

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 7, 2016
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council at 7:08 p.m. [Workshop prior to meeting ran late.]

Item 2. Pledge of Allegiance.

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

Shawn A. Babine, Vice-Chair	Katherine A. St. Clair
Robert W. Rowan	Peter F. Hayes
Jean-Marie Caterina	Christopher J. Caiazzo
William J. Donovan, Chairman	

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

Item 5. Minutes: August 17, 2016 – Regular Meeting. Motion by Councilor Rowan, seconded by Councilor Caterina, to move approval of the minutes of the August 17, 2016, regular meeting.

Vote: 7 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.

Order No. 16-50, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section XVII.B Haigis Parkway District (HP). Dan Bacon, Town Planner, gave a brief overview on the proposed amendments to Chapter 405 and responded to questions from the Town Council. Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:22 p.m.

Motion by Councilor Babine, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section XVII.B Haigis Parkway District (HP).

Motion by Councilor Rowan, seconded by Councilor Babine, to move approval to amend the main motion on Section B.3 to include “and mixed uses”.

Vote on amendment: 7 Yeas.

Main Motion as amended:

**Proposed Amendment to the Zoning Ordinance
Regarding Multi-Family Housing in the Haigis Parkway District (HP)**

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

Amend SECTION XVIII.B HAIGIS PARKWAY DISTRICT (HP) Subsection B. as follows (additions are underlined; deletions are struck through):

B. RESIDENTIAL USES

The following residential uses are permitted only in planned developments:

- 24. Boarding care facilities for the elderly, subject to the performance standards of Section IX(C)
- 25. Nursing homes
- 26. Dwelling units in a mixed-use building, limited to ~~no more than twelve (12) dwelling units per building a maximum building~~ a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.
- 27. Multi-family dwellings, limited to ~~no more than twelve (12) dwelling units per building a maximum building~~ a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.
- 28. Live / work units and only as part of a mixed-use planned development as specified under subsection II.C.5.

Amend SECTION XVIII.B HAIGIS PARKWAY DISTRICT (HP) Subsection C.3. as follows (additions are underlined; deletions are struck through):

3. Maximum Building Coverage, Lot Coverage, and Building Height.

Use Types	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height (ft.)
Non-Residential <u>and Mixed Uses</u>	50%	75%	75', not to exceed 6 stories
Residential Uses	50%	75%	45', not to exceed 3 stories

Vote: 7 Yeas.

Order No. 16-51, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 302 – the Scarborough Town Council Rules, Policies and Procedures Manual. Thomas J. Hall, Town Manager, gave a brief overview on the proposed amendments to Chapter 302 – the Scarborough Town Council Rules, Policies and Procedures Manual. Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:25 p.m.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval of the second reading on the proposed amendments to Chapter 302 – the Scarborough Town Council Rules, Policies and Procedures Manual.

Motion by Councilor Caiazzo, seconded by Councilor Babine, to move approval to amend the main motion as follows [new changes are in blue]:

203.0.a: 3 Members to the Finance Committee:

The Finance Committee will review the Town Manager’s proposed budget after it has been presented to the Town Council for a first reading and in accordance with Section 502 of the Town Charter.

The Finance Committee shall review appropriation requests and revenue estimates for all offices, agencies and departments of the Town. The Finance Committee shall meet regularly with its designated counterpart from the Town Department of Education to discuss the appropriation requests and revenue estimates from that department in accordance with Article IV and V of the Town Charter. ~~including the Department of Education, with the exception of the Department of Education—pursuant to Articles IV and V of the Town Charter—~~ The Finance Committee shall ~~and~~ prepare recommended line item appropriation amendments,with the exception of the Town Department of Education Budget, to the proposed budget to the Town Council prior to the public hearing and final reading. The Finance Committee shall recommend, only, a total appropriation for the Town Department of Education. Pursuant to Article V of the Town Charter, the Town Council retains the ultimate responsibility of reviewing and approving the total budget with or without amendments.

In consultation with the Town Manager and staff, the Finance Committee may prepare and recommend for approval by the Town Council, policies and/or procedures relating to the financial affairs of the Town.

Vote on amendment: 7 Yeas.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the main motion as amended to include, under Section 303.0, a new subsection 303.2 - Repeal of Prior Town Council Travel Policy. This section repeals the Town Council Travel Policy adopted by the Town Council on February 18, 1998 and as amended on April 19, 2000 and replaces it with Chapter 302 – the Scarborough Town Council Rules and Procedures Manual Section 303.0 Reimbursement for Professional Development, adopted by the Town Council on September 7, 2016.

Vote on amendment: 7 Yeas.

Main Motion as amended:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302 – the Scarborough Town Council Rules, Policies & Procedures Manual of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

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

Section 100: TOWN COUNCIL RULES OF ORDER

100.0: Preface.

The Scarborough Town Council will maintain ~~this~~ these Rules, ~~Polieies~~ & Procedures ~~Manual~~ as an operational guide for staff, council members and the general public. The manual will be regarded as a continuously developing and changing document to meet the needs of the changing times and circumstances. This development and change process, while ultimately the responsibility of the Council, is a task in which all affected are expected and invited to participate and contribute.

101.0: Definitions.

For the purposes of this manual and each of its sections, the following definitions shall apply:

101.1: Rules of Order

Are general procedural rules and orders adopted by a majority of the Town Council for the members of the Council to follow. Unless otherwise modified herein, Roberts Rules of Order will prevail. [amended 10/21/09]

101.2: Policy(ies)

Are a plan or course of action, guiding principle(s) or procedure(s) considered to be expedient, prudent and advantageous to the Town and/or Town Council.

101.3: Procedures

Are step-by-step directions that should be performed in order to obtain the intended outcome of an Order, Resolution, Proclamation, and/or Policy.

101.4: Resolutions

Also referenced as **Resolves**, are an expression of opinion, principles, facts or purposes adopted by the Council as direction to the staff and/or general public.

101.5: Proclamations

Are expressions of support, recognition or sentiments on behalf of the Town of Scarborough.

101.6: Orders

And/or **Ordinances** are a by-law, law or legal requirement adopted by the Council, as authorized by state statute and town charter to exercise any power or function which the Legislature has power to confer upon it.

101.7: Petitions

Are formal written requests addressed to a person(s) in authority that asks for some action or benefit, or the redress of a grievance. A petition may also be a formal application in writing made to the Council requesting action concerning some matter.

101.8: Majority

The majority of the elected Council shall constitute a quorum for the transaction of business. Pursuant to Section 210 of the Charter in that every ordinance, order, and resolve shall require on final passage the affirmative vote of four (4) members of the Town Council, except where a rule provides otherwise. However, in the event of less than four (4) members of the Town Council are present, then a majority of those Council members present shall constitute a quorum for the purpose of calling the meeting to adjourn to a date specific.[adopted 10/21/09]

101.9: Quorum

The number of elected Council members required for final passage on every ordinance, order, and resolve, except where a rule provides otherwise. [adopted 10/21/09]

101.10: Abstain

It is the duty of every member of the Council that is present must vote. There may be circumstances whereby a member may be required to abstain in the case of a real or perceived [conflict of interest](#); however, it is the duty of the members of the Town Council to determine whether there is a conflict of interest [Section 130.2][adopted 10/21/09]

101.11: Immediate Family

Immediate family is defined to mean spouse, domestic partner (as defined by the Maine Municipal Employee Health Trust), child parents, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, step-father, step-mother, step-children or other relatives living in the same household.

101.12: Consent Agenda

~~The purpose of a Consent Agenda is to expedite the conduct of routine business during council meetings in order to allocate more meeting time to discussion on substantive issues. The Consent Agenda should consist of routine financial, legal and administrative matters that require council action. The Council Chairman determines whether an item belongs on the Consent Agenda. Consent Agenda items are expected to be non-controversial and not requiring discussion. The Consent Agenda is voted on in a single majority vote, but it may be divided into several, separate items. The Chair will ask if any member wish to remove an item from the Consent Agenda for separate consideration as Adjustments to the Agenda, and if so, the Chair will schedule it to be taken up later on the agenda. Consent Agenda items may include, but are not limited to, approval of minutes, proclamations, resolutions and resolves; final approval of appointments to town committees/board; reports provided for information only; correspondence requiring no action, and staff appointments requiring Council action.~~

102.0: Organization.

The Scarborough Town Council Rules ~~& Procedures and Policy Manual~~ shall be organized by general sectioning, such that those sections will be titled: [amended 10/21/09]

- a) **Section 100:** Town Council Rules of Order
- b) **Section 200:** Town Council Meeting(s) Policies and Procedures
- c) **Section 300:** Other Town Council Policies

103.0: Regular Meetings.

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

103.1: When said days fall on a holiday or on Election Day, the regular meeting shall be held on the following Monday, at the same time and place.

103.2: The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for two regular meetings in one month, with the exception of the months of July and August when only one meeting will be held on the third Wednesday of each of the two months.

103.3: No new business shall be taken up after 10:00 p.m.
[amended 04/19/00; amended 03/21/01; corrected 06/06/01].

104.0: Special Meetings.

Special meetings may be held on the call of the Council Chair or by written signature or voice confirmation of four Councilors, if unavailable by signature.

104.1: Notice of the meeting will be given in person or left at the place of residence of each Councillor. If practical, such notice shall be given not less than 24 hours before the meeting. Such notice will state the time and place of such meeting and business to be transacted, along with the names of the Councilors calling for the meeting.

104.2: No business shall be transacted at this meeting except as stated in the notice. Notice will also be posted near the main entrance to the Municipal Building, visible from outside the building.

104.3: Members of the media will be notified in person, by telephone or facsimile transmission. [adopted 02/28/1998]

105.0: Televising Council Meetings/Workshops and/or Related Meetings. [adopted 09/04/02]

All Council meetings, both regular and special, whenever possible shall be televised live and recorded for rebroadcast at a later date.

105.1: Committee meetings dealing with legislative or financial matters shall also be televised; all other committee meetings (e.g. Appointments Committee) shall be at the discretion of the committee chair.

105.2: Council workshops may be televised or taped at the call of the Council Chair.

105.3: All meetings/workshops that are taped shall be broadcast at a later date. [adopted 09/04/2002]

106.0: Quorum: Adjourned Meetings.

A majority of the members of the Town Council shall constitute a quorum for the purpose of calling the meeting to adjourn to a date specific. [amended 10/21/09]

106.1: At least twenty-four hours notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

107.0: Agendas.

The Council shall take up items, which appear on its agenda in the following order, unless a majority of those Councilors present and voting vote to take an item out of order.

1. Call to Order by the Chair
2. Pledge of Allegiance
3. Roll Call by the recording secretary
4. General Public Comments ~~[limited to three (3) minutes or less—refer to Section 202]~~
~~[adopted 10/21/09]~~
5. Acceptance of minutes
6. Adjustments to the Agenda [adopted 10/21/09]
7. Items to be signed; i.e., treasurer's warrants
8. Public Hearings
9. ~~Consent Agendas [amended 04/04/01]~~
10. Proclamations, Resolutions and Resolves
11. Unfinished Old Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings ~~[limited to three (3) minutes—refer to Section 202]~~ ~~[amended 10/21/09]~~

12. New ~~B~~business: Ordinances and orders [~~limited to three (3) minutes — refer to Section 202~~] [~~amended 10/21/09~~]
13. Non-Action Items. (amended 04/19/00)
14. Standing and Special Committee Reports and Liaison ~~R~~reports [amended 10/21/09]
15. Town Manager’s Report [adopted 10/21/09]
16. Council member comments [~~limited to ten (10) minutes~~]
17. Adjournment
18. Executive sessions, which may be scheduled or held anywhere on the agenda

108.0: Enactment: Form.

The Town Council shall act only by ordinance, order, resolve or proclamation. However, if a resolve or proclamation is recognizing an accomplishment, then the Town Manager and Council Chair, at their discretion, shall be authorize to sign the document on behalf of the Town Council.

108.1: All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

108.2: All ordinances, order, resolves and proclamations when presented on the Agenda shall note the action’s sponsor and committee/board recommendation, if the action item has been reviewed by a municipal committee.

108.2.a: All committee/board recommendations shall be in the form of “Unanimous – Ought to Pass”, Unanimous – Ought Not To Pass”, “Ought To Pass”, “Ought Not to Pass”.

109.0: Ordinances: Style.

All by-laws passed by the Town Council shall be termed “ordinances” and the enacting style shall be:
 “Be it ordained by the Town Council of the Town of Scarborough,
 Maine, in Town Council assembled.”

110.0: Order and Resolve: Style.

In all votes of command, the forms of expression shall be “ordered”; and of opinions, principles, facts, or purposes, the form shall be “resolved.”

111.0: Reading on Two Separate Days: Waiver [amended 08/01/77]

No ordinance or order authorizing the expenditure of ~~\$500.00~~ \$1,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of five of the members of the Town Council.

111.1: A reading is not an official first or second reading for the purpose of this section unless a Councillor specifically designates the reading as such in the motion for approval. The motion shall be in the following form:

“Move approval of the first (second) reading of _____.”

111.2: When the general budget appropriation resolve shall have been enacted, except for expenditures and transfers from the Contingent Account and year-end adjustment of balances, no order, ordinance, or resolve shall be passed adding any new project or expenditure unless by vote of five of the members of the Council.

112.0: Second Reading: Waiver [amended 02/18/70].

Any other order or resolve may be passed after a first reading (which may be by title only if no member of the Council objects), unless on motion, a majority of those members present vote in favor of a second reading on a separate day.

113.0: First Reading: Waiver.

Every ordinance, order or resolve shall have a first reading unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

114.0: Yeas and Nays Taken: When.

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of ~~\$500.00~~ \$1,000.00 or more and entered upon the record of the proceedings of the Town Council by the clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council.

115.0: Ordinances: Effective When. [amended 08/01/77]

After receiving final passage by the Town Council, an ordinance shall take effect at 12:00 A.M. on the day following enactment or at a later date specified within the ordinance, except that emergency ordinances shall take effective as specified in Section 118.

116.0: Order, Resolve: Effective When.

All orders or resolves shall take effect after passage.

117.0: Emergency Ordinances.

The Town Council may, by vote of five of its members, pass emergency ordinances to take effect at the time indicated therein, but such emergency ordinance shall contain a section in which the emergency is set forth and defined, provided however, that the declaration of such emergency by the Town Council shall be conclusive.

118.0: Item for Meetings: Filed When.

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

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

119.0: Chair to be Presiding Officer.

The Chair shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

120.0: Role of Vice Chair.

The Town Council shall elect a Councillor to serve as Vice Chair by a majority vote. The Vice Chair will serve in the absence or disability of the Chair and perform any duties as designated by the Chair. The term of Vice Chair will be concurrent with the Chair. [amended 04/04/01].

121.0: Preserve Order: Decide All Questions of Order.

The Chair shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order and subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

122.0: Declare Votes: Cause Return of Votes.

The Chair shall declare all votes, but if any member doubts a vote, the Chair shall cause a return of the members voting in the affirmative and in the negative without debate.

123.0: Debate: Rules of.

When a question is under debate, the Chair shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day certain or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged. The Town Manager shall have the right to take part in the discussion, but may not vote.

124.0: Motion to Adjourn: Lay on Table.

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

125.0: Reconsideration.

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

125.1: No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next meeting unless an item to that effect is contained on the agenda for such next meeting, or unless five of the members consent to such reconsideration. Only a Council member who voted in the majority can make the motion to reconsider. [amended 10/21/09]

125.2: A petition once presented to and finally acted upon by the Town Council shall not again be received by the Town Clerk for presentation to the Council in the same or substantially the same form for a period of one year next succeeding the Council's final actions on the original petition.

125.3: A member of the Town Council, voting with the majority on the original petition, shall be privileged to reintroduce such a petition.

126.0: Motion for Previous Question.

Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form:

“Shall the main question be put?”

126.1: And all debates upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority

vote, the sense of the Council shall be forthwith taken upon all pending amendments, and then upon the main question.

127.0: Not to be Debated or Amended.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment.

127.1: All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

128.0: Manner of Speaking.

When a member is about to speak, said member shall respectfully address the Chair, confine comments to the question under debate, and avoid personalities.

129.0: Not to Interrupt.

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

130.0: Breach of Rules and Orders.

Please refer to Section 200 – Town Council ~~Policies &~~ Procedures – Page 8.

131.0: Member Excused from Voting: When.

All members present when a question is put shall give their vote, unless the Council, for special reasons, shall excuse any member.

131.1: Application to be so excused must be made before the Council is divided, or before the calling of the yeas and nays, and decided without debate.

132.0: Motion to be Reduced to Writing: When.

Every motion shall be reduced to writing, if the Chair shall so direct.

133.0: Division of Question.

Any member may require the division of a question when the sense will admit it. When a single motion contains a number of parts, each of which is capable of standing alone, the parts can be separated and voted on as if they were distinct questions. Division of the question takes precedence over the main motion and must be dealt with before moving on the main motion. [amended 10/21/09]

134.0: Motion for Referral.

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments to the main question.

135.0: Priority of Business.

All questions relating to priority of business to be acted upon shall be decided without debate.

136.0: Suspension of Rules: Amendment or Repeal.

The rules shall not be dispensed with or suspended unless five of the members of the Council consent thereto.

136.1: No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Section 200: TOWN COUNCIL **POLICIES & PROCEDURES**

200.0: Breach of Rules and Orders [amended 10/21/09].

The proper operation of democratic government requires that Town Councilors be fair, impartial and responsive to the needs of the people and each other in the performance of the respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors which is not intended to deny Council members their constitutional rights nor violate their civil rights.

200.1: Standards of Conduct. The purpose of this Code is to establish ethical standards of conduct for all Town Councilors by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interest of the Town of Scarborough.

200.2: Conflicts of Interest. No Councilor shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with the Town, except that he/she may be allowed to submit bids for same in accordance with the Town ordinances; and under the laws of the State of Maine, where to his/her knowledge there is a financial interest, or special interest other than that possessed by the public generally, in such purchase or award, held by:

200.2.a: himself/herself or a member of his/her immediate family;

200.2.b: a business in which he/she or a member of his/her immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or

200.2.c: any other person or business with whom he/she or a member of his/her immediate family are in business, or are negotiating or have an arrangement concerning future employment.

200.3: Disclosure of Confidential Information. No Town Councilor shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he/her use such information to advance the financial or private interest of himself/herself or others. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such Town Councilor only because of his/her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of the Scarborough Town Councilor any Town agency shall be considered within the constraints of this section, and shall not be disclosed to any third part unless permitted by affirmative vote of such body.

200.4: Gifts and Favors. No Town Councilor shall accept any gift in excess of \$50, whether in the form of service, loan, thing or promise, from any person and/or business which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor: (1) accept any gift, favor or thing that tends to influence him/her in the discharge of his/her official duties; or (2) grant in the discharge of his/her official duties any improper favor, service or thing.

200.5: Use of Town Property. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established.

200.6: Disclosure of Interest in Agenda Items. Any Town Councilor who believes he/she or a member of his/her immediate family, has a financial or special interest, other than an interest held by the public generally in any proposed order, ordinance or resolve on the agenda of the Scarborough Town Council, shall disclose the nature and extent of such interest, and have it recorded by the Clerk on the Town records of such item.

200.6a: Once such disclosure has been made, such Town Councilor shall refrain and shall be relieved, in the discretion of the other members of the Council, from voting or otherwise participating in the deliberations and decision making process on such item.

200.6.b: Nothing herein shall be construed to prohibit any Town Councilor from representing his/her own personal interest in any such item.

200.7: Disclosure Statement by Town Councilors. Every Town Councilor shall file with the Town Clerk within thirty (30) days after the effective date of this Section, and during the month of April during each calendar year thereafter, a written statement under oath containing the following information, to the best of his/her knowledge and belief:

200.7.a: The name of each person or business doing business with the Town in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year from which such Councilor, or a member of his/her immediate family, has received money or other thing of value in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, including campaign contributions.

200.7.b: For purposes of this Code, a list prepared by the Finance Officer of those persons or businesses doing business with the Town in amount in excess of one thousand dollars (\$1,000.00) for the preceding calendar year shall be determinative for purposes of reporting under this section.

200.7.c: Income from, and financial investments in, policies of insurance, and deposits and accounts from commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

200.8: Political Activities. No Town Councilor shall participate in any political activity which would be in conflict or incompatible with the performance of his/ her official functions and duties for the Town. In conjunction therewith:

200.8.a: No Town Councilor may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he/she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens.

200.9: Penalties. In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted in private by the Town Council or if otherwise requested in writing by the Councilor to conduct the hearing in public session. A majority of the Scarborough Town Council shall conduct such proceedings.

200.10: Separability. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

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; amended 04/01/15]

202.0: Procedures For Addressing The Council.

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

202.1: Procedure.

A Public Comment Period shall be conducted prior to the start of any Council business at each regular Town Council meeting, at which time citizens shall be given the opportunity to be heard on matters concerning Town business in general. Additional public comment shall be allowed during public hearings and on agenda items. Such public forums and/or public comment periods may be waived if no member of the public wishes to speak. Persons wishing to speak will preface their comments by giving their name and address. [amended 10/21/09]

202.2: Time Limit.

All such public forums, public comment periods and public hearings shall be conducted under the following guidelines:

202.2a: General Public Comment: Persons addressing the Town Council during the public comment period at the beginning of the meeting shall limit their comments to (3) three minutes. Individuals may be permitted to speak more than once at the discretion of the Chair of the Council. The first (30) thirty minutes of the Council meeting will be allocated for general public comment. If it appears that the public comment period will exceed 30 minutes, public comment may be suspended by the Chair, so the Town Council may conduct its business, in any case to occur prior to adjournment. [amended 10/21/09]

202.2.b.: Public Hearing Comment: Persons addressing the Town Council during a public hearing shall limit their comments to the particular agenda item and shall limit their comments to (3) three minutes. Individuals may be permitted to speak more than once at the discretion of the Chair of the Council. [amended 04/18/01][amended 10/21/09].

202.2.c: Public Comment on Agenda Items: Following the reading of each agenda item, the Chair shall ask if any member of the public wishes to speak on that item. Persons who have previously addressed the Town Council during the public comment portion and wishes to speak on an agenda item may do so only if there is new and pertinent information to be added and limit their comments to (3) three minutes. [amended 10/21/09]

202.2.d: Council Member Comments: Each Council Meeting Agenda schedules an opportunity for Council Member to share personal comments that may be of community

interest, at the close of each meeting. Town Council members shall limit their comments to (10) ten minutes. Individual Councilors may be permitted to speak more than once at the discretion of the Chair of the Council.

202.3: Decorum.

Persons present at Council meetings, including Elected Officials, 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 Persons addressing the Council shall direct their remarks exclusively to the Council Chair unless the Chair allows otherwise. Citizens Persons will strive to be accurate in their statements and avoid making personal, rude or provocative remarks. All statements should respect the dignity and seriousness of the proceeding. Citizens Persons conduct themselves in a manner expected of all meeting participants. [amended 04/18/01; amended 04/01/15]

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]

203.0: Council Standing Committees [amended 01/07/98][amend 10/21/09].

At the commencement of the municipal year, or soon thereafter as possible, there shall be chosen the following Standing Committees, each Standing Committee to consist of such members of the Council as the Town Council may designate:

203.0.a: 3 Members to the Finance Committee:

The Finance Committee will review the Town Manager’s proposed budget after it has been presented to the Town Council for a first reading and in accordance with Section 502 of the Town Charter.

The Finance Committee shall review appropriation requests and revenue estimates for all offices, agencies and departments of the Town. The Finance Committee shall meet regularly with its designated counterpart from the Town Department of Education to discuss the appropriation requests and revenue estimates from that department in accordance with Article IV and V of the Town Charter. including the Department of Education. with the exception of the Department of Education—pursuant to Articles IV and V of the Town Charter— The Finance Committee shall and prepare recommended line item appropriation amendments,with the exception of the Town Department of Education Budget, to the proposed budget to the Town Council prior to the public hearing and final reading. The Finance Committee shall recommend, only, a total appropriation for the Town Department of Education. Pursuant to Article V of the Town Charter, the Town Council retains the ultimate responsibility of reviewing and approving the total budget with or without amendments.

In consultation with the Town Manager and staff, the Finance Committee may prepare and recommend for approval by the Town Council, policies and/or procedures relating to the financial affairs of the Town.

203.0.b: 3 Members to the Appointments Committee:

The Appointments Committee shall meet from time to time and review applications for vacancies on the various Town committees/boards and make their recommendations in accordance with Section 2019.0 of the Rules and Policies Manual.

203.0.c.: 3 Members to the Ordinance Committee:

The members of the Ordinance Committee shall review proposed ordinances or amendments and make recommendations thereon to the Council for final action.

Minor amendments are amendments that do not alter the substance to ordinances generated from other standing committees may be recommended administratively to the Council without review by the Ordinance Committee. From time to time the Town Council may appoint a committee that may not require its recommendations to be reviewed by the Ordinance Committee.

203.0.d: 3 Members to the Rules and Policies Committee:

The Rules and Policies Committee shall review proposed Policies Chapter 101 – Town Council Adopted Policies and Chapter 302 – ~~the Rules & Procedures and Policies Manual~~ from time to time to ensure that it is in compliance with State Law and the local Charter. All recommendations will be brought forward for approval by the Town Council.

203.1: The Council Chair shall select committee members after seeking input from Councilors on committee preference. Committee appointments are subject to confirmation by a majority of the Council. The Council Chair shall serve as an ex-officio member of all Council Standing Committees and may vote only in the absence of any regular member.

203.2: The Councilor first named shall serve as Committee Chair. In the case of a member’s resignation or inability to serve, the Council Chair shall designate a new committee member. Committee members shall be chosen at the first regular meeting of the Town Council following the meeting in which the Council Chair is elected.

203.3: Members of the Town Council may attend and participate at the Council Committee meetings, but shall only vote at meetings for the committee of which they are a member. Citizens will be allowed to give input at the discretion of the Committee Chair.

203.3.a: A quorum of a Town Council Committee shall consist of two members of that Committee.

204.0: Other Committees/Boards

204.1: Special Committees/Boards – Committees/Boards that are created by the Town Council and for which serve a specific purpose for an indefinite period of time and those Committee/Boards that are required by State Statute. [e.g. Conservation Commission; Planning Board; Shellfish Conservation Commission].

204.2: Ad-hoc Committees/Boards – Those Committees/Boards that are appointed by the Town Council for a specific purpose and/or for a specified duration [e.g. Payne Road Study Committee, Energy Study Committee].

204.3: Review of Committees/Boards – The Town council shall conduct an annual review of all committees/boards and other than standing committees of the Council, to ensure that there is still

a valid need for such committees/boards. The workshop shall be held within the first quarter of the year. [Adopted 09-18-2013]

SECTION 300.0: OTHER TOWN COUNCIL PROCEDURES POLICIES

~~301.0: Use of Town Letterhead Policy [adopted 06/16/02]. Individual Opinion Disclaimers.~~

~~Councilors will be reasonable in making personal statements insofar that they will not project a personal opinion as the official position of the Town Council.~~

~~If a Councilor uses town letterhead to express an opinion that is not the official position of the Town Council, then the letter shall include a disclaimer stating the opinions presented are those of the individual Councilor.~~

~~302.0: Council Correspondence Policy [adopted 08/18/99].~~

~~Correspondence received in the Clerk's office for individual Councilors is opened by the Town Clerk or the Clerk's designee. The Town Clerk will notify individual Councilors, as soon as is practical, when correspondence is received. Thereafter, copies of all such correspondence will be included in each Councilor's packet and provided to the Town Manager. Each Councilor will provide the clerk with their preference regarding where such notification will be made. (When the originator has copied all Councilors, the Clerk will simply note this information on the correspondence unless the originator has done so.)~~

~~**302.1:** When material is marked "CONFIDENTIAL", the Councilor addressed will be notified personally and will have an opportunity to review the material prior to general distribution to the Council. This would not preclude the Town Clerk and Town Manager to determine what, if any, further distribution should be made of the correspondence.~~

~~**302.2:** Correspondence received or produced by individual Councilors will be provided to the Town Clerk as soon as practical by the individual Councilor. The material will be distributed to the full Council by inserting in their individual mail folders. The Town Manager will be provided copies by the Clerk. Any mail not personally picked up by individual Councilors will be included in the Councilors' packet for distribution.~~

~~**302.3:** This procedure does not apply to commercial mail, such as solicitations, brochures, etc.~~

303.0: Town Council Reimbursement for Professional Development Travel Policy [adopted 02/18/98][amended 04/19/00].

303.1: ~~Council Policy for~~ Conference/Workshop Expenditures [adopted 04/19/00].

~~The Town of Scarborough recognizes the constructive value of professional conferences, seminars, meeting, and training individual Town Councilors may actively participate in that support their elected role. The Finance Committee shall recommend be responsible in setting annual funding for Council professional development., subject to approval of the Council, and shall have the authority to administer The Town Manager shall administer the use of those funds in accordance with the standard operating procedures that are consistent with Scarborough municipal employee rules and policies.~~

~~303.2 - Repeal of Prior Town Council Travel Policy. This section repeals the Town Council Travel Policy adopted by the Town Council on February 18, 1998 and as amended on April 19, 2000 and replaces it with Chapter 302 – the Scarborough Town Council Rules and Procedures Manual~~

Section 303.0 Reimbursement for Professional Development, adopted by the Town Council on September 7, 2016.

~~From time to time members of the Town Council are expected to attend workshops or conferences related to their roles as elected representatives of the citizens of Scarborough. Participation at these events will be with the prior knowledge of the full Council and the costs will be covered within the current municipal budget.~~

~~**303.1.a:** Expenditures may include: associated travel costs (long distance and local); registration fees, lodging, meals, tips, publications and other reasonable costs associated with the event. Materials purchased will remain the property of the Town.~~

~~**303.1.b:** Some costs will be handled by Councilors personally with the expectation that reimbursement will be made by the Town.~~

~~**303.1.c:** Two methods are available to the Councilors for reimbursement:~~

~~**303.2: Request for Advance Payment.**~~

~~If desired a Councillor may submit a Request for Advance Payment based on a detail of estimated expenditures:~~

~~**303.2.d:** In this case a reconciliation of the Advance will be completed by the Councillor, including all receipts, and submitted to the Manager's Assistant within 60 days after the event.~~

~~**303.2.e:** If the expenditures exceed the amount of the advance the Town will reimburse the difference to the Councillor within 20 days of receipt of the reconciliation.~~

~~**303.2.f:** If expenditures are less than the amount of the advance the Councillor will reimburse the Town within 20 days of submission of the reconciliation.~~

~~**303.2.f.1.** Note: If receipts are not submitted within 60 days of the event, the amount of the advance will be reported as personal income to the Councillor per IRS regulations.~~

~~**304.0: Reimbursement.**~~

~~A Councillor may elect to cover related costs and submit all receipts after the event for reimbursement.~~

~~Requests for reimbursement must be made within 60 days after the event. Reimbursement will be made by the Town within the same 20-day period as described above.~~

~~**304.1:** Requests for reimbursement must be completed no later than 30 days after the end of the fiscal year in which the expenditure was incurred.~~

~~**304.2:** Reasonable attempts will be made to secure accommodations and long distance travel fares at competitive rates for the location of the conference/workshop. Councilors are encouraged to take advantage of early registration rates when possible.~~

~~**304.3:** When meals are included in registration fees paid the Town will not reimburse for these same meals unless scheduling conflicts did not allow the Councillor to take advantage of the included meals.~~

~~304.4: Alcohol is not a reimbursable expense.~~

Vote: 7 Yeas.

Order No. 16-55, 7:00 p.m. Public hearing and action on the new request for a Liquor License and a Food Handlers License from Patrick and Sue O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One. Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:32 p.m.

Motion by Councilor St. Clair, seconded by Councilor Caterina, to move approval of the new request for a Liquor License and a Food Handlers License from Patrick and Sue O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One.

Vote: 7 Yeas.

Resolution 16-005. Act on the request to accept and approve Chapter 466 of the Public Laws of 1975 relating to the Portland Water District. Thomas J. Hall, Town Manager, gave a brief overview on this item, noting that this is a housekeeping issue only. Shana Mueller, Town Attorney also spoke on this matter.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of Resolution 16-005 to accept and approve Chapter 466 of the Public Laws of 1975 relating to the Portland Water District, as follows:

RESOLUTION 16-005
Resolution Accepting and Approving Chapter 466 of the Public
Laws of 1975 and Ratifying Prior Vote

WHEREAS, the Town of Scarborough, Maine is a member of the Portland Water District (the "District"); and,

WHEREAS, in 1975, the Town of Scarborough, along with all of the other members of the District (then consisting of the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough and Windham) approved and accepted the provisions of Chapter 466 of the 1975 Public Laws of Maine, then being codified at Section 3211 of Title 35 of the Maine Revised Statutes and now codified at Section 6103 of Title 35-A of the Maine Revised Statutes (referred to as "Section 6103"); and,

WHEREAS, in 2001, the Town of Raymond became a member of the District and also voted to approve and accept Section 6103; and,

WHEREAS, the Town reports on its own municipal bond offering documents that a portion of the Portland Water District debt is a contingent debt obligation of the Town; and,

WHEREAS, the District cannot now locate the municipal records evidencing the Town of Scarborough's vote approving and accepting Section 6103; and,

WHEREAS, in order to ensure the records of the District and the Town are complete, the District now requests that the Town Council now vote to approve and accept Section 6103 and ratify and confirm the prior 1975 vote of the Town approving and accepting Section 6103; and,

NOW, THEREFORE, BE IT HEREBY VOTED AND RESOLVED BY THE SCARBOROUGH TOWN COUNCIL:

That the provisions of Chapter 466 of the Public Laws of 1975, now codified at Section 6103 of Title 35-A of the Maine Revised Statutes, be and hereby are approved and accepted by the Town of Scarborough.

That the prior approving vote of the Town, taken in late-1975, be and hereby is ratified and confirmed.

Approved September 07, 2016, by the Scarborough Town Council, at a meeting duly convened and conducted at Scarborough, Maine.

Vote: 7 Yeas.

Resolution 16-006. Act on the consideration of and action on inducement resolution of the Town of Scarborough declaring its official intent with respect to issuance of its revenue obligation securities to fund the Martin's Point Project and authorizing the Town to apply to the Finance Authority of Maine for approval of the issuance of Revenue Obligation Securities. Thomas J. Hall, Town Manager, gave a brief overview on this item, pointing out that this had been the topic of the workshop that had been held prior to the Town Council meeting. Shana Mueller, Bond Council for Town, also spoke on this item and gave further details as to the process and what benefits are through this program. Adding that there would be a public hearing in two weeks on this item.

Prior to open discussion by the Town Council, Councilor Hayes stated "that to avoid any conflict of interest, his nephew worked with Martin's Point on this project and he [Councilor Hayes] had no interest in this and asks the Council to take action to avoid any conflict.

Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval to include Councilor Hayes in the discussion and ultimately vote on this order.

Vote: 7 Yeas.

Motion by Councilor Babine, seconded by Councilor Caiazzo, to move approval to amend the main motion to amend Section 6. Fifth line as follows: Furthermore, the Borrower shall be obligate to pay to Bond Holder Town-such sums shall be sufficient.....

Vote on amendment: 6 Yeas. 1 Nay [Councilor St. Clair].

Motion by Councilor St. Clair, seconded by Councilor Babine, to move approval on the consideration of and action on inducement resolution of the Town of Scarborough declaring its official intent with respect to issuance of its revenue obligation securities to fund the Martin's Point Project and authorizing the Town to apply to the Finance Authority of Maine for approval of the issuance of Revenue Obligation Securities, as follows:

RESOLUTION 16-006

TOWN OF SCARBOROUGH, MAINE
BEFORE THE TOWN COUNCIL

INDUCEMENT RESOLUTION OF THE TOWN OF SCARBOROUGH DECLARING ITS
OFFICIAL INTENT WITH RESPECT TO ISSUANCE OF ITS REVENUE OBLIGATION
SECURITIES TO FUND THE MARTIN'S POINT PROJECT AND AUTHORIZING THE
TOWN TO APPLY TO THE FINANCE AUTHORITY OF MAINE FOR APPROVAL OF THE
ISSUANCE OF REVENUE OBLIGATION SECURITIES

WHEREAS, Martin's Point Health Care, Inc. or its nominee (the "Borrower") wishes to obtain permanent financing relating to the construction of an approximately 18,000 square foot medical office building at 153 Route 1 in Scarborough, Maine, to be used for the purpose of providing health care services (the "Project"); and

WHEREAS, the Borrower intends to finance a portion of the costs of the Project with the proceeds of Revenue Obligation Securities, which may be issued in one or more series (the "Securities") issued by the Town of Scarborough (the "Town") as authorized under Title 10 of the Maine Revised Statutes; and

WHEREAS, certain costs of the Project have been paid by the Borrower prior to the issuance of the Securities; and

WHEREAS, the Town and the Borrower desire that, in the event the Town issues the Securities, the proceeds will be applied to reimburse the Borrower for such prior Project expenditures;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Borrower and the Town anticipate that the Project will make a contribution to the economic growth of the Town and to the betterment of the welfare of the inhabitants of the Town, and
2. The Town, acting through its Town Council, hereby states its present intent to issue the Securities in a cumulative amount not to exceed \$8,000,000, subject to the conditions set forth herein and subject to the approval of the Finance Authority of Maine ("FAME"), the proceeds of the Securities to be loaned to the Borrower to finance costs of the Project, and
3. The Town Manager or the Town Council be and hereby are authorized to apply to FAME for approval of issuance of the Securities, and to take all such other steps as the Town Manager or the Town Council may deem necessary, appropriate or convenient in order to obtain a Certificate of Approval from FAME pursuant to Section 1063 of Title 10 of the Maine Revised Statutes, and

4. The Town and the Borrower reasonably expect to reimburse expenditures made on the Project with the proceeds of the Securities to be issued by the Town which Securities, if issued, shall be issued in the maximum aggregate principal amount of \$8,000,000, and

5. This Inducement Resolution is intended to evidence the Town's present intent to issue the Securities and its initial, official action with respect thereto and the Town will issue the Securities upon further approval of the Securities and the Project by the Town Council as required by applicable law, and

6. The Securities, if, as, and when issued, shall not constitute any debt or liability of the Town, or a pledge of the faith and credit of the Town, and shall not directly or indirectly obligate the Town to levy or to pledge any form of taxation whatsoever therefor, or to make any appropriation for their payment, but shall be payable solely from revenues of the Project or other revenue of the Borrower. Furthermore, the Borrower shall be obligated to pay to the ~~Town Bond Holder~~ such sums as shall be sufficient to pay the principal, premium, if any, and interest on the Securities as and when the same shall become due and payable, pursuant to financing documents and agreements that contain such provisions as may be required by law and shall be mutually acceptable to the Town and the Borrower, and

7. The Town Manager is authorized to enter into an Inducement Agreement in substantially the form attached hereto as Appendix A with the Borrower, and

8. The agents and employees of the Town are hereby authorized to cooperate with the Borrower and others to prepare, for submission to the Town, all documents necessary to effect the authorization, issuance and sale of the Securities, and

9. The appropriate officers of the Town are hereby authorized to distribute copies of this Resolution to the Borrower and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution, and

10. The financial documents executed and delivered in connection with the issuance of the Securities shall provide, in accordance with the Act, that, among other things, the Town shall not incur pecuniary liability in connection with the issuance of the Securities and the Borrower shall pay or reimburse the Town for all fees and expenses in connection with the issuance of the Securities including, without limitation, fees of the Town Attorney and Bond Counsel, whether or not the Securities are issued, and

11. Pursuant to the request of the Borrower, the firm of Eaton Peabody is hereby appointed to serve as bond counsel with respect to the Securities, and

12. The provisions of the Resolution shall take effect immediately.

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I certify that the above resolutions were adopted by the Town Council of Scarborough, Maine at a meeting duly called and held on this 7th of September, 2016.

Yolande P. Justice
Town Clerk
Scarborough, Maine

Date

INDUCEMENT AGREEMENT

THIS AGREEMENT is between the Town of Scarborough, Maine (the "Town") and Martin's Point Health Care, Inc. (the "Borrower").

WHEREAS, the Borrower has requested that the Town issue its revenue obligation securities (the "Revenue Bonds"), which may be issued in one or more series, and make available to the Borrower the proceeds from the sale of the Revenue Bonds to obtain permanent financing relating to the construction of an approximately 18,000 square foot medical office building at 153 Route 1 in Scarborough, Maine, to be used for the purpose of providing health care services (the "Project"); and

WHEREAS, the Revenue Bonds will be payable solely from revenues provided by the Borrower, and not otherwise an obligation of the Town; and

WHEREAS, the Town is authorized and empowered by the provisions of the Maine Municipal Securities Approval Program, Subchapter IV, Chapter 110, Title 10, Maine Revised Statutes, as amended (the "Act") to issue its municipal revenue obligation securities for the purpose of financing eligible projects and the Borrower represents that the Project is an "eligible project," (as defined in the Act) because it is a project the financing of which through the issuance of revenue obligation securities would result in interest on the revenue obligation securities qualifying as of the date of issuance as tax exempt under 26 United States Code, Section 103, as amended; and

WHEREAS, the purposes of the Act are, among other things, to provide enlarged opportunities for gainful employment to the people of the State and to insure the preservation and betterment of the economy and the general health, safety and welfare of the State and its inhabitants and the Act vests the Town with all powers necessary to enable it to accomplish such purposes, including the power to issue revenue bonds; and

WHEREAS, the Borrower hereby represents to the Town that (i) the Project will make a contribution to the economic growth of the State of Maine (the "State") and the Town and the betterment of the welfare of the inhabitants of the State and the Town, (ii) the Project will not result in a substantial detriment to existing industry, and (iii) adequate provision is being made to meet increased demand upon public facilities that might result from the Project; and

WHEREAS, the Town has determined that the acquisition, construction, installation and equipping of the Project by the Borrower as financed with the proceeds of its Revenue Bonds will promote and further the purposes of the Act; and

WHEREAS, on the date hereof, the Town adopted a resolution (the "Resolution") agreeing to apply for Finance Authority of Maine ("F.A.M.E.") approval of issuance of the Revenue Bonds, and subject to the happening of all acts, conditions and things required precedent to such financing, to issue and sell its Revenue Bonds in an aggregate principal amount not to exceed \$8,000,000 to pay the costs of the Project and expenses incidental thereto.

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C. Contemporaneously with the delivery of the Revenue Bonds, the Borrower will enter into the Agreement with the Town containing terms agreeable to the Town, including the payment terms and conditions described in Section I, C, above.

D. The Borrower shall indemnify and hold the Town harmless from all losses, expenses, claims, damages and liabilities arising out of or based on the issuance of the Revenue Bonds or any obligation thereunder and, in addition, the Borrower shall indemnify and hold the Town harmless from all claims and liabilities for loss or damage to property or any injury to or death of any person that may be occasioned subsequent to the date hereof by any cause whatsoever in relation to the Project, including any expenses incurred by the Town in defending any claims, suits or actions which may arise as a result of the foregoing.

III. General

A. All commitments of the Town under Section I hereof and of the Borrower under Section II, C hereof (except the indemnities set forth in Section II, D) are subject to (i) the obtaining of all necessary governmental approvals, including passage of issuance resolutions by the Town's Town Council after public hearing, (ii) the approval of the Borrower, and (iii) the condition that the Town and the Borrower shall have agreed upon mutually acceptable terms for the Revenue Bonds and for the sale and delivery thereof and mutually acceptable terms and conditions for the Agreement.

B. The Borrower agrees that it will reimburse the Town for all reasonable and necessary direct out-of-pocket expenses which the Town may incur as a consequence of executing this Agreement of performing its obligations hereunder, including, without limitation, fees and expenses of the Town's attorneys.

[The remainder of this page is intentionally left blank]

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Vote: 6 years 1 Nay [Councilor St. Clair]

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 16-56. First reading and schedule a public hearing and second reading on the proposed new ordinance, Chapter 615 – the Town of Scarborough Blasting Ordinance. Fire Chief Michael Thurlow, gave a brief overview on this item and responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of first reading on the proposed new ordinance Chapter 615 – the Town of Scarborough Blasting Ordinance and schedule a public hearing and second reading for Wednesday, September 21, 2016.

Motion by Councilor Rowan, seconded by Councilor St. Clair, to move approval to amend the main motion to Section VI Hours of Detonation to include “No blasting is allowed on Saturdays, Sundays and town observed holidays.”

Vote on amendment: 7 Yeas.

Main Motion as amended:

**CHAPTER 615
TOWN OF SCARBOROUGH
BLASTING ORDINANCE
ADOPTED**

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

SECTION I Purpose

This ordinance recognizes the need for regulation of blasting within the Town of Scarborough to assure the safety of the blasting company employees, property owners, abutters, citizens, and visitors of the Town of Scarborough.

SECTION II Regulations & Codes

Blasting and transportation of explosives are regulated through laws, codes and standards including:

- a) NFPA 495 Explosive Materials Code
- b) Title 49 CFR, Federal Regulation for Transport
- c) Title 27 CFR, Part 181 Commerce in Explosives
- d) Title 25 Chapter 318 Explosives and Flammable liquids §2471
- e) Title 38, MRS § 490-Z (14)(H), Performance standard for quarries

SECTION III Permit Required

No person shall possess, store, arrange, or conduct blasting operations within the Town of Scarborough without holding a valid Blasting Permit issued by the Scarborough Fire Department.

SECTION IV Permit Application Procedure

Application for a Blasting Permit and request for an on-site inspection shall be made to the Scarborough Fire Department by the responsible party at least five (5) days prior to the blasting date as outlined below:

- a) Prior to applying for a Scarborough Fire Department Blasting Permit the applicant must have a valid State of Maine Explosives User Permit issued by the State Fire Marshal’s office.
- b) At time of application the applicant must provide:

- i. A valid certificate of liability insurance with a policy limit of not less than \$2,000,000 which includes a statement clearly indicating that blasting and use of explosives is covered under the policy.
- ii. A scaled map denoting the general blasting location(s) and identifying all structures located within 500 feet of the blast area.
- iii. A list of all properties within the 500 foot pre-blast survey and notification range including the address, owner's name, and a phone number.
- iv. The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees.

SECTION V Notifications

All property owners within 500 feet must be notified either by phone, in person, or in writing, of the dates, approximate times, and estimated number of blasts that will occur.

- i. Notification of property owners within 500 feet must be made no more than four (4) days prior to the blasting date.
- ii. A letter certifying that pre-blast surveys were offered to be conducted at each structure on a property located within 500 feet of the detonation point, and that oral and/or written notification has been made to all abutters within 500 feet must be sent to the Scarborough Fire Department prior to the issuance of the permit.
- iii. The applicant shall notify the Scarborough Public Safety Communications Center via phone (207-883-6361) before the first blast and after the last blast each day.
- iv. The applicant shall also sound the required warning horn prior to each blast as outlined in NFPA 495 Explosive Materials Code.

SECTION VI Hours of Detonation

Blasting must occur during daylight hours and no earlier than 8:00 AM or later than 6:00 PM. No blasting is allowed on Saturdays, ~~or~~ Sundays and town observed holidays. Production blasting may not occur more frequently than ten (10) times per day. There is no daily limit for micro or cushion blasts.

SECTION VII Other Requirements

- a) A calibrated seismograph must be on-site and operating during all blasts. All data obtained from those measurements must be made available upon request by the Town of Scarborough. Seismograph data must be maintained for no less than six (6) years.

SECTION VIII Violation and Enforcement

- a) **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than One Hundred (\$100.00) Dollars per day or more than Two Thousand Five Hundred (\$2,500.00) per day as per Title 30-A M.R.S.A, Section 4452. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) **PENALTY FOR WILLFUL VIOLATION:** Any person who violates the provisions of this ordinance after having been informed by any officer, employee, or agent of the Town of Scarborough has conducted a willful violation of this ordinance and shall be fined the maximum daily amount of Two Thousand Five Hundred (\$2,500.00) Dollars.
- c) **ENFORCEMENT.** This Ordinance shall be enforced by the Town of Scarborough Police Department.

- d) **INJUNCTION:** In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

SECTION IX Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

SCARBOROUGH FIRE DEPARTMENT 246 U. S. Route One Scarborough, ME 04074 Tel: (207) 893-4542 Fax: (207) 738-4270				
APPLICATION FOR BLASTING PERMIT				
APPLICANT MUST FILL OUT ALL REQUIRED INFORMATION BELOW				
NAME OF APPLICANT: _____		TEL: _____		
MAILING ADDRESS: _____				
CITY/TOWN: _____		STATE: _____	ZIP: _____	
BLASTING SITE INFORMATION				
NAME OF PROJECT/OWNER: _____				
PROPERTY ADDRESS: _____				
SPECIFIC LOCATION: _____				
CONTACT PERSON WHO KNOWS WHERE THE FIRING POINT WILL BE: _____				
TELEPHONE NUMBERS: _____				
THE APPLICATION SHALL BE ACCOMPANIED BY AN ACCURATE AND DETAILED SITE DIAGRAM.				
Including:				
1. COPY OF TAX MAP WITH LOTS IDENTIFIED				
2. MAP INDICATING STRUCTURE LOCATIONS IN REFERENCE TO BLAST LOCATION				
3. COPY OF LIABILITY INSURANCE WITH 3,000,000 MINIMUM COVERAGE				
4. PRE-BLAST SURVEY INCLUDING ALL ABUTTERS AND RESIDENCES WITHIN A 500 FOOT RADIUS.				
BY SIGNING THE APPLICANT ATTESTS ALL BLASTING WILL BE CARRIED OUT IN ACCORDANCE WITH NFPA 405 EXPLOSIVE MATERIALS CODE AND ALL OTHER APPLICABLE STANDARDS AND LAWS. THE APPLICANT IS RESPONSIBLE FOR ANY BLASTING RELATED DAMAGES THAT MIGHT OCCUR AS A RESULT OF BLASTING ACTIVITIES UNDERTAKEN. THIS PERMIT IS REVOCABLE AT ANY TIME IF IT IS FOUND THAT BLASTING IS BEING CONDUCTED IN VIOLATION OF APPLICABLE LAWS, RULES, AND STANDARDS OR IN A MANNER UNSAFE OR UNSUITABLE AS DETERMINED BY THE FIRE CHIEF OR HIS DESIGNEE. THE APPLICANTS SIGNATURE ON THIS FORM CONSTITUTES AN UNDERSTANDING AND ACCEPTANCE OF THESE TERMS.				
PRINTED NAME OF APPLICANT: _____		SIGNATURE AND TITLE OF APPLICANT: _____		
BLASTING INFORMATION				
NAME OF LICENSED TECHNICIAN: _____		<input type="checkbox"/> STATE FIRE MARSHAL'S PERMIT FOR EXPLOSIVES USER RECEIVED		
CITY/TOWN: _____ STATE: _____				
TELEPHONE: _____		NOTES: _____ _____ _____		
DATE OF BLAST: _____ TIME OF BLAST: _____				
<input type="checkbox"/> ABUTTERS & UTILITIES NOTIFIED				
ESTIMATED NUMBER OF BLASTS: _____				
EST. CUBIC YARDS TO BE REMOVED: _____				
↓ SCARBOROUGH FIRE DEPARTMENT USE ONLY ↓				
APPLICATION REC'D:	INSPECTED:	PERMIT FEE PAID:	PERMIT ISSUED:	NOTES:
DATE:	DATE:	DATE:	DATE:	
BY:	BY:	AMOUNT:	BY:	

Vote: 7 Yeas.

Order No. 16-57. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4). Motion by Councilor Babine, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4) and schedule a public hearing and second reading for Wednesday, September 21, 2016, as follows:

Appendix A

Effective: 10/01/16-09/30/17

GA Overall Maximums

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	703	777	981	1,227	1,437
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	596	673	836	1,082	1,254
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	575	678	855	1,086	1,241
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	838	975	1,220	1,638	1,717
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	967	1,011	1,316	1,693	2,070
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	750	796	1,058	1,542	1,759

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	769	851	986	1,302	1,581
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	734	860	1,065	1,439	1,460

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	609	624	750	948	1,037
Franklin County	636	662	783	973	1,383
Hancock County	653	737	936	1,231	1,277
Kennebec County	612	663	846	1,075	1,141
Knox County	743	745	916	1,172	1,299
Lincoln County	672	743	935	1,163	1,379
Oxford County	572	621	761	1,040	1,325
<i>Piscataquis County</i>	583	663	817	1,035	1,106
Somerset County	665	694	824	1,119	1,122
Waldo County	655	741	876	1,191	1,266
Washington County	584	633	752	957	1,159

* Please Note: Add \$75 for each additional person.

Appendix B

Effective: 10/01/16 to 09/30/17

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan.

Number in Household	Weekly Maximum	Monthly Maximum
1	45.20	194.36
2	89.60	385.28
3	119.80	515.14
4	151.00	649.30
5	194.90	838.07
6	233.90	1,005.77
7	257.20	1,105.96
8	283.00	1,216.90

Note: For each additional person add \$149 per month.

Appendix C

Effective: 10/01/16 to 09/30/17

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 Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	111	476	129	556
1	111	476	131	565
2	130	558	159	682
3	167	718	202	870
4	177	762	220	947

<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	136	583
1	117	503	140	603
2	137	591	166	715
3	173	743	208	895
4	258	1,108	301	1,293
<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	114	489	137	590
1	126	543	155	667
2	163	699	198	853
3	220	948	264	1,136
4	220	948	271	1,166
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	448	128	549
1	109	469	138	593
2	142	609	177	763
3	184	792	228	980
4	186	801	240	1,030

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	135	579	158	680
1	135	579	158	680
2	158	679	194	833
3	207	889	250	1,077
4	223	959	276	1,188
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	142	609
1	128	549	157	673
2	162	698	198	852
3	205	880	248	1,068
4	242	1,039	295	1,268
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	95	408	118	509

1	101	427	128	551
2	122	524	158	678
3	176	757	220	945
4	229	985	282	1,214
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	447	123	530
1	116	500	140	604
2	144	621	174	749
3	186	798	222	956
4	192	824	236	1,016
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	141	606
1	121	519	147	631
2	143	615	175	753
3	202	869	241	1,038
4	202	869	241	1,038

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	116	497	138	592
1	127	547	156	671
2	149	639	184	793
3	211	908	255	1,096
4	215	926	269	1,155
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	98	420	121	521
1	102	439	131	563
2	120	515	156	669
3	157	674	200	862
4	191	819	244	1,048

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly

0	125	539	149	640
1	135	583	164	707
2	173	744	209	898
3	219	944	263	1,132
4	255	1,097	308	1,326

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	101	432	124	533
1	111	479	140	603
2	139	599	175	753
3	186	799	230	987
4	213	914	266	1,143

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	96	411	119	512
1	112	484	141	608
2	144	618	180	772
3	187	803	230	991
4	210	901	263	1,130

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	674	180	775
1	182	781	210	905
2	229	983	264	1,137
3	315	1,355	359	1,543
4	320	1,377	373	1,606

<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	187	803	210	904
1	190	817	219	941
2	251	1,079	287	1,233
3	328	1,410	372	1,598
4	402	1,730	456	1,959

<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	586	160	687
1	140	602	169	726
2	191	821	227	975

3	293	1,259	337	1,447
4	330	1,419	383	1,648
Sagadahoc Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	141	605	164	706
1	153	657	182	781
2	174	749	210	903
3	237	1,019	281	1,207
4	289	1,241	342	1,470
York Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	570	156	671
1	155	666	184	790
2	193	828	228	982
3	269	1,156	313	1,344
4	269	1,156	314	1,349

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2016 to September 30, 2017.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
<p>NOTE: For each additional person add \$75 per month.</p> <p style="text-align: center;">(The applicable figures from Appendix A, <i>once adopted</i>, should be inserted here.)</p>						

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	45.20	194.36
2	89.60	385.28

3	119.80	515.14
4	151.00	649.30
5	194.90	838.07
6	233.90	1,005.77
7	257.20	1,105.93
8	283.00	1,216.90

NOTE: For each additional person add \$149 per month.

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

APPENDIX D - UTILITIES

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:

<i>Number in Household</i>	<i>Weekly</i>	<i>Monthly</i>
1	\$20.08	\$86.00
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.

APPENDIX E - HEATING FUEL

<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 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<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	\$23.30	\$100.00
4	\$27.90	\$120.00

Vote: 7 Yeas.

Order No. 16-58. Act on the request to accept a new policy entitled “the Town of Scarborough Capital Planning Policy.” Councilor Babine gave an overview on this new policy.

Motion by Councilor Babine, seconded by Councilor St. Clair, to move approval to accept the new Town of Scarborough Capital Planning Policy, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following Capital Planning Policy for the Town of Scarborough, Maine, adopted by the Finance Committee on August 3, 2016, is hereby adopted:

**Town of Scarborough
Capital Planning Policy**

The following policy is hereby enacted to establish the framework for overall capital planning, budgeting and management.

INTRODUCTION

The Town of Scarborough recognizes the importance of careful management and planning for the use of its physical assets. The benefit of a capital plan is to provide long term guidelines regarding the location, condition and replacement or improvement of public infrastructure. These guidelines ensure that the capital planning program identify the availability of resources necessary to meet Scarborough’s capital needs when they occur. Additionally, this policy will help to ascertain spending priorities early to allow for more deliberate planning and funding. As implemented, this capital planning policy will provide the Town of Scarborough the opportunity to anticipate, not react to, trends and developments critical to the well-being of our citizens. By budgeting large or unique purchases in the capital improvement plan, the operating budget will not be susceptible to spikes within department’s budgets.

Financing the capital plan can include leases, grants, appropriations, reserves and debt financing as defined in the *Debt Management and Fiscal Policy*. The useful life of the asset or project needs to equal or exceed the payout schedule of any debt the Town assumes for that project. This allows for a closer match between those who benefit from the asset and those that pay for it.

To enhance creditworthiness and prudent financial management, the Town is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to capital planning will be demonstrated through adoption and periodic

adjustment of the Town's Capital Improvement Plan (CIP) and the annual adoption of a multi-year Capital Improvement Budget.

PURPOSE

As a way of structuring the review and funding of capital improvement projects competing for economic resources, the Town of Scarborough looks at long-term capital planning and budgeting. This policy sets forth comprehensive guidelines for the determination and prioritization of capital asset purchases and improvements. It is the objective of this policy to:

- (1) Determine the physical assets to be renovated or replaced;
- (2) Document the decision-making process;
- (3) Demonstrate a commitment to long-term financial planning objectives;
- (4) Annually prioritize those physical assets to be included in the Capital Improvement Plan;
- (5) Utilize debt financing only when desirable;
- (6) Identify capital planning objectives for staff to implement;
- (7) Understand how the operating budget will be impacted by the completion of the capital project;
- (8) Ensure that the useful life of the asset or project equals or exceeds the payout schedule of any debt the Town assumes for the project. This allows for a closer match between those who benefit from the asset and those who pay for it.

Capital projects may involve the following:

- Purchasing Land
- Constructing new public facilities
- Improving infrastructure (i.e., refurbishing a bridge, resurfacing a street)
- Purchasing major equipment

DEFINITIONS

Public Infrastructure. Infrastructure of the Town of Scarborough to include, land, buildings, parks, streets, bridges, vehicles and equipment, etc.

Capital Budget. The first year of the capital improvement program with a detailed source of financing for each of the capital projects specified for implementation during the upcoming year with a listing and description of the following four (4) years.

Capital Improvement Program. A listing of the planned capital improvement projects (coupled with expected costs and financing plans of each) for the upcoming five (5) year period, and scheduled according to priorities and timing. The CIP should be organized between capital projects and capital equipment. In addition to estimated costs, a narrative description of each capital item should be provided.

Capital Improvement Project. A major, nonrecurring expenditure used to expand or improve a government's physical asset, including facilities and infrastructure, that are not consumed within a year but rather have a multi-year life.

Capital Equipment. A major expenditure used to expand or improve a government's equipment, including vehicles, technology, building equipment.

Multi-Year Capital Budget. A process designed to ensure that the longer range consequences of capital budget decisions are identified and reflected in the budget totals and updated annually.

Equipment Replacement Schedule. A detailed systematic schedule of anticipated replacement of all vehicles and major equipment that is customized to each department and is based on industry standards of predicted life expectancy. The replacement schedule is based on the premise that vehicles and equipment should be replaced before major maintenance expenses are incurred and while residual (trade-in) value can be maximized. These schedules shall serve as the basis for the capital equipment portion of the CIP.

IMPLEMENTATION/POLICY MANAGEMENT

The Town's Capital Planning Policy shall be implemented by the Town Manager/Finance Director when developing comprehensive capital planning management guidelines that provides for the following:

- Departments Administrators to review their physical assets annually;
- Capital improvements should be developed, approved and financed in accordance with the Town Charter and Purchasing Policy and the capital improvement budgeting process;
- Determine which projects need voter authorization;
- Assess financing alternatives for funding capital improvement prior to issuing debt (bonds);
- Determine the funding source for the project being improved (appropriation, bonds, property taxes, grants, etc.).
 - For long-term borrowing, the equipment or project is an item that is purchased and/or constructed infrequently, has an expected useful life of at least five (5) years, and costs in excess of \$100,000; and
 - For short-term borrowing or lease/purchases, the equipment is an item that is purchased infrequently, has an expected useful life of at least five (5) years, and costs less than \$100,000.
 - Funding by Appropriation: Any capital item can be funded by appropriation, regardless of value.

This policy will be enforced by the Town Manager/Finance Director. This Capital Planning Debt Management Policy shall be reviewed by the Finance Director/Town Manager and the Finance Committee at least annually.

CAPITAL IMPROVEMENT BUDGET

A capital budget forces a systematic identification and prioritization of capital projects. This helps to avoid unexpected budget fluctuations and surprises in the operating budget. The goal is to anticipate and plan for most projects involving public facility improvements and major equipment purchases. Thus, a capital budget is the implementation vehicle for adopting a capital improvement project that is part of a long-range capital improvement program.

A multi-year capital improvement budget shall be prepared and submitted to the Finance Committee, separate from the operating budget, annually. The capital budget shall provide a list of projects and the means of financing and cover a five year period of time. The projects included in the capital budget should be part of the Town's capital improvement program. To be considered for bonding, projects must be included in the Capital Improvement Budget as part of the capital improvements or capital

equipment. All projects which are required to go to voter referendum, shall also be included in the multi-year Capital Improvement Budget.

PRESERVATION OF EXISTING CAPITAL INFRASTRUCTURE

It shall be the policy of the Town that adequate resources are allocated to preserve existing infrastructure before targeting resources to build new facilities that also have operating and maintenance obligations. Emphasis shall be given to protect historical investments in capital facilities and to avoid embarking on a facility enhancement program, which when couple with the existing facility requirements, the Town cannot afford to maintain.

LONG-RANGE FACILITY PLAN

A long-range facilities plan should be prepared that considers the Town's future needs based on a 20-year outlook. This plan should consider estimated costs and list projects in order of priority. Before new facilities are considered, efforts should be exhausted to modify existing facilities to meet future needs as well exploration of "partnerships" to minimize capital investment required for construction as well as operations and maintenance.

LIFE-CYCLE EXPENSES

New facilities should be of high quality, low maintenance and least cost. The CIP should emphasize and consider life-cycle costs as a consideration in prioritization. Priority should be given to new facilities that have minimal ongoing maintenance costs as to limit the impact upon both the CIP and the operating budget.

FINANCING OPTIONS FOR CAPITAL BUDGETS

Funding for capital items may come from a number of sources, including, but not limited to: long-term debt (general obligation bonds), leases, reserve funds, grants or direct appropriations.

Voter Approved Bonds

Per section 907 of the Town Charter:

The Town Council shall submit orders or resolves authorizing the issuance of General Obligation securities of the Town, or the appropriation and expenditure of funds derived solely from municipal revenue sources, or a combination of both, in a principal amount greater than \$400,000 for a single capital improvement or item of capital equipment to voter referendum subject to the section 907.1.1 of the Charter as follows: The provisions of this section shall not be applicable to any order or resolve authorizing (i) the refunding of any securities or other obligation of the Town; (ii) the issuance of General Obligation securities, or other direct or indirect obligations, of the Town for streets, sidewalks, or storm or sanitary sewers or other public utilities; or (iii) any construction or financing of improvements or equipment needed as a result of fire, flood, disaster, or other declared emergency. For purposes of this section, the Town Council may by vote of five (5) of its members adopt emergency orders or resolves authorizing construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other emergency and such orders or resolves shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the Town Council shall be conclusive. (Amended November 5, 2002; effective November 20, 2002).

Reserve Funds (From the Debt Management Policy)

Adequate operating reserves are important to insure the functions of the Town especially during economic downturns. The Town desires to build a contingency reserve in the General Fund of no less than \$1,000,000. Over the next ten (10) years of the date of this policy adoption, the Town will initiate a Committed Fund Balance for working capital sufficient to finance 90 days of operations (3 months) but not to exceed 4 months of operations. These funds will help to pay for capital and operating costs during revenue-short months.

Equipment Reserve Fund (From the Debt Management Policy)

An Equipment Reserve Fund to be set up to fund future capital equipment and will be financed sufficiently to ensure that adequate funds are available to purchase replacement equipment on a timely basis without debt financing. Determination of the amount needed to adequately fund this equipment reserve fund will be prepared by the Finance Director and the Town Manager and approved by the Finance Committee. Complete financing of the Capital Equipment Reserve Fund will be by accomplished within six (6) years of the date of adoption of this policy.

Vote: 7 Yeas.

Item 8. Non Action Items. None at this time.

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

- Councilor Caiazzo gave an update on the Board of Education meeting.
- Councilor St. Clair gave an update on the Appointments Committee that had met at 6:00 p.m. and noted that all items were tabled pending further review of applicants.
- Councilor Rowan gave an update on the Scarborough Housing Alliance and the Historical Implementation Preservation Committee.
- Councilor Babine gave an update on the Finance Committee meeting; the Maine Municipal Association's legislative Policy Committee as well as the Library Trustees Board.

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

- Tax rate had been finalized - \$15.92 per thousand - 2.87% increase [below the Council target]
- Spoke on the "Bete Program" and the "Better Program" which are programs through the State.
- Due to absentee voting for the upcoming Elections, he would be working with the Council Chair and Town Clerk for different locations to hold future Council meetings.
- The Town received over \$29,000 in insurance dividends
- The Annual SEDOC Board meeting would be held on Tuesday, October 4, 2016, beginning at 5:30 p.m. at the Black Point Inn.

Item 11. Council Member Comments.

- Councilor Babine welcomed students back to School and ask the public to please drive careful. Thank you to Community Services for Summerfest and thank you to those who have put their name forward to run for officer
- Councilor Rowan reference a facebook page title "You know you're from Scarborough When" and commented that they had put the history of naming the Haigis Parkway. He added that there had been a comment made at a workshop that the Council would be changing the name of the Haigis Parkway and he wanted to make clear that it would not be changed.

- Councilor Caterina encouraged those interested in serving at the Polls to please contact the Town Clerk's Office.
- Councilor St. Clair also commented on the Elections and staff and suggested that the Town Council should have table. She then thanked the Council and the public for their patience and support over the last few weeks and added that she would be at the Mayo Clinic for a week of testing starting next week.
- Councilor Hayes also commented on Elections and gave a pitch for the Scarborough Kindness and asked the public to stay focused and be civil to one another.
- Councilor Caiazzo also commented on projecting positive comments and went on to comment that school is open and please drive slow.
- Chairman Donovan commented on the tax case decision that had come down from the Maine Supreme Court. He then when on to give summary of the final action taken by the Court.

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

Vote: 7 Yeas.

Meeting adjourned 8:53 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk