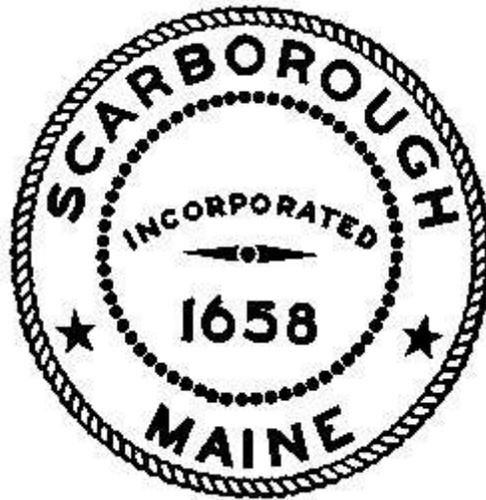


CHAPTER 302A

TOWN OF SCARBOROUGH

TOWN COMMITTEES/BOARDS

MANUAL



ADOPTED APRIL 4, 2012

Amended March 6, 2013
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**CHAPTER 302A
TOWN OF SCARBOROUGH
TOWN COMMITTEES/BOARDS MANUAL**

ARTICLE I - PROCEDURES

Purpose

This Guide is to give Town Committee/Board members an overview of what is to be expected from each Committees/Boards. The Town Clerk's Office is the first point of contact by the public when requesting information and it is very important that we maintain a complete and accurate record of all meetings.

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 and Negotiations 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."

Once names are posted, notices are sent notifying the individuals their names have been posted and that upon approval by the Town Council another notice will be sent notifying the individuals that they have been appointed, when their term expires and they must be sworn in before they can participate at the committee/board meetings.

New members will receive a copy of the members and the charge for the committee/board they are serving on.

Agenda

Those who are elected as Chair for each committee/board are responsible for conducting the meeting, preparing the agendas and making sure there is a record of each meeting. In order to be consistent with Council guidelines, it is required that any meeting agendas, whether it is a regular or special meeting, and any supporting documentation must be filed in the Town Clerk's Office by 2:00 p.m. seven days prior to the next scheduled meeting. Attached you will find Exhibit A – an example on how to structure an Agenda

Notice of any special meetings must be posted at least 24 hours before the meeting. Such notice will state the time and place of such meeting and business to be transacted.

Minutes

The meeting minutes shall be motion/action minutes only. The only items recorded in the minutes are those in attendance, the motions made and the action taken [vote]. Attached you will find Exhibit B - Minute/Notes for Meeting Form – page 25.

Please be reminded that *approved* minutes must be filed [either electronically and/or via hard copy] with the Town Clerk, along with any information that may have been handed out at the meeting, within seven (7) days of the meeting. **Any** information that is passed on via e-mail must also be forwarded to the Town Clerk's Office. The minutes of each meeting shall be provided electronically and/or via hard copy to the committee council liaison.

The only exceptions regarding filing of the minutes are the Planning Board and the Zoning Board of Appeals in which instance, the Clerk's Office would only need the agendas to any meetings.

Annual Report

All special committee and/or boards [as defined in Chapter 302 Council Rules and Policies-subsection 204.1] shall submit an Annual Report, electronically and/or via hardcopy, to the Town Council regarding the summarization of the committee/board activities for the year.

Quorum

A quorum is defined in the majority of the Council Charges for each committee/board. In the event that the quorum is not defined in the committee/board charge it would then be defined as the majority of the members appointed to that committee/board.

All committees/boards must have a quorum in order to conduct any business. If there is no quorum of the members then the meeting will be considered a workshop and no business shall be conducted.

Alternate Member[s]

Alternate members may participate in the discussion of a meeting; however, they can not vote. The only time an alternate member can vote is if they are replacing a full voting member who is absent.

In the absence of a full voting member, unless otherwise stated in the Council Charge, the Chair of said committee/board shall allow the first [or second] alternate to participate and vote on committee/board business. Therefore, it is strongly recommended that Alternates receive all meeting materials and attend all meetings.

Attendance Requirement

Pursuant to the Town Charter, Section 204.11. The Town Council may remove any board appointee and appoint a successor for the unexpired term of any member who fails to attend four (4) consecutive regular meetings or who fails to attend seventy-five percent (75%) of all meetings during the preceding twelve (12) month period of the appointee's board. The Town Council may waive attendance provisions for due cause.

Vacancy on Committees/Boards

Any vacancy during the unexpired term of any member appointed to any committee/board by the Town Council shall be filled by the Town Council for the remainder of the term. The Town Clerk's Office shall be notified, in writing, by either the Chair of the committee/board or by the individual wishing to resign.

Copying

Any copies that need to be made should be provided to the Clerk's Office the day before the meeting so that we may fit it into our daily schedule.

Room Requests & Public Notice

Due to the high volume of room requests, it is important that set meeting schedules be followed. We realize that it is not always possible for all members to attend every meeting. Meeting dates are posted in the area newspapers for public notice; therefore, the committee/board should make every effort to hold its scheduled meeting. Any cancelled meetings that are to be rescheduled must be put in writing by the Chair and submitted to the Town Clerk's Office. Please be aware that cancelled meetings must be posted for the public at least 24 hours in advance. **ALL ROOM REQUESTS MUST GO THROUGH THE CLERK'S OFFICE.**

ARTICLE II – COMMITTEES/BOARDS LISTING

ADA ADVISORY COMMITTEE [Adopted February 16, 2001]

Established

There is hereby established the ADA Advisory Committee, consisting of five members appointed by the Town Council.

Purpose

The purpose of the Committee is to assist the Town in meeting its obligations under the provisions of Title II of the Americans with Disabilities Act and its implementing regulations.

Organization and/or Membership

Members shall be appointed for three-year terms, except for the initial appointments, which shall be two members for terms of one year, two members for terms of two years and one member for [a] term of three years. Members whose terms expire shall continue to serve until their successors are appointed and qualified. The Council shall endeavor to appoint Committee members who have apparent or hidden disabilities or are members of a family including a person or persons with apparent or hidden disabilities.

The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Town's ADA Compliance Officer shall serve as staff liaison to the Committee. Neither shall be a voting member.

Duties and Powers

The functions of the Committee shall be as follows:

- Staff Training. Committee members may attend and participate in staff and departmental training, including staff awareness programs policies regarding enforcement of Title III issues, and may recommend to staff and Council that periodic or specialized training take place.
- Self-Evaluation. The Committee shall serve as a resource to the ADA Compliance Office in effectuating the Town's self-evaluation procedures pursuant to federal regulation.
- Program of Public Awareness In order to promote ADA awareness for the general public, the Committee may:
 - Work with Staff and others to make presentations to service groups;
 - Subject to Town Council funding, prepare public service ads and press releases;
 - Serve as a resource to the private sector for awareness training relating to Title III;
 - Assist in development of public/private partnerships that will promote universal design for accessibility.
 - Adoption of Grievance Procedures. The Committee shall serve as a resource to the ADA Compliance Officer in the adoption of grievance procedures pursuant to federal regulation

Procedures

Three members of the Committee constitute a quorum. The Committee shall select one of its members to serve as chair. The Committee shall set its own schedule for meetings, provided the Committee meets with staff at least quarterly. The Committee shall maintain a record of its activities.

BOARD OF ASSESSMENT REVIEW

Reference Section 602 of Chapter 201 – the Town Charter

Established

There shall be a Board of Assessment Review consisting of five (5) regular members and two (2) alternate members who shall be appointed by the Town Council.

Organization and/or Membership

Members shall be appointed for a term of 3 years. Compensation, if any, to such members, shall be determined by the Town Council. Vacancies in the membership of such board shall be filled by appointment by the Town Council for the unexpired term.

Duties and Powers

The Board of Assessment Review shall:

- Review appeals from decisions of the Assessor regarding applications for abatements of property taxes and make determinations with respect to assessments in accordance with the general laws of the State of Maine.
- Have the power to administer oaths, take testimony, and hold hearings as may be required in carrying out its functions.
- Adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business.

CABLE TV COMMITTEE

Reference Chapter 1007 - Town of Scarborough Ordinances

[Adopted August 4, 1976 – Amended September 6, 1995]

Established

An Ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, above, over and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Scarborough, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Scarborough of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV Operation.

There shall be a Scarborough Cable Television System, the head of which shall be the Scarborough Cable Television Committee, the members of which shall be appointed by the Scarborough Town Council. As of June 1985, the Cable Television Committee was placed directly under the Department of Community Services of the Town Government.

Purpose

The Scarborough Cable Television Committee is responsible for providing the citizens of Scarborough with such coverage of civil and public events, as the interest of the public and the availability of equipment and citizen volunteers permits.

Organization and/or Membership

The Scarborough Cable Television Committee shall consist of seven (7) members of the public appointed at large who shall be responsible to the Town Council for the legal and proper management of Scarborough's Cable Television System.

The initial appointments shall be: three members to serve until June 30, 1985; two members to serve until June 30, 1986; and two members to serve until June 20, 1987.

All subsequent appointments, other than those required to fill unexpired terms of office, shall be for a term of three years.

Advisory Members - One advisory non-voting member each shall be designated by the Town Manager and the Superintendent of Schools, such members to serve until replaced by the designating authority concerned.

Public Involvement - The Scarborough Cable Television Committee is authorized and responsible for the establishment, modification, supervision, and disestablishment of such subordinate committees, groups, and teams as that committee may deem necessary; to appoint and remove volunteers to and from such committees, groups and teams; and to perform the foregoing functions in accordance with the By-laws [copy below] to be adopted by the Scarborough Cable Television Committee as approved by the Town Council.

Volunteer Personnel - No member of the Committee shall, without Town Council approval, receive compensation or reimbursement for his/her services nor shall the Committee, without Town Council approval, hire paid employees.

Procedures

Financial Procedure - The Committee is authorized to receive donations and contributions for the purpose of operating, maintaining, and expanding the television system of Scarborough. Recognition may be given by appropriate acknowledgments of the sources of partial funding, providing that all receipts and expenditures shall be included within the budget approved by the Scarborough Town Council within the fiscal year of the Town of Scarborough.

Definitions

C.A.T.V.: Shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

Cable Television Co.: Shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Scarborough, sometimes hereinafter referred to as "the company".

Town: Shall mean the Town of Scarborough organized and existing under the laws in the State of Maine and the area within its territorial limits.

COMMUNITY SERVICES AND RECREATION ADVISORY BOARD

[Adopted August 2, 2000]

Established

There is hereby established a Recreation Advisory Committee.

Organization and/or Membership

The Committee shall consist of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for three year terms, staggered according to the expiration dates currently in effect at the time of enactment of this ordinance. The Director of Community Services shall attend the meetings of the Board. Those members serving on the Recreation Advisory Committee at the time of enactment of this ordinance shall continue as members until their terms expire. A member of the Town Council shall serve as liaison to the Board. The Community Services and Recreation Advisory Board shall replace the Recreation Advisory Committee established by the Town Council in 1970.

Duties and Powers

The Board shall:

- Advise the Town Council on matters pertaining to the planning, developing, financing and implementation of Community Services recreational programs and facilities for the benefit of residents of Scarborough.
- Each year the Board shall prepare a proposed work plan for presentation to and approval by the Town Council. This plan may be updated by the direction of the Town Council and/or a change in Board priorities.

Procedures

The committee shall adopt rules and regulations for the transaction of its business, which shall be subject to Council approval.

COASTAL WATERS AND HARBOR ADVISORY COMMITTEE

Reference Chapter 1401 – The Coastal Water and Harbor Ordinance - Article X [Adopted 02-01-2012]

Establishment

There is hereby established a Coastal Waters and Harbor Advisory Committee consisting of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for staggered three (3) year terms. The Harbormaster shall attend and serve as staff support at all meetings of the Committee. A member of the Town Council shall serve as liaison to the Committee.

Organization and/or Membership

The Committee shall consist of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for staggered three (3) year terms. The Harbormaster shall attend and serve as staff support at all meetings of the Committee. A member of the Town Council shall serve as liaison to the Committee.

Duties

The Committee shall:

- Exist for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the Town of Scarborough, working closely with the Harbormaster to advise the Town Council on all matters pertaining to the Coastal Waters and Harbor Ordinance;
- Make recommendations for balancing the enhancement of harbor facilities with the conservation of natural, cultural and aesthetic resources for the long-term benefit for all stakeholders;
- Propose regulations and policies or the use of waterways, navigational lanes, anchorage areas, town docking facilities and mooring areas, such regulations and policies shall be consistent with federal and state law;
- Regularly inform the Town Council and other boards, committees, commissions or officials of the Town, as is appropriate, of its activities. Will present an annual report to the Town Council in December.

Organization and Procedure

The Committee shall adopt rules and regulation for the transaction of its business, which shall be subject to Town Council approval. The Committee shall maintain a permanent record of its proceedings and correspondence. All records maintained or prepared are deemed public and shall be filed in the Town Clerk's Office.

CONSERVATION COMMISSION

[Adopted August 2, 2000, Amended July 18, 2001; Amended 09/03/2008]

Established

Pursuant to the provisions of the Town Charter and Title 30-A M.R.S.A. §3261 and 30-A M.R.S.A. §3001, Conservation Commissions, and Title 30-A M.R.S.A. §3001, Ordinance Power, there is hereby established the Conservation Commission of the Town of Scarborough. (Amended July 18, 2001)

Organization and/or Membership

The Conservation Commission shall consist of seven members appointed by the Town Council for three-year terms.

The Commission may recommend to the Town Council that associate members be appointed to assist the commission, as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, two or three years.

Duties and Powers

The Conservation Commission shall:

- Keep minutes of meetings including those attending; adopt procedures for conducting business; file minutes and procedures with the Town Clerk and submit an annual report to the Town Council;
- Coordinate activities and programming with other conservation groups within the community;
- Keep an index of all open areas within the Town of Scarborough, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The Conservation Commission may recommend to the Town Council or any municipal body or board, or any body politic or public agency of the State with prior knowledge of the Town Council, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements;
- Assist various town agencies with Open Space Land Planning and with establishing Acquisition Priorities for Open Space purposes;
- Publicize the Development Transfer Program and work with Rural Landowners to both educate and encourage their use of the program in accordance with the Comprehensive Plan and the Town of Scarborough Zoning Ordinance;
- Encourage Trail Planning and promote Connectivity of a town-wide trail system;
- Collaborate with other Town Council appointed committees on Environmental/Conservation Related Regulations and Standards;
- Promote and encourage local environmental initiatives, such as education and encouraging the public with respect to environmentally sensitive lawn products, native landscaping, residential buffers to natural resources, water conservation and similar measures;
- Initiate critical environmental studies and projects; and,
- Develop Land Management Plans for Town Conservation Land in collaboration with the Scarborough Conservation Land Trust and applicable Town Departments.

The Conservation Commission may:

- Advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets, which it considers necessary;
- Receive gifts in the name of the Town of Scarborough for any of the Commission's purposes with the approval of the Town of Scarborough and the Commission shall administer such gifts for those purposes subject to the terms of the gifts.
- Act as an advisory board to the Scarborough Town Council on types and sources of coastal pollution within the Town of Scarborough and to conduct research and develop data on the sources of pollutants within the coastal areas of the Town.
- Act as an advisory board to the Scarborough Town Council and applicable Town Departments on the acquisition of land for open space purposes, the implementation of land management plans of Town owned property, and the expansion of a town-wide trail system.
- The Conservation Commission shall review subdivision plans, site plans or other Planning Board reviews or studies upon the request by either the Town Council or the Planning Board.

Procedures

Notice of Planning Operations - Any body politic or public agency of the State conducting planning operations with respect to open areas within the Town of Scarborough shall notify the Conservation Commission of all plans and planning operations at least 30 days before implementing any action under that plan.

FIRING RANGE COMMITTEE

Reference Chapter 603 – The Firearms Ordinance – Section 6 [Amended 11/06/2002]

Established

A firing range committee is hereby established.

Purpose

To ensure the safety of all individuals in and around the firing range as well as to ensure that the firing range is in compliance with the rules and regulations of both the State and Local laws.

Organization and/or Membership

The Committee shall consist of the following:

- one member of the Scarborough Gun Club who is certified by the National Rifle Association, to be designated by the Gun Club;
- one member of the Scarborough Fish and Game Association who is certified by the National Rifle Association, to be designated by the Scarborough Fish and Game Association;
- one member at large, who is a certified National Rifle Association Firearms Instructor to be appointed by the Town Council;
- the Chief of Scarborough Police;
- and one member of the Scarborough Town Council to be appointed by the Scarborough Town Council and who will serve as Chairman of this Committee.

In the event that any organization fails to designate a member of their organization within 30 days after having received a written request to do so, the Scarborough Town Council shall have the right to make such designation. All members shall be residents of the Town of Scarborough. (Amended 11/06/02)

Duties and Powers

The above Committee shall present rules and regulations for the establishment and operation of approved firing ranges to the Scarborough Town Council. Upon approval of these rules and regulations by the Scarborough Town Council, such rules and regulations shall become effective and shall be placed on file in the office of the Scarborough Town Clerk. (Amended 11/06/02)

Procedures

No person shall establish or operate a firing range in the Town of Scarborough, unless the firing range has been approved by the Firing Range Committee under this Ordinance. Initial application for an approved firing range shall be made on forms provided by the Scarborough Police Department. The owner of the property on which the firing range is to be located shall return the completed application along with proof that the owner or the person who will operate the firing range, if different from the owner, has completed an approved firearms safety course. (11/06/02)

LONG RANGE PLANNING COMMITTEE

Reference Chapter 200 – The Town Charter - Section 704

Established

There shall be a Long Range Planning Committee, which shall consist of five (5) regular members and two (2) alternate members, appointed by the Town Council. The regular members and alternate members must be either residents of the Town or owners of real property situated within the Town. The Long Range Planning Committee shall be advisory and shall act as a primary committee to develop and recommend plans for growth and development of the Town in accordance with the Comprehensive Plan, the ordinances of the Town and the general laws of the State of Maine.

Purpose

The purpose of this Committee is to serve as the primary long range planning committee for Scarborough, and to oversee the implementation of the Town's Comprehensive Plan and to prepare amendments to the zoning ordinance and other land use regulations to that end; to coordinate any amendments or updates to the Town's Comprehensive Plan; to study and analyze the growth trends and patterns of the community; and to develop recommended land use ordinances, regulations and amendments to guide the growth and development of Scarborough.

Organization and/or Membership

The Long Range Planning Committee shall consist of five (5) regular members and two (2) alternate members appointed by the Town Council. A representative from the Town Council and a representative from the Planning Board shall constitute two (2) of the regular members. Members shall be appointed for three-year terms. The regular and alternate members must be either residents of the Town or owners of real property situated within the Town. Members whose terms expire shall continue to serve until their successors are appointed and qualified. When there is a permanent vacancy, the Town Council shall, within sixty-days of its occurrence, appoint a person to serve for the unexpired term.

Duties

The Committee shall have the following duties:

- Prepare proposed amendments to the Zoning Ordinance and other land use regulations to bring those ordinances into conformance with the Comprehensive Plan;
- Prepare and coordinate any amendments to the Town's Comprehensive Plan;
- Coordinate the process of updating the Town's Comprehensive Plan;
- Study and analyze the growth and development trends of Scarborough, including economic, social, housing, environmental, and transportation factors;
- Develop recommended land use ordinances, regulations and amendments to guide growth and development within the Town; and
- Provide an Annual Report to the Council.

Procedures

Three members of the Committee constitute a quorum. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk's Office for filing. The Committee shall set its own meeting schedule which will be open to the public.

PARKS AND CONSERVATION LAND BOARD

[An Advisory Body to the Town Council]

[Adopted August 15, 2001, Amended March 20, 2002, Amended November 6, 2002]

Established

There is hereby established a Parks and Conservation Land Board (the Board) as a standing committee and an advisory body to the Town Council. (Amended 11/06/02)

Land Acquisition Reserve Fund - Establishment. There is hereby established a Town of Scarborough Land Acquisition Reserve Fund as recommended by the Parks and Conservation Land Advisory Board. That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented, a permanent reserve fund of the Town of Scarborough, Maine, to be known as the Parks and Conservation Land Acquisition Reserve Fund, hereinafter called the Fund is hereby established.

Expenditures from the Fund shall be used to acquire real estate, or interests in real estate, as defined in Article XXII (Parks and Conservation Land Board), in order to:

- Preserve land in its natural state; or,
- Protect a natural resource, or a historic site; or,
- Provide for recreational use.

Deposits approved by the vote of the Town Council and appropriated to the Fund may include but are not limited to:

- Any grant received on behalf of the Fund and interest from deposits and investments of the Fund.
- Unspent appropriations from town committees, such as the Conservation Commission and Shellfish Conservation Commission.
- Voluntary contributions of money or other liquid assets.
- Interest from deposits and investments of other town funds.
- Proceeds from the disposal of real or personal property interests such as from the sale of tax-acquired property.
- Bonds or notes issued not exceeding amounts established by Town Charter.
- Other municipal funds such as impact fees and density offset contributions.

Organization and/or Membership

The Board shall consist of seven (7) members appointed by the Town Council for a term of three (3) years. The terms shall be staggered with three (3) members serving an initial one (1) year term, two (2) members serving a two (2) year term, and two (2) members serving a three (3) year term. The members of the Board shall elect a Chair and Vice-Chair. In the event of resignation or other incapacity of the Chair, the Vice-Chair shall act as Chair until a new Chair is selected. The Town Manager or his or her designee shall be an ad hoc member of the Board. A member of the Town Council shall serve as a Liaison to the Board. (Amended 3/20/02)

Duties and Powers

The duties of the Board shall be as follows: (Amended 11/06/02)

- To develop a written Acquisition Evaluation Process (AEP) consistent with the Parks and Land Conservation Bond Taskforce Report. The AEP will be used to evaluate potential acquisitions in a consistent manner. The Board will maintain a goal and assign priority to acquisitions where private funding can be used to match public funding.

- To recommend and advise the Town Council on land acquisitions identified by the Acquisition Evaluation Process.
- To recommend any conditions, restrictions or protective measures appropriate for Council consideration on land identified for acquisition.

The Board shall assist and advise the Town Council in the acquisition of properties or rights to properties considered for the following: (a) to provide or maintain public access; (b) to allow passive or active recreation; (c) to conserve water quality, natural areas; (d) to provide easements for walking or biking trails; (e) to preserve significant scenic, cultural or historic sites; (f) to preserve sites which are considered part of the character of the community; and (9) to add to existing conservation and public areas.

Council Acceptance - The written recommendations of the Board shall be included in the Council Order authorizing any land or rights acquisition. (Amended 11/06/02)

Procedures

The committee shall meet at least quarterly and provide an annual report to the Town Manager and Town Council on its activities in addition to any recommendations presented throughout the year. The Chair shall call meetings as required and when requested to do so by a majority of the members of the Board, the Town Manager or the Town Council. The Chair shall preside at all the meetings of the Board. Permanent records of the minutes of the all Board meetings and all correspondence of the Board shall be maintained and filed by and in the office of the Town Clerk.

Definitions

Natural Resources: Natural resource areas are lands that have been identified in Town, State or Federal planning processes for their unique natural resource importance, and those that have not yet been identified but may meet natural resource criteria. These areas include, but not limited to, the Scarborough Marsh, the coast and beach areas, estuaries and major rivers (Nonesuch, Scarborough, Libby and Dunstan), wetlands and brooks, wildlife areas, and unique agricultural and forest lands (with emphasis on large tracts of undeveloped land).

Linkages, Buffers and Additions to Conservation or Other Public Lands: These lands include parcels that connect or abut existing conservation or public lands or private lands for public use. Buffer lands are those which afford an extra level of protection to these parcels from surrounding encroachments.

Public Access: Public access lands are parcels conducive to public use and enjoyment. These areas may include small properties that provide the sole legal source of public ingress and egress to larger conservation or public lands, or private lands, which allow public use. These public access areas may also include lands or rights or privileges for the public to use Scarborough's coast, ponds, rivers, streams and brooks.

Active and Passive Recreation: Active recreation areas are lands, such as ball fields, that have been significantly altered (and that require ongoing maintenance) for the use and enjoyment of the public. Passive recreation areas are lands that are generally unimproved but may be managed for forestry, wildlife or agricultural purposes or enjoyed in their natural state for a variety of activities i.e. hiking, exploring, hunting and fishing, scenic purposes, and other uses.

Community Character and Historical Significance: Lands of community character are areas that are of unique and exceptional importance to the Town of Scarborough's landscape, culture and history. Historical areas included, but not limited to, lands, structures, sites and monuments that have been or may be identified by the Scarborough Historical Society for their historical importance.

PERSONNEL APPEALS BOARD

Reference Article X of Chapter 200 the Town Charter

Established

There shall be a Personnel Appeals Board.

Organization and/or Membership

The Personnel Appeals Board shall consist of five (5) regular members and two (2) alternate members appointed by the Town Council from among the qualified voters of the Town for staggered terms of three (3) years. The majority of the whole number of the Personnel Appeals Board shall be a quorum, and every decision shall require the affirmative vote of at least three (3) members of the Board.

Procedures

Any officer or employee, to whom the Town Manager, or a head of any office, department or agency, may appoint a successor, may be removed or suspended without pay by the Town Manager, or other appointing officer. Removals by the Town Manager shall require ratification by the Town Council. Removals or suspensions without pay by the head of any office, department, or agency shall require ratification by the Town Manager only. All removals or suspensions without pay shall be subject to appeal to the Personnel Appeals Board provided such officer or employee submits an appeal within ten (10) days of ratification as provided herein.

The Personnel Appeals Board shall meet within ten (10) days from receipt of a notice of appeal for the initial consideration of the appeal. The Personnel Appeals Board shall issue its written decision within ten (10) days after the conclusion of the hearing on the appeal. Continuances may be granted by the Board for good cause shown. The Board may adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business.

Within ninety (90) days after the effective date of this Charter, the Town Council shall enact a personnel ordinance setting forth standards of conduct for Town employees and establishing generally recognized principles of progressive discipline.

PLANNING BOARD [Adopted September 19, 1973, Amended November 5, 2003]

Establishment

The Planning Board of the Town of Scarborough is hereby created and constituted under the provisions of the Charter of the Town of Scarborough, Article VIII-A of the Maine Constitution and by Title 30, Chapter 201-A, Section 1917 M.R.S.A., 1964 as they may be amended.

Organization and/or Membership

Appointment, Tenure, Vacancy.

- The Planning Board shall consist of five (5) regular members and two (2) alternate members appointed by the Town Council. They shall be residents and registered voters of the Town of Scarborough and shall serve without compensation.
- Neither a municipal officer nor a member of the Zoning Board of Appeals may be a member of the Planning Board.
- The term of office of a member or alternate shall be three years except for the initial appointments, which shall be as follows: Two regular members for three-year terms, two regular members for two-year terms, and one regular member for a one-year term, one alternate member for a three-year term and one alternate for two-year term.
- The Board shall annually elect a chairman and vice chairman and a secretary from
- its own membership, and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
- When there is a permanent vacancy, the Town Council shall, within sixty-days of its occurrence, appoint a person to serve for the unexpired term.
- A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a resident of the Town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) months period. When a vacancy occurs, the Chairman of the Board shall immediately so advise the Council in writing. The Board may recommend to the Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Council disapproves the recommendation.
- The Town Council may also remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.

Duties and Powers

The chairman shall call meetings of the Board as required and shall call at least one regular meeting of the Board each month. The chairman shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. Special meetings may be held upon the call of the chairman, or in his absence, the vice chairman, and at such other times as the Board may determine, provided that at least 24 hour notice be given to each member.

A quorum of the Board necessary to conduct an official Board meeting shall consist of at least four members. The chairman or the vice chairman shall preside at all meetings of the Board. If both the chairman and the vice chairman are absent, any member of the Board may convene the meeting and the Board shall, upon motion made by any member, designate a chairman pro tem to preside. The chairman shall be the official spokesman of the Board. [amended 11/05/03]

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

The Planning Board Shall:

- Prepare and adopt, subject to the approval of the Town Council, a Comprehensive Plan for the Town of Scarborough in accordance with the provisions of 30 M.R.S.A. Section 4961, or acts amendatory or supplementary thereof.
- Give the public ample opportunity to be heard concerning the development of the Comprehensive Plan.
- Advise the Town Council on proposed changes to the Zoning Ordinance.
- Review and issue its order with respect to all proposed subdivisions.
- Approve the naming of all streets in proposed subdivision.
- Investigate and report on any problems referred to it in writing by the Town Council or by the Town Manager.
- Make studies on any area of town development as it may deem necessary.
- Make recommendations to the Town Council concerning any project Capital Improvement Programs.
- Perform such duties and services necessary to its proper function within the limits of the appropriation made for the purpose.
- Make and enter into such contracts subject to the approval of the Town Council as it may deem advisable to carry out the objectives and purposes of the Board, and shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the town, and may obtain goods and services necessary for its proper function within the limits of its budget as approved by the Town Council or as otherwise supplemented by the Town Council.

Interrelation Of Town Council And Planning Board

The Board shall be an advisory body of the Town Council and the existing zoning and subdivision ordinances shall not be revised or amended until the Board has made a careful investigation of all proposed revisions or amendments in conjunction with the Town's Comprehensive Plan. When the Council directs and Planning Board in writing to study and report back on proposed revisions or amendments to ordinances, the Board shall make its official report to the Town Council within sixty (60) days unless a longer period of time has been granted by the Council.

Transitional Provision

The terms of office of present members of the Planning Board shall expire upon the appointment and qualification of new members pursuant to the terms of this ordinance.

Repealing

All prior Acts, Ordinances or Boards inconsistent herewith are hereby repealed.

Saving Clause

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

Rules and Regulations

The Board shall adopt rules and regulations for the transaction of its business, and may establish a schedule of filing fees relative to matters presented to the Board sufficient to cover the administrative costs of public hearings, all of which shall be subject to Council approval.

Voting

When a member is unable to act because of physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to act in his stead.

Alternate members shall attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the chairman to act for a regular member.

No member or alternate member shall vote or “participate” in discussion upon any matter in which he has a conflict of interest.

SCARBOROUGH HOUSING ALLIANCE

[Adopted May 15, 1991, Amended October 15, 2003, Amended February 18, 2004, Amended April 6, 2005]

Established

The Scarborough Housing Alliance is hereby established.

Purpose

The purpose of the Council in establishing the Alliance is to create a broadly-based community group to:

- Work together to develop and recommend a local affordable housing agenda to the Town Council.
- Implement a local affordable housing program under the guidance of the Town Council.
- Perform such other duties as may be assigned by the Town Council from time to time.

State Recognition - It is the intent of the Scarborough Town Council that the Scarborough Housing Alliance shall constitute the "*Local Housing Alliance*" of the Town of Scarborough for purposes of State law and regulations. [amended 10/15/03]

Organization and/or Membership

Members of the Alliance shall be comprised of seven (7) residents of the Town who shall be appointed by the Town Council for staggered three-year terms. Members shall be appointed from both the public and private sectors and may include such individuals as town councilors, bankers, business people, clergy, housing activists, real estate brokers, builders, comprehensive planning committee members, interested citizens, and representatives from community action programs, human service organizations, and other non-profit organizations. Of the seven (7) members first appointed, one (1) member shall be appointed for a term of one year, three (3) members for a term of two years, and three (3) members for a term of three years. Thereafter, replacement appointments shall be for a term of three years. A Council Liaison will be appointed as a voting member. [amended 10/15/03] [amended 02/18/04][amended 02/03/16]

Vacancies and Removal - Any vacancy shall be filled for the remainder of the unexpired term by the Town Council. The Town Council may remove any member of the Alliance by vote of a majority of its members for misconduct or nonperformance of duty.

Quorum and Voting - A quorum shall consist of four (4) members. The concurrence of a majority of the members of the Alliance present and voting shall be necessary to decide any questions before the Alliance. [amended 10/15/03] [amended 04/06/05]

Duties and Powers

It is the intent of the Council that the Alliance will develop sufficient knowledge and expertise about housing issues in Scarborough to act as a resource for the Town and as an advocate for affordable housing, if the Alliance determines such advocacy is needed and appropriate. To that end, the Alliance's activities may include but are not limited to the following:

- Develop an inventory of existing housing with particular emphasis on quality and affordability for a cross-section of residents.
- Identify any deficiencies in housing stock and develop recommendations for the Town Council as to how best to address any such deficiencies.
- Investigate the suitability of existing Town or other publicly owned properties for housing needs.

- Consider the feasibility of a demonstration affordable housing project, either Town Sponsored or in cooperation with a non-profit or for profit developer.
- Analyze existing land use regulations and patterns of development and recommend modifications to the Comprehensive Planning Committee, the Planning Board and the Town Council.
- Develop programs and ideas for assisting elderly residents to remain in their homes and/or in the community.
- Recommend a public education program to promote understanding of the need for and acceptance of affordable housing. [amended 10/15/03]
- With the approval of the Town Council aggressively identify any available state and federal funding, particularly under the various Department of Economic and Community Development affordable housing grant programs. [amended 10/15/03]

Procedures

Officers

The Alliance shall annually elect a Chair, Vice-Chair, and Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Alliance, including the right to vote.

Meeting and Records

The Alliance shall meet at least monthly at a regular date and time specified by vote of a majority of the Alliance at its annual organizational meeting. Other meetings shall be called by the Chair, provided that the Chair shall call a meeting of the Alliance upon request of at least two (2) members. The Alliance shall keep minutes of all its meetings. [amended 10/15/03]

SEDCO - SCARBOROUGH ECONOMIC DEVELOPMENT CORPORATION

For a full disclosure of duties on this Board, please refer to the By-Laws: a portion of is herewith:

1. Name. The name of the Corporation shall be Scarborough Economic Development Corporation.
2. Seal. The Corporation may have a seal of such design as the Board of Directors may adopt.
3. Purpose. The purpose of the Corporation shall be to foster, encourage, and assist the physical location, settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational, and other business enterprises within the Town of Scarborough, and to purchase, lease, or otherwise acquire, hold, own, use, manage, operate, enjoy, improve, develop, and otherwise deal and trade in and with property, both real and personal, of every kind and description, or any interest therein, land, tenements and buildings, structures, and other improvements thereon and therein and to sell, convey, mortgage, lease, or otherwise dispose of the same; to do any and all lawful acts and things necessary, pertaining, convenient, or incidental to the foregoing purposes or any part thereof tending to increase the value, usefulness, comfort, or convenience of the property or any part thereof at any time held by said Corporation, and to have or exercise all the rights, powers, and privileges appertaining to corporations of a similar nature organized and existing under the laws of the State of Maine; provided, however, that:
 - (1) Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed to the Town of Scarborough, a municipal corporation.
 - (2) No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.
 - (3) The Corporation shall be an equal opportunity and affirmative action employer, and it shall not discriminate on the basis of age, race, religion, color, creed, sex, sexual preference, handicap, financial status, or national origin:
 - a. in the persons served or in the manner of service; or
 - b. in the hiring, assignment, promotion, salary determination, or other conditions of staff employment; or
 - c. in the membership of the Board of Directors.
 - (4) The Corporation shall neither have nor exercise any power nor shall engage directly or indirectly in any activity that would invalidate its status (1) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or (2) as a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954, as amended.

SENIORS PROGRAM ADVISORY BOARD

[Adopted September 5, 2007, Amended October 1, 2008; Amended March 6, 2013; Amended August 19, 2015]

Established

The Seniors Program Advisory Board is hereby established.

Purpose

Provide directional advice for development of seniors programs and services to the Seniors Program Coordinator.

Organization and/or Membership

Appointment & Qualifications

- Shall have seven [7] voting members two [2] alternate members.
- Members will be appointed by the Town Council in three-year terms.
- The terms shall be staggered
- Members shall serve without pay.
- Community members should have expertise in the following areas as they pertain to senior interests:
 - Activities
 - Education
 - Intergenerational
 - Health and Wellness
 - Outreach
 - Communications
 - Funding
 - Transportation
 - Facilities
- The two [2] alternate members shall serve according to Article I – General - Alternates on page 2 of this manual.

Duties and Powers

- Meet at a consistent time agreed upon by members of the Board to discuss the planning, development, and implementation of senior programs, taking into consideration the monthly volunteer committee reports presented to the Board by the Seniors Program Coordinator.
- Review budget at all meetings.
- Special subcommittees of the Board shall be created by the Board as needs arise.
- Conduct periodic reviews of Senior Center Without Walls programs and services using data such as attendance records, cost analysis, and program evaluations.
- In cooperation with the Seniors Program Coordinator, develop an annual work plan for the Senior Center Without Walls.
- Keep accurate records of monthly meetings to be filed with the Seniors Program Coordinator.

Procedures

- The Board shall conduct its meetings using Robert's Rules of Order or such other rules of procedure as the Board may adopt from time to time.
- Any recommendations or advice issued by the Board must come out of a majority decision.
- Five members of the Board constitute a quorum at any regular or special meeting.
- All meetings are open to the public and shall be advertised as required.

Chair and Vice-Chair

- A Chair and Vice-Chair shall be elected by the Board each year during the August meeting.
- The Chair shall preside at all meetings of the Board, represent the Board at public affairs, and shall maintain the dignity and efficiency of the Board in all possible ways.
- The Chair may cancel a monthly meeting of the Board should there be no business to transact.
- The Chair may call a special meeting of the Board.
- The Vice-Chair shall have all duties of the Chair, should the Chair be unable, for any reason, to fulfill his or her duties, whether on a one-time basis or long term.
- The Vice-Chair will be responsible for keeping meeting minutes.

SHELLFISH CONSERVATION COMMISSION

Reference Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance

Established

The Shellfish Conservation Commission is hereby established.

Organization and/or Membership

The Shellfish Conservation Commission shall consist of 7 members to be appointed by the Town Council for terms of 3 years.

Duties and Powers

- The Commission shall develop a Shellfish Conservation Program for the Town of Scarborough and will be administered by The Committee.
- Establishing annually in conjunction with the Dept. of Marine Resources, the number of shellfish digging licenses to be issued.
- Surveying the clam flats to maintain current information on shellfish resources.
- Submitting to the Town Council, proposals for the expenditures of funds for the purpose of shellfish conservation.
- Keeping this Ordinance under review and making recommendations for its amendments.
- Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the D.M.R.
- Approving conservation closures and openings in conjunction with the Area Biologists of the D.M.R. [amended 01/03/01].
- Submitting an annual report to the Municipality and the D.M.R. covering the above topics and all other committee activities.

SUSTAINABILITY COMMITTEE

[Adopted May 20, 2009 – Ad Hoc][Adopted April 7, 2010 - Standing Committee][Amended April 3, 2019]

Established

There shall be a Sustainability Committee with the objective to identify actions that the community as a whole [municipal/school, residential, commercial and industrial] can undertake to reduce energy consumption and increase sustainability¹ in the Town.

Purpose

The purpose of this Committee is to serve as a sustainability committee for Scarborough, and to research programs, projects, and policies relative to energy conservation, alternative energy, recycling and other related topics.

Organization and/or Membership

Members shall be appointed for three-year terms, except for the initial appointments, which shall be two (2) members for terms of one year, two (2) members for terms of two years and one (1) member for a term of three years and two (2) alternates for a term of two years. Members whose terms expire shall continue to serve until their successors are appointed and qualified. The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Town Manager, or his/her designee shall serve as staff liaison to the Committee. Neither the Town Council liaison nor the Town Manager or his/her designee shall be a voting member of the Committee.

Duties

The Committee shall have the following duties:

- Recommend ways to reduce the Town’s environmental footprint; and,
- Provide guidance to the Town’s Sustainability Coordinator; and,
- Review existing Town Ordinances and Policies and recommend updates to increase sustainability; and,
- Recommend new Town Ordinances and Policies related to sustainability issues; and,
- Recommend a funding mechanism for the Town’s sustainability outreach; and,
- Prepare, recommend and implement a Comprehensive Energy Plan for the Town to be adopted by the Town Council and recommend updates to the Comprehensive Energy Plan, as needed; and,
- Serve as a forum to review and recommend opportunities to increase the efficient use of energy through conservation and alternative energy initiatives; and,
- Analyze municipal energy use patterns and benchmark usage to identify opportunities; and,
- Pursue grant opportunities for energy efficiency, alternative energy sources, recycling and, other sustainability initiatives; and,
- Promote the local economy while protecting the local environment; and,
- Provide an Annual Report to the Council.

¹ For the purposes of this document, sustainability is defined as balancing the values of energy and environmental stewardship, social responsibility and economic vitality to meet present needs while ensuring the ability of future residents to meet their needs. The definition in this document may be referenced as sustainable practices, sustainable measures and sustainable initiatives.

Procedures

Three members of the Committee constitute a quorum. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk's Office for filing. The Committee shall set its own meeting schedule which will be open to the public.

TRANSPORTATION COMMITTEE

[Adopted June 6, 2012 – Ad Hoc][Adopted October 17, 2018 - Standing Committee]

1. Purpose. The purpose of the Committee is to serve as a Committee to the Town Council regarding transportation-related plans, studies and initiatives; more specifically:

- to craft a Town-wide Transportation Plan for transportation infrastructure and system improvements that uses past Town, PACTS and State-level plans and studies as guiding documents;
- to develop design recommendations on priority transportation improvement projects highlighted in the Transportation Plan; and
- to study and analyze trends in land use and transportation to prepare Scarborough for future growth and transportation needs and investments.

2. Duties. The Committee shall have the following duties:

- Review and consider prior transportation planning efforts
- Prepare a Town-wide Transportation Plan(s) and establish implementation schedules and approaches, with the Oak Hill intersection as its first priority;
- Coordinate the process of implementing the Transportation Plan(s);
- Develop conceptual design recommendations for specific transportation improvements to the Town Council;
- Study and analyze trends in land use and transportation to prepare Scarborough for future growth and transportation needs and investments;
- Consider funding sources such as impact fees, grants and private investment to leverage local funds; and,
- Provide an Annual Report to the Council.

3. Membership. The Committee should be comprised of seven (7) members as follows: One (1) Town Councillor; one (1) Long Range Planning Committee Member; one (1) Planning Board member; three (3) Scarborough Residents; and one (1) Representative of the Business Community (a business/commercial property owner, Chamber of Commerce member or SEDCO Board member). The initial appointments will be three (3) members will be for three (3) years to expire on December 31, 2021 and two (2) members with terms to expire December 31, 2020 and two (2) members with terms to expire December 31, 2019. All terms thereafter will be for three (3) years.

The Town Manager, Town Planner, Assistant Town Planner, Public Works Director, and/or the Town Engineer will provide staff assistance to the Committee as appropriate or needed. In addition, assistance and coordination with PACTS staff, Maine DOT staff, and other transportation-related agencies will occur as needed.

All appointments will be made by the Town Council.

4. Vacancies and Removal. Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.

5. Procedures. Four (4) members of the Committee shall constitute a quorum. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk's Office for filing. The Committee shall set its own meeting schedule which will be open to the public.

ZONING BOARD OF APPEALS

Reference Chapter 405 – The Zoning Ordinance – Section V. (A)

For a full disclosure of duties on this Board, please refer to Chapter 405 – the Scarborough Zoning Ordinance, Section V.

There shall be a Board of Appeals of Five Members and Two Associate Members all of whom shall be residents of the Town of Scarborough. The members of the Board shall be appointed by the Legislative Body of the Town of Scarborough. Terms of membership shall be for 3 years except that initial appointments shall be such that the terms of office of no more than two members shall expire in any single year. The associate members shall be appointed for a term of 3 years and shall act on said Board in place of any member who may be unable to act due to interest, absence or physical incapacity. The members shall annually elect one of their number Chairman to preside at all meetings of the Board. The members of the Board shall annually elect a secretary from its own membership who shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 4 members.

Exhibit A

AGENDA

Name of Committee/Board
Day of week and Meeting Date
Time of Meeting
Location of Meeting

- Item 1.** Call to Order
- Item 2.** Attendance.
- Item 3.** Approval of Minutes.
- Item 4.** Old Business
- Item 5.** Items for Discussion. –
All items shall be listed separately.
- Item 6.** Adjournment.

Exhibit B

MINUTES/NOTES OF MEETING

Meeting Name: _____

If there is no quorum, please sign here. _____

Date: _____

Meeting called to order by: _____

Start time: _____

Committee members present (*please check names off if present*): _____

Also present: _____

Minutes – Approved

Meeting date of minutes: _____ Approved: Yes ___ No ___

List any changes approved: _____

GENERAL TOPIC DISCUSSED: _____

Motion by: _____ Seconded by: _____

Please write motion here: _____

Number of members approve: _____ Number disapprove: _____

GENERAL TOPIC DISCUSSED: _____

Motion by: _____ Seconded by: _____

Please write motion here: _____

Number of members approve: _____ Number disapprove: _____

GENERAL TOPIC DISCUSSED: _____

Motion by: _____ Seconded by: _____

Please write motion here: _____

Number of members approve: _____ Number disapprove: _____

Time meeting adjourned: _____

Signed by: _____

(Meeting Official)

Please use additional pages, if

Please leave these notes at the Town Clerk's Office.