

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 17, 2017
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Babine called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

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:

William J. Donovan	Katherine A. St. Clair, Vice-Chair
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo
Shawn A. Babine, Chairman	

Item 4. General Public Comments.

- Joan Leblanc of Dover Street spoke on the red algae at Pine Point Beach. We need to keep the beach clean – and hopes that the beach will be kept clean this summer and asked that the budget be amended.
- Elaine Richer of East Grand Avenue also spoke on the removal of money to help keep the beach cleaning for the month of July and August. She urged the Council to reinstate the money to keep the two day a-week cleaning. Please look at the beaches as a resource and fund the beach raking.
- Mike Sawyer of Track View Terrace – spoke on having a dog park located in Memorial Park – there is need for a dog park.
- Suzanne Foley-Ferguson of Black Point Road spoke on the pesticide legislation in Augusta that would not allow Municipalities to have their own Pesticide Ordinance. This would take it completely out of the Municipalities hand under “Home Rule.”
- Mo Erickson of Pine Point Road spoke on proposed budget noting that her family could not afford a \$300-\$400 increase every year. She then spoke on the Bayley’s having music when they have no parking.

Item 5. Minutes: May 3, 2017 – Regular Meeting. Motion by Councilor Rowan, seconded by Councilor Foley, to move approval of the meeting minutes of the May 3, 2017, regular Town Council 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. 17-042, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 302 – Town Council Rules & Policies Manual. [Rules & Policies Committee] Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:13 p.m.

Motion by Councilor St. Clair, seconded by Councilor Foley, to move approval of the second reading on the proposed amendments to Chapter 302 – Town Council Rules & Policies Manual, as follows:

**CHAPTER 302
SCARBOROUGH TOWN COUNCIL
RULES & PROCEDURES**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302, the Town Committees/Boards Manual of the Town of Scarborough, Maine is amended, as follows:

1. Amend Section 201.0 by adding the underlined text, as shown below.

Section 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 and Negotiations 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]

2. Amend Section 203.0.b. by adding the underlined text, as shown below.

203.0.b: 3 Members to the Appointments and Negotiations 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 201.0 of the Rules and Policies Manual. The Committee will provide analysis and recommendations about the Town's collective bargaining strategy, and compensation planning.

3. Amend Section 203.1 by adding the underlined text, as shown below.

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 serves as an ex-officio member of all Council Standing Committees and may vote only in the absence of any regular meeting member.

4. Amend Section 201.0 by adding the new definition relating to the Communications Committee, as shown below.

203.0.d.: 3 Members to the Communications Committee:

The members of the Communications Committee will provide direction, policy oversight and business decision support for all communication efforts of the Town Council. The Committee will from time to time review and offer feedback on the Town's current mechanisms for promoting Town Council and community engagement. The Committee may identify new strategies and resources that will foster and promote a positive and productive dialogue with community members; help facilitate improvements to existing and new communications mediums; and they will provide the Council with an annual report summarizing the committee's activities from the previous year and recommendation for the year to come.

Vote: 7 Yeas.

Order No. 17-043, 7:00 p.m. Public hearing and second reading on the proposed amendment to Chapter 302A – Town Committees/Boards Manual, Article I, Appointments/Re-Appointment. [Rules & Policies Committee] Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:15 p.m.

Motion by Councilor St. Clair, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 302A – Town Committees/Boards Manual, Article I, Appointments/Re-Appointment, as follows:

**CHAPTER 302A
TOWN OF SCARBOROUGH
TOWN COMMITTEES/BOARDS MANUAL**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302A, the Town Committees/Boards Manual of the Town of Scarborough, Maine is amended by adding the text, as shown below:

Article I - Appointment/Re-Appointment

Once an application for a committee/board is received in the Town Clerk’s Office, it is then copied and sent to the Appointments and Negotiations Committee for review. The Appointments Committee will then refer its recommendation(s) to the Council. Pursuant to Section 201.00 of Chapter 302 – the Rules and Policies Manual for the Scarborough Town Council: “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 and Negotiations Committee and certified by the Council.”

Vote: 7 Yeas.

Order No. 17-047, 7:00 p.m. Public Hearing and action on the renewal and new requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley’s Campground, located at 274 Pine Point Road; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; The Landing at Pine Point, located at 353 Pine Point Road, Clambake Inc. located at 352 Pine Point Road, NEW: Bayley’s Lobster Pound located at 78 King Street and Togello, LLC, d/b/a The Garage BBQ, located at 3 East Grand Avenue. [Town Clerk] Chairman Babine opened the public hearing. The following individuals spoke on this Order.

- Mo Erickson of Pine Point Road, voiced her concerns with regards to the Special Amusement Permit for Bayley’s Lobster Pound and the Garage BBQ as well as the parking issues at both of these establishments.
- Joan Lourie of Pine Point was curious to know how these Permits tie in with the Good Neighbor Ordinance and stated that she was not in favor of Bayley’s Lobster Pound or the Garage BBQ being allowed to have music.
- Susan Clough owner of the Lobster Pound and the Garage BBQ, responded to the parking issued that had been raised and they had no intention of having music during the summer only at the beginning and end of the summer season. There would be only one guitar player for each place.
- Roland Grenier of East Grand Avenue asked the Town Council to issue permits with provisions.

There being no further comments, the hearing was closed at 7:24 p.m.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval on the renewal and new requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; The Landing at Pine Point, located at 353 Pine Point Road, Clambake Inc. located at 352 Pine Point Road, NEW: Bayley's Lobster Pound located at 78 King Street and Togello, LLC, d/b/a The Garage BBQ, located at 3 East Grand Avenue.

Vote 7 Yeas.

Order No. 17-048, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License and a Liquor License from Michael A. Hoglund, III d/b/a Sirloin, located at 89 County Road [formerly the Countryside Butcher and Painted Turtle]. Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:31 p.m.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval on the new request for a Food Handlers License and a Liquor License from Michael A. Hoglund, III d/b/a Sirloin, located at 89 County Road [formerly the Countryside Butcher and Painted Turtle].

Vote 7 Yeas.

OLD BUSINESS:

Order No. 17-030. Second reading on the proposed FY2018 Municipal/School Budget. [*Finance Committee*] Councilor Hayes, Finance Chair and Jodi Shea, Finance Chair of the Board of Education both presented a brief overview of the Budget process. Ms. Shea gave a brief statement on the process and the working relationship that had developed between School Board and the Town Finance Committee – she went on to comment on the reductions made from both School and Town. She then thanked everyone for their commitment and to the Superintendent and Town Manager for their leadership. She also thanked the community for supporting students and schools.

Councilor Hayes reviewed slides that showed the changes that have been made over time. Working together Town and School Finance Committees have reached the range in which the goal where set at the beginning of the process. With the proposed budget we are still the third lowest community in the area.

The following spoke on this order:

- Michael Turek of Bayberry Lane spoke on the people of Scarborough who were leave because they could no longer afford to stay here. He too would be leaving as he had sold his home. He felt that the Board of Education and the Town Council had forgotten the residents.
- Suzanne Foley-Ferguson of Black Point Road also spoke on the proposed budget and asked the Town Council to remove the expected revenue from the meters at Higgins Beach. The meters were to assist in keeping the parking limited along Bayview.
- Jackie Perry of Black Point Road and a member of the Board of Education felt sorry the Mr. Turek had sold his home. She too is on a fixed income and still has been able to pay taxes. She believes in education and feels that both the Board and the Council have done a great job with the proposed Budget.
- Drew Stevens asked for clarification on one of the charts. Councilor Hayes gave an explanation.

- Sara Mullen of Gunstock Road asked for further clarification on the same chart – to which Councilor Hayes responded with a broader explanation.

Motion by Chairman Babine, seconded by Councilor Donovan, to move approval of the second reading on the FY2018 Municipal/School Budget.

Motion by Councilor Hayes, seconded by Councilor St. Clair, to move approval to amend the main motion and approve the Finance Committee’s adjustments to the Proposed FY2018 Budget in the amount of \$1,800,322 for a new Net Budget of \$63,031,112 and recommended adjustments to the Chapter 311, Schedule of Fees.

Motion by Chairman Babine, seconded by Councilor St. Clair, to divide the question to consider three items separately from the motion:

- The proposed hourly parking fee at Higgins Beach;
- The extra beach cleaning at Pine Point Beach and
- The expanded hours for the Adult Services Librarian.

Motion by Councilor St. Clair, seconded by Councilor Foley, to move approval to amend the motion to reduce revenues by \$8,000 from hourly parking fees from the Higgins Beach Parking meters.

In response to a point of order from Councilor Rowan, Chairman Babine explained that a motion does not have to be submitted prior to a meeting, any motion can be brought forward at a meeting on any order.

Vote on amendment: 2 Yeas.
5 Nays [Chairman Babine, Councilors Caiazzo, Donovan, Hayes and Rowan].

Motion by Councilor Foley, seconded by Councilor St. Clair, to move approval to amend the main motion to increase expenses for beach cleaning by \$6,000 for Pine Point Beach and offset it with a decrease in the Paving account money by \$6,000.

Vote on amendment: 3 Yeas.
4 Nays [Chairman Babine, Councilors Caiazzo, Donovan and Rowan].

No motion was made on the Adult Services Librarian piece.

Vote on the Finance Committee Recommendations: 7 Yeas.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval to amend the main motion as amended by increasing the Pine Point Beach cleaning expense line by \$6,000 and increase the meter revenue along Bayview by \$6,000, which would bring the line amount to \$14,000.

Vote on amendment: 2 Yeas.
5 Nays [Chairman Babine, Councilors Caiazzo, Foley, Hayes and St. Clair].

Motion by Chairman Babine, seconded by Councilor Caiazzo, to amend the main motion as amended, to include at the end of the budget motion the following:

Be it further ordered, that in the event that the Scarborough School Department receives more state education subsidy than the amount included in its budget, that it be divided equally between property tax relief in FY2018 and the School Department's fund balance for future use to offset property taxes.

Vote: 7 Yeas.

Main motion as amended:

Budget Order for Fiscal Year 2018

Be it ordered that the Scarborough Town Council moves approval of the second reading on the Fiscal Year 2018 Budget, on the line item appropriations and expenditures for all offices, agencies and departments of the Town as follows, and approves other additional operating expenditures which may result from the receipt of Federal or State funds or other grants and subsidies not requiring local taxation:

SUMMARY MUNICIPAL OPERATING BUDGET 2018	
TOTAL ADMINISTRATION	\$ 1,774,629
TOTAL TOWN CLERK/ELECTIONS	198,618
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	328,821
TOTAL FINANCE ALL DIVISIONS	1,029,736
TOTAL MUNICIPAL INFORMATION SYSTEMS	1,205,472
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	996,786
TOTAL COMMUNITY SERVICES ALL DIVISIONS	2,721,589
TOTAL LIBRARY NET – TOWN APPROPRIATION	1,130,246
TOTAL SEDCO	232,723
TOTAL FIRE ALL DIVISIONS	5,043,906
TOTAL POLICE ALL DIVISIONS	6,414,453
TOTAL PUBLIC WORKS ALL DIVISIONS	6,766,342
TOTAL DEBT (Town Only)	<u>4,817,198</u>
MUNICIPAL TOTALS	\$32,660,519

Be it further ordered, that the Scarborough Town Council hereby appropriates the sum of **\$120,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of **\$47,411,168** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$42,490,017** and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of **\$1,704,503** and the Town of Scarborough raises as the local share for the Education Adult Education and Food Services Budgets, the sum of **\$2987,179** and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council and;

Be it further ordered, that the Town of Scarborough hereby adopts the **Schedule of License, Permit and Application Fees** as presented and attached hereto – Chapter 311 – Town of Scarborough, Schedule of License, Permit and Application Fees, for Budget Presentation FY 2018; and,

Be it further ordered, that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of **\$2,709,666** for the period July 1, 2017 through June 30, 2018; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates for capital purposes, the sum of **\$1,396,200** for school capital programs and **\$1,030,617** for town capital equipment and **\$3,868,750** for town capital improvements; for a total Capital Budget of **\$6,295,567** to be funded from property taxes, lease and bond arrangements and other local, state and federal sources; and,

Be it further ordered, that the Total Gross Budget of **\$91,982,827** this total less estimated revenues and other credits of **\$28,951,715** result in a Net Appropriation of **\$63,031,112**, which shall be raised from taxation. The Scarborough Town Council further fixes **Monday, October 16, 2017**, and **Thursday, March 15, 2018**, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of **7.00%** per annum.

Be it further ordered, that in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer that pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **3.00%**.

Be it further ordered, that the Town Council hereby authorizes the Finance Director-Tax Collector/Treasurer or Deputy Tax Collector/Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905; to sign on behalf of the Town, the necessary deeds and liens and tax settlements; and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; in accordance with 36 M.R.S.A. Section 906, the Tax Collector/Treasurer is authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector/Treasurer is authorized to discharge any obligation to collect unpaid property taxes in the amount of \$5.00 or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

Be it further ordered, that in the event that that the 2018 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2018, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

Be if further ordered, that in the event that the Scarborough School Department receives more state education subsidy than the amount included in its budget, that it be divided equally between property tax relief in FY2018 and the School Department's fund balance for future use to offset property taxes.

**CHAPTER 311 – TOWN OF SCARBOROUGH
SCHEDULE OF FEES**

Chapter 402a – Electrical Permit Fees	Fee
Administrative Fee [for each application] (adopted 05/06/09)	\$30.00
<u>RESIDENTIAL</u>	
Minimum Fee (amended 05/06/09)	\$30.00
Square footage of any structure (adopted 05/06/09)	\$0.05
Service Inspection (adopted 05/06/09)	\$30.00
Each Garage – Under, Attached, Unattached (amended 05/06/09)	\$30.00
<u>RENOVATIONS</u>	
Rewiring Complete Existing Home – Same as New	
Each Room (amended 05/05/04)	\$15.00
Meter and Panel Upgrade (amended 05/06/09)	\$30.00
Alarm/Low Voltage (adopted 05/06/09)	\$30.00
Pools, In-Ground or Above (amended 05/06/09)	\$30.00
Storage or Utility Buildings (amended 05/06/09)	\$30.00
<u>COMMERCIAL</u>	
Minimum Fee	\$30.00
Square Footage of Any Structure (adopted 05/06/09)	\$0.05
All Signs – Each (amended 05/05/04) (amended 05/06/09)	\$30.00
Yard Lights – Up to 6 (amended 05/05/04) (amended 05/06/09)	\$40.00
Each Additional over 6 Yard Lights (amended 05/06/09)	\$10.00

Chapter 404a – Local Plumbing Permit Fees Internal Permit Fee Schedule	Fee
Administrative Fee [for internal permit applications](adopted 05/07/2014)	\$20.00
1. The minimum permit fee is: (amended 05/06/09)(amended 02/16/2011)	\$40.00
2. The fixture fee for all fixtures is per fixture and is: The fixture fees are no longer on a sliding scale. (amended 05/06/09)(amended 02/16/2011)	\$10.00 ea.
<u>EXTERNAL PERMIT FEE SCHEDULE COMPLETE SYSTEM</u>	
Non-engineered System (amended 05/06/09)(amended 02/16/2011)	\$250.00
Primitive Disposal System (includes alternative toilet) (amended 05/06/09)	\$130.00
Engineered System (amended 05/06/09)	\$250.00
<u>SYSTEM COMPONENTS (INSTALLED SEPARATELY)</u>	
Treatment Tank (amended 05/06/09)(amended 02/16/2011)	\$150.00
Holding Tank (amended 05/06/09)	\$130.00
Alternative Toilet (amended 05/06/09)	\$65.00
Disposal Area (amended 05/06/09)(amended 02/16/2011)	\$150.00
Engineered Disposal Area (amended 05/06/09)	\$200.00
Separated Laundry Disposal Area (amended 05/06/09)	\$50.00
<u>OTHER</u>	
External Permit Amendments (adopted 05/07/2014)	\$75.00
Seasonal Conversion Permit (amended 05/06/09)	\$65.00

Chapter 405 – Zoning	Fee
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00

Contract Zoning – Non-Refundable Application Fee (11/20/02)(amended 05/05/04)	\$500.00
Zoning Determination Letter (adopted 05/07/2014)	\$35.00
Planning Administrative Review Fee (adopted 05/07/2014)	\$75.00
Review Fee for Private Way Registration (amended 06/02/04)	\$100.00
One (1) Dwelling Unit Credit (<i>as per Section VIII(E)1, Development Transfer Provisions</i>) (July 18, 2007)	
Affordable Housing In-Lieu Fee Per Dwelling Unit [Adopted 11/06/2013]	\$20,000
CODE ENFORCEMENT -	
Building Permit Fees [-a minimum of] (amended 05/06/09)	\$35.00
Residential / Commercial Unfinished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.20
Residential / Commercial Finished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.40
Renovations/Remodels/Alterations/Minor Additions, Residential/Commercial (adopted 05/07/2014)	\$10.00 per \$1,000 of est. cost of construction
Sheds less than 250 SF(adopted 05/07/2014)	\$35.00
Minimum Application Fee - Will be applied toward the building permit when issued. Applies to new construction and renovations over 1,000 square feet.	\$110.00
First Offense Double the Permit Fee	
Each Offense Thereafter Triple the Permit Fee	
Demolition Permit Fees (amended 05/05/04) (amended 05/06/09)(amended 05/02/2012)	\$50.00
Zoning Board Of Appeals - Per Appeal (amended 05/05/04)	\$250.00
Certificate of Occupancy/Change of Use Fee [no charge if in conjunction with other active permits) (adopted 05/06/09) (amended 05/07/2014)	\$50.00
Sign Permit Fees	
Permanent Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Temporary Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Plus Deposit Required (refundable deposit for removal of sign) (10/02/02)	\$300.00
Temporary Storage Containers - Per Application (10/01/97) (amended 05/05/04)	\$25.00
Heating Appliance Permit (adopted 05/07/2014)	\$35.00
The fees for electrical permits, plumbing permits and building permits shall include one inspection of the work covered by each permit. Typically permits include the following inspections: A) Foundation; B) Bed bottom for leech fields; C) Leech bed; D) Electrical; E) Plumbing; F) Framing; and, G) Certificate of Occupancy. For each re-inspection thereafter, per-permit, a fee of \$50 shall be charged. If a re-inspection is required because the permit holder called for an inspection before the work was ready for inspection, such re-inspection shall not occur for at least two (2) weeks, unless the permit holder pays a surcharge of \$200 in addition to the \$50 re-inspection fee. For after the fact Certification of Occupancy/Change of Use Permits and Inspections, the fee is doubled (amended 10/06/04) (amended 05/07/2014)	

<u>Chapter 405A - Floodplain Management</u>	<u>Fee</u>
Non-Refundable Permit Application Fee	\$50.00

<u>Chapter 405B - Site Plan Review</u>	<u>Fee</u>
Site Plan Application Fee (plus fee per Square Feet)(adopted 05/07/2014)	\$500.00
Site Plan Amendment Fee (plus fee per Square Feet)(adopted 05/07/2014)	\$250.00

Under 1,000 Square Feet (amended 05/07/2014)	\$0.00
1,000 to 2,000 Square Feet (amended 05/07/2014)	\$250.00
>2,000 to 5,000 Square Feet (amended 05/07/2014)	\$500.00
>5,000 to 10,000 Square Feet (amended 05/07/2014)	\$1,000.00
>10,000 Square feet and over, plus \$25.00 per 1,000 above 10,000 square feet (amended 05/07/2014)	\$1,000.00

<u>Chapter 405C – Shoreland Zoning</u>	<u>Fee</u>
Planning Board Review (adopted 05/07/2014)	\$250.00
<u>Chapter 406 - Subdivision Review</u>	<u>Fee</u>
Subdivision Application Fee (plus fee per lot) (adopted 05/07/2014)	\$750.00
Subdivision Amendment Application Fee (plus fee per lot) (adopted 05/07/2014)	\$250.00
Charge Per Lot (amended 05/05/04)	\$175.00

<u>Chapter 407 - Septic Tank Sludge Disposal Fees</u>	<u>Fee</u>
Field Spread - per gal. (amended 05/05/04)	\$0.04
Holding Tank - per gal. (amended 05/05/04)	\$0.08
Disposal Of Treatment Plant Sludge S.S.D. Only - per gal. (amended 05/05/04)	\$0.08
Disposal Of Industrial Sludge & Wastes - per gal. (amended 05/05/04)	\$0.08
Grey Water 2,000 Gallons, Maximum Load - per load (amended 05/05/04)	\$4.00

<u>Chapter 408 - Extractive Industry, Waste Control, Landfill, And Land Reclamation</u>	<u>Fee</u>
Plan Review Fee - Minimum fee (amended 05/05/04) (amended 05/07/2014)	\$250.00
Additional Fee Per Acre In Excess Of 10 Acres - Per additional acre over 10 acres (amended 05/05/04)	\$15.00

<u>Chapter 410 - Road Impact Fee Ordinance And Designating Approved Projects</u>			
The following fees and charges are established for development and the following projects are designated as eligible for funding from the Highway Impact Fee Trust Fund:			
Fees	Peak Hour Trips		Cost of Trip
A. District 1	N	X	\$149.43
B. District 2	N	X	\$292.42
C. District 3	N	X	\$499.05
D. District 5	N	X	\$1,024.52

Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in the 1987 Institute of Transportation Engineers (ITE) “Trip Generation” handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only “new” trips to the system roadways should be assessed a development fee.

The total Impact Fee for a project shall be the sum of the fees for each district affected.

Projects eligible for funding from the Road Impact Fee Trust Funds are those projects depicted on the 100 scale aerial photographs titled “Long Range Transportation Improvement Program” (April 1989),

prepared by Vanasse Hangen Brustling, Inc. as part of the 1988 Maine Mall/Jetport Area Traffic Study conducted for the Portland Area Comprehensive Transportation Study (PACTS) and the Maine Department of Transportation.

Chapter 413 – Growth Ordinance	Fee
Application Fee (amended 11/03/04)	\$1,500.00

Chapter 500 - Trailer & Trailer Camp	Fee
Application Fee, minimum	\$27.50
Each unit in excess of 10 (amended 05/21/2008)	\$3.75
Maximum Fee (amended 05/21/2008)	\$200.00

Chapter 501 - Tenting & Camping Ordinance	Fee
Annual Fee For Tenting/Camping Season License, per lot (amended 05/05/04; 05/21/2008)	\$2.25

Chapter 601 – Traffic Ordinance [amended 05/02/2012]	Fee
Section 26 – Penalties General (05/03-2006)	
Fine for any violation of this ordinance is:	\$80.00
If paid within 30-days of issuance of the ticket the fine is reduced to:	\$40.00
Section 27 – Illegally Parked Vehicles (05/03-2006)	
Fine for illegally parked vehicle, except handicapped parking violation is:	\$80.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$40.00
Fine for parked vehicle violating handicapped parking is:	\$120.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$60.00
Section 30 – Towing Rate Schedule -	
Service Call - Gas, Jumpstarts, lockouts, tire change, etc. Range	\$25.00 to \$40.00
Vehicle Storage, per day, INCLUDING non-business days (amended 05/07/2014)	\$40.00 per day
Call out fee, to come to shop during non-business hours (amended 05/07/2014)	\$40.00
Vehicle Tow	
Day (amended 05/07/2014)	\$80.00
Night (amended 05/07/2014)	\$90.00
Snow Tow – Range	
Day (amended 05/07/2014)	\$90.00
Night (amended 05/07/2014)	\$100.00
Vehicle Tow w/dollies – Range (amended 05/07/2014)	\$80 to \$100
Motorcycle Tow – Same as vehicle due to special equipment	
Pull out – Range	\$40 to \$85
Recovery – Same as tow, depending on time of day. After first hour \$70 per additional hour plus any special equipment, i.e., bulldozer, etc.	
Definition of Hours – Daytime Hours = 0700 to 1800 hours; Night Time Hours = 1800 to 0700 hours	

Chapter 602A – Mass Gathering	Fee
Application Fee, each event; 1,000 – 2,500 (Number of anticipate patrons) [amended 05/05/04; 05/21/2008; 06/06/2012]	\$175.00

Application Fee, each event; 2,501 – 5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$350.00
Application Fee, each event; >5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$500.00
<u>Chapter 607 - Alarm Systems</u>	<u>Fee</u>
False Alarm Fee - per occurrence after third false alarm within one year (amended 05/05/04)	\$250.00
<u>Chapter 608 – Fireworks Ordinance</u>	<u>Fee</u>
Non-Refundable Local Fireworks Display Permit Application Fee (amended 06/15/05)	\$50.00
<u>Chapter 612 – Rules & Regulations for Use of Parks & Recreation Facilities</u>	<u>Fee</u>
Application Fee	\$100.00
Application Fee for Non-Profit or Service Groups	\$50.00
<u>Chapter 702 - Street Opening, Fees</u>	<u>Fee</u>
Excavator License Fee Annual (amended 05/07/2014)	\$125.00
Excavation Permit Fee - Each Excavation (amended 05/05/04)	\$50.00
Renewal Of Excavation Permit (amended 05/05/04)	\$50.00
<u>Other Charges</u>	
1. Removing and replacing regulatory signs	\$50.00 each
2. Removing and replacing street name and stop signs	\$50.00 each
3. Reinstalling street and right of way granite monuments	\$800.00 each
4. Long-term maintenance reserve for bituminous street openings	\$25.00 per sq. yd.
<u>Chapter 901 – Refuse collection Fee</u>	<u>Fee</u>
1. Commercial Hauler	\$500.00 each
2. Residential Hauler	\$500.00 each
Applications for license renewal received after March 1 st shall pay a late fee in the amount of \$100.00 in addition to the regular application fee. (05/03/2006)	
<u>Chapter 1002 - Shellfish Ordinance, Fees</u>	<u>Fee</u>
Resident Commercial	\$200.00
Non-resident Non-reciprocating Commercial	\$400.00
Resident Student Commercial	\$100.00
Non-resident Student Commercial	\$200.00
Over - 60 Years Resident Commercial (Bushel)	\$100.00
Resident Recreational - (Over 65 Free)	\$25.00
All Day Licenses – Resident and Non-resident (amended 04/06/05)	\$10.00
<u>Chapter 1003 – Hawkers & Peddlers</u>	<u>Fee</u>
License Fee for Hawkers & Peddlers License (05/21/2008)	\$110.00
<u>Chapter 1004 - Taxicab Licenses</u>	<u>Fee</u>
Annual License - Each Taxicab (amended 05/05/04) (amended 05/06/09)	\$150.00
Annual License - Each Operator (amended 05/05/04) (amended 05/06/09)	\$50.00

Chapter 1005 - Innkeepers Licenses (06/21/2006)	Fee
Application Fee	\$50.00
Per Room Fee	\$3.00 per room
Maximum Fee Not to Exceed	\$350.00

Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes	Fee
Resident And/Or Taxpayer Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park) (amended 05/05/04; 05/18/11)(amended 05/02/2012) (amended 05/07/2014)	\$40.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Season Beach Pass - (includes Ferry Beach Higgins Beach and Hurd Park) (amended 05/05/04) (amended 05/02/2012) (amended 05/07/2014)	\$75.00
Higgins Beach – Metered parking spaces on Bayview Avenue Fee (adopted 05/17/2017)	\$1.00 Hourly
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Season Pass - (includes both Ferry Beach, Higgins Beach and Hurd Park)	FREE
Resident Veteran Lifetime Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Season Pass.) (Adopted 05/19/2010)	FREE

DAILY PARKING RATES (WITHOUT PASS)	
Daily Parking: Ferry Beach, Higgins Beach And Hurd Park (amended 05/05/04) [amended 05/02/2012]	\$10.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 5 PM (amended 05/03/05)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)	\$35.00

BOAT LAUNCHING FEE	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	
Resident – Daily Boat Launching Fee (amended 05/05/04)	\$10.00
Resident – Seasonal Boat Launching Fee	\$25.00
Resident – Additional Boat Launching Fee Registered to the Same Address [Amended 05/18/16]	\$5.00
Resident Commercial Fisherman Seasonal Boat Launch Pass	Free
Non-Resident – Daily Boat Launching Fee (amended 05/05/04)	\$20.00
Non-Resident – Seasonal Boat Launching Fee	\$50.00

Chapter 1007 - C.A.T.V. (Cable T.V.) Operators Fees	Fee
Franchise Filing Fee (Amended 05/04/2011)	\$1,000.00

Chapter 1008 - Special Amusement Operator License Fees	Fee
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Annual License Fee	\$110.00
Chapter 1009 – Coin Operated Game License Fees	
	Fee
Annual License Fee - Per Machine (B-2 Zone)	\$110.00
Annual Video Arcade License Campgrounds (R-F Zone) Maximum of 25 machines (amended 05/03/06)	\$1,500.00
Chapter 1010 - Massage Establishment Annual License Fees	
	Fee
Massage Establishment	\$55.00
Combined Massage Establishment/Massage Therapist	\$35.00
Massage Therapist	\$30.00
Chapter 1011 - Para-Massage Establishment Annual License Fees	
	Fee
Para-Massage Establishment License	\$55.00
Para-Massager License	\$30.00
Combined Para-Massager Est./Para-Massager License	\$35.00
Chapter 1012 - Adult Business - Viewing Booth Annual License Fees	
	Fee
Annual License For Each Viewing Booth	\$110.00
Chapter 1013 - Ice Cream Trucks (06/18/97)	
	Fee
Application Fee	\$110.00
Each Additional Truck	\$30.00
Chapter 1017 – Pawnbroker Fees/Secondhand Dealer Fees (02/17/2010; amended 05/18/16)	
	Fee
Application Fee	\$100.00
SBI Check	\$25.00
Chapter 1201 - Cemetery Fees	
	Fee
Sale Of Lots -	
Scarborough Memorial Cemetery Per Grave (amended 05/05/04)	\$400.00
Scarborough Memorial Cemetery – Section D, Lots for Cremations Only (adopted 02/16/2011)	\$220.00
Grave Opening Charges	
Regular Burial (amended 05/05/04 – 05/04/2011)	\$450.00
Cremations/Other (Weekends) (amended 05/05/04 – 05/04/2011)	\$125.00
Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]	
	Fee
Annual Mooring Fee	
Resident And/Or Taxpayer (amended 05/05/04)	\$50.00
Non-Resident (amended 05/05/04)	\$100.00
Annual Pier Maintenance Fee	
Commercial User	\$100.00
Non-Commercial User	\$50.00
Assessing Office Charges	
	Fee
Printouts	

Name/Location/Map & Lot	\$25.00
Name/Address/Location/Map & Lot	\$50.00
Name/Location/Map & Lot/Assessment	\$75.00
Name/Address/Location/Map/Lot/Assess	\$75.00
Name/Address/Location/Map/Lot/Assess/Ref.	\$100.00
Valuation Report – Printout per page	\$2.00
Mailing Labels – Each (amended 05/17/2017)	\$0.10
Copy of Property Card	\$2.00
Large Map	\$5.00
Reduced Map	\$2.50
Reduced Set of Maps	\$200.00

<u>Fire Department Fees</u>	
<u>Fire Department Construction Permit & Plans Review Fees</u>	<u>Fee</u>
A Fire Department construction permit is required for any new construction, or remodeling of existing commercial space, or erection of any temporary structures for commercial purposes. The permit allows us to review important information concerning life safety issues, the buildings alarm & suppression systems, utility connections, heating system information, water supply, hazardous materials, fire lanes, and a variety of other items prior to the start of construction. (amended 11/05/03)	
Minimum Construction Permit Fee [amended 05/18/16]	\$35.00
Construction permit fees for all commercial buildings shall be (amended 05/17/2017)	\$0.15 per sq. ft.
Commercial structures include any building that is non-residential, or any residential complex that has three or more living units.	
Construction permit fees cover the following services:	
Initial conference and fact finding discussion	
Concept plans review for compliance with local ordinances	
Site Plan review	
Construction plans review	
Follow-up meetings with contractors, architects, and building owners	
Structural building inspections as necessary during construction	
One (1) comprehensive alarm system and fire suppression system test to be scheduled after coordination of reporting information with the Fire Department, and after all components have been installed to the applicable codes and pre-tested through to the monitoring company.	
One (1) final Certificate of Occupancy inspection to be scheduled when all Federal State and Local codes have been met and the building is ready for occupancy.	
<u>Additional Fire Dept. Construction Permits & Plans Review Fees</u>	
Commercial Renovations/Remodels/Alterations/Minor Additions (amended 05/17/2017)	\$5.00 per \$1,000 of estimated cost of construction
Re-inspection of alarm & fire suppression system testing required due to improper pre-testing, installation, or lack of coordination with the Fire Department concerning appropriate reporting requirements. (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence

Re-inspection fee for Certificate of Occupancy (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Commercial Fire Alarm Plan Review & Permit Fees (adopted 05/06/09; amended 05/18/16)	
Minimum Permit [amended 05/18/16]	\$35.00
New Fire Alarm Control panel [amended 05/18/16]	\$100.00
Replacement of Fire Alarm panel with Exiting Devices [amended 05/18/16]	\$100.00
New Initiation or Notification Devices [amended 05/18/16]	\$50.00
Commercial Sprinkler System Plan Review & Permit Fees (adopted 05/06/09; amended 05/18/16)	
Minimum Permit Fee [amended 05/18/16]	\$35.00
New Sprinkler Heads [amended 05/18/16]	\$1.00/Head
Relocation of Sprinkler Head [amended 05/18/16]	\$0.50/Head
Fire Pump Installations [amended 05/18/16]	\$100.00 Each
Fuel Canopy Installation [amended 05/18/16]	\$100.00 Each
Kitchen Suppression System Installation [amended 05/18/16]	\$100.00 Each
Blasting Permit Fee (adopted 05/06/09)	\$50.00
<u>Fire Department Fees</u>	<u>Fee Per Hour</u>
Aerial / Ladder Truck	\$150.00
Pumper Truck	\$125.00
Squad Truck	\$125.00
Command Van	\$100.00
Rescue Unit	\$100.00
Tank Truck 4 x 4/Marine Rescue Boat (amended 05/07/2014)	\$75.00
Utility Truck/Chief or Duty Officers SUV (amended 05/07/2014)	\$50.00
All-Terrain Vehicles (amended 05/07/2014)	\$25.00
Personnel Labor [amended 05/01/2013]	\$45.00
<u>Fire Department Rescue Charges</u>	<u>Fee</u>
Base Rescue Charges:	
Based on bundled rate plan adopted May 1, 2013, these rates shall automatically adjust when and by the same % as those established and approved by the Centers for Medicare & Medicaid Services (CMS).	
Basic Life Support Non-Emergency (adopted 05/01/2013) (amended 05/07/2014)(05/20/15; amended 05/18/16; amended 03/15/17) (amended 05/17/2017)	\$589.04
Basic Life Support Emergency (adopted 05/01/2013)(amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17)(amended 05/17/17)	\$589.04
Advance Life Support Level 1 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17)(amended 05/17/2017)	\$908.74
Advance Life Support Level 2 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17) (amended 05/17/2017)	\$1,289.37
Additional Rescue Charges:	
Mileage (adopted 05/07/2014) (05/20/1; amended 05/18/165)(amended 05/17/2017)	\$12.50
No Transport (amended 05/05/04)(amended 05/06/09)(amended 01/18/12)	\$125.00

Paramedic Intercept Fee (05/21/2008)	\$300.00
Fees are set by State Statutes – pursuant to Title 22, Health and Welfare, subtitle 2, §1711, pertaining to <i>Fees charges</i> , and as amended from time to time. (adopted 05/07/2014)	

<u>Chapter 1015 -Food Handlers Registration Fee</u> <u>(adopted 05/03/06)(amended 05/21/08)(amended 05/05/2010)</u>	
Food handlers Registration Fee – Year Round Business	\$220.00
Seasonal, catering and in-home food handlers [Seasonal - 6 months or less]	\$110.00

<u>Chapter 1016 - Garage/Yard Sale (adopted 03/07/2007)</u>	<u>Fee</u>
Garage/Yard Sale Permit	\$5.00 per sale

<u>Horse Beach Permit (per rider) (adopted 10/02/02)</u>	<u>Fee</u>
All Permits (amended 05/06/09; amended 09/16/09)	\$20.00

<u>Interest Penalties (adopted 05/02/2007)</u>	<u>Penalty</u>
Interest on fees, charges or payments owed to the Town which are more than 30-days past due	1.5% per month

<u>Miscellaneous Fees (adopted 05/03/05) (amended 02/15/06)</u>	<u>Fee</u>
Marriage Ceremonies Performed (amended 02/15/06)	\$50.00
Miscellaneous Administrative Fees – Town Clerk’s Office (amended 05/06/09)	\$15.00
Replacement Fee for all Applications and Licenses/Permits (adopted 05/04/2011)	\$5.00
Genealogy / Research – \$3.00 per name, whether or not a record is found, this includes a photocopy. For an attested copy, the fee is as set by the State of Maine Office of Vital Records.	
Dog License Late Fee – Upon receipt of the rabies certificate(s) from the State of Maine the Town Clerk’s Office will notify owner(s) they need to register their dog(s) within 10-days. If a resident fails to license their dog(s) within 10-days of notification from the Town Clerk’s Office a late fee will be charged for each dog. (05/21/2008) (amended 05/07/2014)	\$25.00 per dog
Non-sufficient Funds (adopted 05/07/2014)	\$30.00

<u>Notary Fee (amended 3/6/96; 05/05/04; 05/21/2008)</u>	<u>Fee</u>
First 3-pages	\$10.00
Any Documents more than 3-pages	15.00

<u>Photocopies</u>	<u>Fee</u>
Single Sheets - Their Original	
8 ½ x 11 Regular, each copy	\$0.25
8 ½ x 14 Legal, each copy	\$1.00
11 x 17 Ledger, each copy	\$1.50

<u>Photocopies (amended 3/6/96)</u>	<u>Fee</u>
Single Sheets - Our Document	
8 ½ x 11 or 14 or 17, first page	\$2.00
Each Additional Page	\$0.50
Maps, each copy	\$5.00

Meeting DVD [Copying]	\$25.00
Electronic Responses to Requests (adopted 05/07/2014)	\$15.00 per hour [or any part thereof]

Police Department Charges	Fee
Special Police Charge, Per Hour (amended 05/05/04; 05/02/07; 05/21/2008; 05/04/2011)	\$43.90
Police Cruiser Charge (adopted 05/07/2014)	\$46.35 per every four hours
Notice of minimum charge if event is canceled without proper notice	
Police Reports	
First Page (amended 05/05/04)	\$12.00
Each Additional Page (amended 05/05/04)	\$1.50
Fingerprinting	
For Civilians' Personal Use (not criminal), each set	\$3.00
Copy Of Video Tape	
Blank Tape Provided (amended 05/05/04)	\$12.00
No Tape Provided (amended 05/05/04)	\$15.00

Public Works Department Charges	Fee
Fee for Building Coordination Form (05/05/04)	\$25.00

Voter Registration Fees (amended 09/06/2006)	Fee
Fees are as set by the Secretary of State's Office pursuant to Title 21-A, Section 2, §4, <i>Fees</i> , and as amended from time to time.	

Vehicle Registration Fee	Fee
Fees are set by the Secretary of State's Office, Department of Motor Vehicles pursuant to Title 29-A, Subchapter 2 §, <i>Fees</i> , and as amended from time to time. [amended 05/02/2012]	

Roll Call Vote: Councilor Donovan - Yea Councilor St. Clair - Yea
 Councilor Rowan - Yea Councilor Hayes - Yea
 Councilor Foley - Yeas Councilor Caiazzo - Yea
 Chairman Babine - Yea

At this point Chairman Babine called for a brief recess. Chairman Babine reconvened the meeting at 9:05 p.m.

NEW BUSINESS:

Order No. 17-049. First reading, schedule a public hearing and second reading on the proposed amendments to Chapter 608 – Town of Scarborough Fireworks Display Ordinance, Section II. Definitions; Section III Regulations & Codes; Section IV Permit Required; Section V. Application Procedure and Section XII Consumer Fireworks. [Ordinance Committee] Councilor Donovan gave a brief overview on the proposed amendments.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments to Chapter 608 – Town of Scarborough Fireworks Display Ordinance,

Section II. Definitions; Section III Regulations & Codes; Section IV Permit Required; Section V. Application Procedure and Section XII Consumer Fireworks and schedule a public hearing and second reading for Wednesday, June 7, 2017, as follows:

**CHAPTER 608
TOWN OF SCARBOROUGH
FIREWORKS DISPLAY ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608 – Fireworks Display Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section II: Definitions – Display Fireworks, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

SECTION II Definitions

Display Fireworks - Any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including any device containing any explosive substance or flammable compound. Display fireworks are classed as Explosives, 1.3G and described as Fireworks, UN0335 by the U. S. Department of Transportation. For the purpose of this ordinance Display ~~f~~Fireworks ~~do not~~ may include consumer fireworks as defined in 8 M.R.S.A§221-A. [amended 03/07/2012]

Consumer Fireworks – “Consumer Fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer Fireworks” does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Proximate Audience – An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays.

Pyrotechnic Device – Any device containing pyrotechnic materials and capable of producing visual or audible effects by combustion, deflagration, or detonation.

SECTION III Regulations & Codes

Fireworks storage, transportation, and displays are regulated through laws, codes and standards including:

- a) State of Maine Laws for the Fire Service, 1997 edition, Title 8, section 222-227
- b) NFPA 1123 Code for Fireworks Displays
- c) NFPA 1126 Use of Pyrotechnics before a proximate audience
- d) Title 49 CFR, Federal Regulation for Transport
- e) Title 27 CFR, Part 181 Commerce in Explosives

All display fireworks ~~display operators~~ shows permitted under this ordinance shall be technicians licensed by the State of Maine Fire Marshal's Office.

Amend Section IV: Permit Required, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

SECTION IV Permit Required

No person shall possess, store, arrange, or detonate Display Fireworks or pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department ~~and a valid permit from the State of Maine Fire Marshal's office.~~

~~No person shall possess, store, arrange, or detonate pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department and a valid permit from the State of Maine Fire Marshal's office.~~

The Scarborough Fire Department may issue a seasonal permit for outdoor pyrotechnic displays before a proximate audience that are regularly scheduled, are detonated from an approved location, and are similar in size and effect.

Any person applying for a Scarborough Fireworks Permit for a show containing display explosives (1.3G) must first possess a valid permit from the Maine State Fire Marshal's Office.

Amend Section V Application Procedure, by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION V Application Procedure

Application for a fireworks display permit shall be made to the Scarborough Fire Department by the responsible party for the display at least ten (10) days prior to the event as outlined below:

- a) Prior to applying for a Scarborough Fire Department Fireworks Permit the applicant must have a valid State of Maine permit issued by the State Fire Marshal's office when required.
- b) A copy of the State Fire Marshal's permit application and written State Fire Marshal's permit shall accompany the local permit application form when required.
- c) Written permission from the local landowner of the property from where the fireworks will be detonated shall accompany the local permit application form.
- d) The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees shall be paid prior to the issuance of a local fireworks display permit.

Amend Section XII Consumer Fireworks, by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION XII Consumer Fireworks.

The regulation of consumer fireworks used without a licensed technician is as enumerated in the Town of Scarborough Consumer Fireworks Ordinance, Chapter 608A, and any other applicable state or federal law or regulation. [adopted 03/07/2012]

Vote: 7 Yeas.

Order No. 17-050. First reading, schedule a public hearing and second reading on the proposed amendments to Chapter 608A – Town of Scarborough Consumer Fireworks Ordinance Section IV, Use of Consumer Firework Restricted; Section V. Violation and Enforcement and Section VIII: Notice. [Ordinance Committee] Councilor Donovan gave a brief overview on the proposed amendments.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments to Chapter 608A – Town of Scarborough Consumer Fireworks Ordinance Section IV, Use of Consumer Firework Restricted; Section V. Violation and Enforcement and Section VIII: Notice and schedule a public hearing and second reading for Wednesday, June 7, 2017, as follows:

**CHAPTER 608A
TOWN OF SCARBOROUGH
CONSUMER FIREWORKS ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608A- Consumer Fireworks of the Town of Scarborough, Maine is amended as follows:

Amend Section IV: Use of Consumer Fireworks Restricted by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION IV: Use of Consumer Fireworks Restricted

A person shall not use, display, fire, or cause to be exploded (collectively, “Setting Off”) consumer fireworks within the Town of Scarborough or in or from any watercraft within waters of the Town except upon the following conditions: ~~on the following days and during the following times:~~

- a) Upon receipt of, and in compliance with, a permit issued by Scarborough Fire Department in the form appended hereto as Appendix A.
- b) Only during the following days and times:
 - i. July 3rd and 4th and December 31st and January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m. July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
 - e) ~~July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd and July 5th fall on a weekend, and beginning at 9:00 a.m. and ending at~~

- ~~10:00 p.m. when July 3rd and July 5th fall on a weekday;~~
- ~~d) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day; and~~
- ~~e) January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m.~~

Amend Section V: Violation and Enforcement by adding the underlined text, as shown below.

SECTION V: Violation and Enforcement

- a) PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance and the owner of any property upon which any violation of the ordinance occurs, shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney’s fees and costs to be recovered by the Town of Scarborough for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) ENFORCEMENT: This Ordinance shall be enforced by the Town of Scarborough Police Department.
- c) 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.
- d) SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Add New Section VIII: Notice, as shown below:

SECTION VIII: Notice

Any authorized retailer for the sale of Consumer Fireworks in the Town of Scarborough shall provide written notice at the time of sale to all purchasers of Consumer Fireworks at their Scarborough retail stores that a Permit is required for use in the Town of Scarborough as set forth in SECTION IV above.

Add New Appendix A, as shown below:

Appendix A

Consumer Fireworks Permit and Application

Name _____ Date _____

Address _____ Phone _____

Location Requested _____

Dates Requested _____

I understand that this Permit applies only to the dates listed and may be revoked by the Scarborough Fire Department if weather conditions so warrant.

If the location is other than property owned by me, I have permission of the owner of the property.

I have liability insurance for any bodily injury or property damage that may result from fireworks use allowed by this permit.

I have read the Respect Your Neighbors Guidelines of the Town of Scarborough, attached hereto, and agree to follow its terms.

Applicant's Signature

Official Use Only

Permit Issuance

Date

Authorized Signature

Town of Scarborough
Respect Your Neighbors Consumer Fireworks Guidelines

Use fireworks strictly in accordance with the submitted notification.

Do not use fireworks after 10:00 p.m. on the days allowed.

Do not use fireworks in any way that could unreasonably disturb your neighbors' comfort and repose or infringe upon your neighbors' safety or peaceful enjoyment of their property.

Inform your neighbors in advance where and when you are planning to use fireworks.

Do not use fireworks near animals or livestock that may become frightened.

Only set off fireworks in areas where no fireworks debris will fall on your neighbors' property or any environmentally sensitive areas (e.g., beaches, marshes, or wetlands)

Do not permit anyone under the age of 21 to use fireworks.

Carefully follow the safety instructions provided by the Seller of the fireworks.

Vote: 7 Yeas.

Order No. 17-051. First reading, schedule a public hearing and second reading on the proposed amendments to Chapter 313A – the Town of Scarborough Property Tax Relief - Section 5. Determination of eligibility and amount of eligibility. [Ordinance Committee] Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments to Chapter 313A – the Town of Scarborough Property Tax Relief - Section 5.

Determination of eligibility and amount of eligibility and schedule a public hearing and second reading for Wednesday, June 7, 2017, as follows:

Chapter 313A – the Town of Scarborough Property Tax Assistance Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 313A, the Town of Scarborough Property Tax Assistance Ordinance is amended as follows:

Section 5. Determination of eligibility and amount of eligibility

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household); or
- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. ~~\$500.00~~ \$600.00.

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

Vote: 7 Yeas.

Order No. 17-052. Act to receive a request for discontinuance of a portion of Beech Ridge Road and schedule a public hearing. [*Town Engineer*] Angela Blanchett, Town Engineer, gave a brief overview of why this recommendation was brought forward.

The following individuals spoke on this Order:

- Stephanie Williams, property owner at 41 Beech Ridge Road, noted that they had sustained a fire and the house was a total loss. In reviewing the prospect of rebuilding they found out that they did not have enough frontage to rebuild a two story home and therefore; they have come before the council with this discontinuance, which would allow them to have enough frontage to build the two story home they would like.

Motion by Councilor Donovan, seconded by Councilor Caiazzo, to move approval to receive the request for a discontinuance of a portion of Beech Ridge Road and schedule a public hearing for Wednesday, June 7, 2017.

Vote: 7 Yeas.

Order No. 17-053. Act on the following request, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance of the following streets located in Phase 1 and 2 of Dunstan Crossing Development: Waldron Drive [a portion of], Colonel Dow Drive, Webster Way and Colby Drive. [*Town Engineer*] Motion by Councilor , Donovan, seconded by Councilor Caiazzo, to move approval on the request, pursuant to Title 23,

M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance of the following streets located in Phase 1 and 2 of Dunstan Crossing Development: Waldron Drive [a portion of], Colonel Dow Drive, Webster Way and Colby Drive.

Vote: 7 Yeas.

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

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

- Councilor Donovan gave an update on the Energy Committee; the Compost Pilot Program; Metro Regional Coalition and the Ordinance Committee.
- Councilor Rowan gave an update on the Senior Advisory Committee and the Historic Implementation Preservation Committee.
- Councilor Foley gave an update on the Conservation Commission and noted that the John Andrew 5K would be held this Saturday.
- Councilor Hayes gave an update on the Coastal Waters & Harbor Committee and the Shellfish Conservation Commission.
- Councilor Caiazzo gave an update on the Comp Plan Update Committee.

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

- Updated on Bonding Rating.
- Friday they would be interviewing 5 candidates for the Planning Director.
- We are in a position to update your equipment – training would be prior to the June 7th Town Council meeting.

Item 11. Council Member Comments.

- Councilor Hayes reminded voters to come out to vote on Tuesday, June 13th.
- Councilor Foley commented on the budget and urged voters to come out to vote on June 13th. She also thanked the Chamber of Commerce for the Annual Dinner.
- Councilor Donovan also gave an update on the Planning Board. He congratulated Jon Hayes on becoming a National Merit Scholar for receiving high grades in history and biology.
- Chairman Babine also thanked the Chamber of Commerce for their Annual Dinner. He reminded voters that absentee ballots were available. He noted that he would not be able to attend the meeting next Tuesday. The Workshop that had been previously scheduled for this evening would be held prior to the June 21st meeting. He thanked everyone for the budget process and the input. He would be in touch with regards to the next Goals workshop.

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

Vote: 7 Yeas.

Meeting adjourned at 9:49 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk