:30 a.m. and went on to give an update on ecomaine.

- Councilor Donovan also spoke on the Finance Committee by adding that there would be a meeting every week until the final budget had been adopted. He went on to give an update on the Energy Committee.
- Councilor Caterina noted that next Conservation meeting would be in April. She give updates on the MMA Legislative Policy Committee, the Metro Transportation meeting and the Long Range Planning Committee.
- Councilor Blaise noted the next meeting of the Ordinance Committee would be on April 21st. He gave an update on a meeting between the Planning Board, SEDCO and the Long Range Planning Committee regarding the Dunstan area.
- Councilor Hayes gave an update on the Shellfish Committee and Coastal Harbors & Waters Committee.
- Council Chair Holbrook gave an update on the Appointments Committee and went on to post the following names:

Community Services Recreation Advisory Board.

Liam Somers to the Community Services Recreation Advisory Board as 2nd Alternate with a term to expire in 2016.

Energy Committee.

Ronald Allen to the Energy Committee as 1st Alternate to fill a term that expires in 2015.

She noted the next Housing Alliance Meeting would be scheduled for Thursday, March 19th at 6:30 p.m. at Town Hall and the Ad Hoc Historic Preservation Advisory Committee would conduct its last meeting on Tuesday, April 7th at 6:30 p.m. at Town Hall.

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

- He continues to work with the Council Chair with regards to the Assessor's Position. There are two potential candidates as well as a proposal from Cumberland County and a possible shared position with another community. He would keep the Council informed.
- The Municipal Budget would be present at the April 1st Town Council meeting and prior to the Council meeting there would be a presentation from the Auditors on the Town Audit.
- Points of interest: He presented to Piper Shores and also attended the Chamber's Board meeting and they had a number of questions regarding action taken by the Council action on the resolve relating to the Governor's Budget and potential of a local tax.
- He received a call from the US Department of Fish and Wildlife Services and they would like to schedule a meeting with us, but have not indicated what their interest is. He would keep the Council informed.

Item 11. Council Member Comments.

- Councilor Caterina reminded residents to get their Clynk Bags in the Clerk's Office.
- Councilor Donovan wished a belated Happy St. Patrick's Day to everyone. He congratulated the Boys Hockey Team on winning the State Championships.
- Council Chair Holbrook noted that Project G.R.A.C.E did reach their goal and was able to receive the donor match. She sent condolences from the Town Council to the families of the following individuals: Winnifred Ahlquist, William Giguere, John Doody, Paulette Erb and Helen Plummer.

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

Vote: 6 Yeas.

Meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Yolande P. Justice
Town Clerk