

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
COUNCIL WORKSHOP ON STORMWATER PRESENTATION – 6:30 P.M.
REGULAR MEETING – 7:00 P.M.

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: March 16, 2016 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 16-020, 7:00 p.m. Public Hearing and action on the request for a Secondhand Dealer Application from Andrey & Irina Malayev, d/b/a L & L Jewelers, located at 426 US Route One, Suite 3.

Order No. 16-021, 7:00 p.m. Public Hearing and action on the renewal request for a liquor license from Stanley Bayley, d/b/a Bayley's Seafood Restaurant, located 165 Pine Point Road.

OLD BUSINESS:

Order No. 16-018. Second reading on the Bond Order for the 2016 Municipal and School Capital Improvement Projects and the Refunding of Certain General Obligation Bonds of the Town of Scarborough.

Order No. 16-022. Act on the request to approve the names that were posted to the Senior Advisory Board and the Scarborough Housing Alliance, by the Appointments Committee at the March 16, 2016, Town Council meeting.

NEW BUSINESS:

Order No. 16-023. First Reading and schedule a Planning Board public hearing for an amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located at 11 Willowdale Road and identified as Map U39, Lot 41 as shown on the Town Assessor's Map from the General Business District (B3) to the Residential 4 District (R4)

Order No. 16-024. First reading and schedule a public hearing on the on the proposed FY2017 Municipal/School Budget.

Order No. 16-025. Act on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground scheduled for Thursday, May 19, 2016 through Sunday, May 22, 2016.

Order No. 16-026. Act to authorize the Town Manager to enter into an Interlocal Agreement with Cape Elizabeth for shared Harbormaster Services.

Item 8. Non Action Items.

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-020. Move approval on the request for a Secondhand Dealer Application from Andrey & Irina Malayev, d/b/a L & L Jewelers, located at 426 US Route One, Suite 3.

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: April 1, 2016

RE: **Request for a Secondhand Dealer License**

The following applicant is seeking approval on a new request for a Secondhand Dealer License:

- Andrey & Irina Malayev, d/b/a L & L Jewelers , located at 426 U.S. Route One, Suite 3.

The completed application is on file with Clerk's Office and there are no outstanding issues and it is recommended that this license be approved.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-021. Move approval on the renewal request for a liquor license from Stanley Bayley, d/b/a Bayley's Seafood Restaurant, located 165 Pine Point Road, with the condition that he comply with the Notice of Violation and Order of Corrective Actions by the June 30, 2016.

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: April 1, 2016

RE: **Liquor License Renewal Request**

The following applicant is seeking approval on a renewal request for a Liquor License Application:

- Stanley Bayley, d/b/a Bayley's Seafood Restaurant, located 165 Pine Point Road

Mr. Bayley had been granted approval on his Liquor License last year with the condition that he continue to address and comply with the Notice of Violation and Order of Corrective Actions [see attached] from the Planning Department.

In my memo [see attached] dated April 10, 2015, Mr. Bayley was informed that had he not complied with the Order a public hearing would be conducted before the Town Council to determine whether or not the liquor license would be renewed.

It is the recommendation of the Town Clerk's Office that this license be approved with conditions that Mr. Bayley meet the requirements set forth by Planning Board by the end of June 2016 or his license will be revoked.

Town of Scarborough, Maine

Planning and Code Enforcement

November 3, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley Bayley
26 Eagles Nest Drive
Scarborough, ME 04074

Re: Notice of Violation and Order for Corrective Action, 165 Pine Point Road, Scarborough, Maine (Tax Map R68 Lot 06B)

Dear Mr. Bayley,

This letter is to inform you that your restaurant located at 165 Pine Point Road is currently in violation of the Scarborough Zoning Ordinance.

Notice of Violation:

The restaurant is an existing non-conforming use in the Residential 2 district. Pursuant to Section V.B.4 (a) of the Scarborough Zoning Ordinance, any enlargement, extension, expansion, resumption or conversion of a non-conforming use of land can only occur upon the granting of a miscellaneous appeal to the Zoning Board of Appeals. The recent addition of a concrete pad and pavement along with a building sewer extension and grease trap, and electric branch service to the pad area were all installed without site plan review pursuant to Chapter 405B.II.A, and without obtaining required permits and inspections pursuant to Section IV.D - Scarborough Zoning Ordinance.

As you recently applied for a miscellaneous appeal to expand your restaurant earlier this year, you should certainly be aware of these requirements.

Order for Corrective Action:

1. You are hereby ordered to cease any use of the unpermitted installation.
2. Within **7 Days** of receipt of this notice, contact the Planning & Codes Department to begin the process of after-the-fact permitting. This in no way implies that the existing violation can be permitted after-the-fact

as is; it only initiates the process that should have been followed before undertaking the construction of the project.

- a. The process will require a miscellaneous appeal to the Zoning Board with a professionally prepared site plan showing the improvements installed.
- b. If successful in receiving approval by the zoning board, the project will require Planning Board site plan review.
- c. Subsequent steps may include at a minimum, an after-the-fact commercial building permit, plumbing permit, and electrical permit. Additionally, approval by the Scarborough Sanitary District will be required.

Any person, firm or corporation being the owner of or having control or use of any building, structure or property that violates any provision of this Ordinance or any corresponding requirement by the Code Enforcement Office pursuant to this Ordinance commits a civil violation and shall be liable for a civil penalty of no less than \$100 and no more than \$2,500 per violation. **Each day such violation is permitted to exist after notification thereof shall constitute a separate violation.** You may reduce the amount penalties assessed by contacting this office and beginning the corrective action within the specified time frame.

If you have any questions, please contact Brian Longstaff, Zoning Administrator for the Town of Scarborough at 730-4050 Monday through Friday 8AM to 4PM.

Sincerely,



Brian Longstaff

Zoning Administrator, Town of Scarborough

cc: Tom Hall, Town Manager
Dan Bacon, Director of Planning and Codes
Phil Saucier, Town Attorney

TOWN OF SCARBOROUGH

*Office of the Town Clerk
P.O. Box 360
Scarborough, ME 04070-0360
207.730.4020
Fax: 207.730.4033*

APR 13 2015

Lisa Kirby

April 10, 2015

Mr. Stanley Bayley
26 Eagles Nest Drive
Scarborough, ME 04074

RE: Liquor License Renewal

Dear Mr. Bayley:

It has been brought to our attention from the Planning Department that your restaurant located at 165 Pine Point Road is currently in violation of the Scarborough Zoning Ordinance. We understand that you have been in contact with the Planning Department and are in the process of correcting these issues to bring your business up to code.

We are renewing your liquor license this year with the condition that you will continue to address and comply with the Notice of Violation and Order of Corrective Action from the Planning Department. However, if these issues have not been resolved prior to your next liquor license renewal in April 2016, we will conduct a public hearing before the Town Council in order to determine whether or not the liquor license will be renewed.

If there are any questions, please do not hesitate to call the Town Clerk at 730.4020.

Sincerely,

Justice

Yolande P. Justice
Town Clerk

cc: Members of the Town Council
Thomas J. Hall, Town Manager
Dan Bacon, Town Planner

Town of Scarborough, Maine

Planning and Code Enforcement

May 12, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley Bayley
26 Eagles Nest Drive
Scarborough, ME 04074

Re: Notice of Violation and Order for Corrective Action – 2ND NOTICE, 165 Pine Point Road, Scarborough, Maine (Tax Map R68 Lot 06B)

Dear Mr. Bayley,

This letter is to remind you that your restaurant located at 165 Pine Point Road is currently in violation of the Scarborough Zoning Ordinance.

Notice of Violation:

The restaurant is an existing non-conforming use in the Residential 2 district. Pursuant to Section V.B.4 (a) of the Scarborough Zoning Ordinance, any enlargement, extension, expansion, resumption or conversion of a non-conforming use of land can only occur upon the granting of a miscellaneous appeal to the Zoning Board of Appeals. The recent addition of a concrete pad and pavement along with a building sewer extension and grease trap, and electric branch service to the pad area were all installed without site plan review pursuant to Chapter 405B.II.A, and without obtaining required permits and inspections pursuant to Section IV.D - Scarborough Zoning Ordinance.

The Town acknowledges that we have met with you or your representatives on two separate occasions to discuss this issue, but no further progress has been made. As you recently received a liquor license conditional upon resolving these violations prior to the next annual renewal, the department wants to encourage you to work toward that resolution during the next few months rather than wait until next spring. As a reminder, the following steps are needed in order to resolve the unpermitted installation.

Order for Corrective Action:

1. You are hereby ordered to cease any use of the unpermitted installation.

2. Within **14 Days** of receipt of this notice, you must contact the Planning & Codes Department to continue the process of after-the-fact permitting. This in no way implies that the existing violation can be permitted after-the-fact as is, but rather resumes the process that should have been followed before undertaking the construction of the project.
 - a. A submission to staff indicating the intended use of the improvements and a site plan identifying the location and details of the improvements that have been installed so that we understand the scope of this project.
 - b. Following staff review, the process may require a miscellaneous appeal to the Zoning Board with a professionally prepared site plan showing the improvements installed.
 - c. If successful in receiving approval by the zoning board, the project will require Planning Board site plan review.
 - d. Subsequent steps may include at a minimum, an after-the-fact commercial building permit, plumbing permit, and electrical permit. Additionally, approval by the Scarborough Sanitary District will be required.

Any person, firm or corporation being the owner of or having control or use of any building, structure or property that violates any provision of this Ordinance or any corresponding requirement by the Code Enforcement Office pursuant to this Ordinance commits a civil violation and shall be liable for a civil penalty of no less than \$100 and no more than \$2,500 per violation. **Each day such violation is permitted to exist after notification thereof shall constitute a separate violation.** You may reduce the amount penalties assessed by contacting this office and beginning the corrective action within the specified time frame.

If you have any questions, please contact Brian Longstaff, Zoning Administrator for the Town of Scarborough at 730-4050 or Jay Chace, Senior Planner at 730-4042 Monday through Friday 8AM to 4PM.

Sincerely,



Brian Longstaff, Zoning Administrator

cc: Tom Hall, Town Manager
Dan Bacon, Director of Planning and Codes
Phil Saucier, Town Attorney

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-018. Move approval of the second reading on the Bond Order for the 2016 Municipal and School Capital Improvement Projects and the Refunding of Certain General Obligation Bonds of the Town of Scarborough.




Town of Scarborough, Maine

P.O. BOX 360 • SCARBOROUGH, MAINE 04070-0360

RUTH D. PORTER
FINANCE DIRECTOR
TREASURER

FINANCE DEPARTMENT MEMO

TO: Thomas J. Hall, Town Manager

FROM: Ruth D. Porter, Finance Director 

SUBJECT: 2016 General Obligation Bonds and Advance Refunding

DATE: March 10, 2016

Attached please find the 2016 Bond Order for Town Council approval. The total amount of the Bond Order is \$7,630,000.

We plan on financing a portion of Scarborough's Capital Improvement Projects in April/May of 2016. The total of this "new money" is \$3,800,000. Each year, our Financial Advisor, Joe Cuetara from Moors & Cabot, "tests" prior outstanding bonds to ascertain if/how much savings can be achieved by refinancing the callable prior bonds. This, wrapped in with the new money financing, shares the issuance expenses (ratings, Paying Agent, etc.) providing both the new money portion and the refunding portion, if any, savings by economies of scale. The Town currently has four issues that are "in the money". They are:

\$ 815,000 2006 Bonds due 2017 – 2020; callable 11/01/2016 @100%;
\$ 125,000 2007 Bonds due 2017 – 2021; callable 11/01/2016 @100%;
\$1,850,000 2008 Bonds due 2018 – 2027; callable 11/01/2017 @100%; and
\$1,010,000 2009 Bonds due 2019 – 2028; callable 11/01/2018 @100%.
\$3,800,000 Total Advance Refunding.

Joe recently completed three refundings over the last two weeks for other communities: Auburn ME 2006 Bonds; Saco ME 2006 & 2007 Bonds; Portland ME 2006 & 2007 Bonds. His projection for Scarborough is that we could achieve an absolute savings of approximately \$285,000, a present value savings of approximately \$265,000 or 6.972% should we include an Advance Refunding (redemption on the respective Call date) for the four prior series in the with our bond order for the new money.

Whereas these will be Advance refundings, we probably would need Council action to proceed. We are recommending the following dates:

Friday, Mar 11 – Orders included in the Council packets by Town Clerk;

Wednesday, Mar 16 – First Reading

Wednesday, Apr 6 – Second Reading

Tuesday, Apr 26 – Section 901.5, 20-day Override Period expires

We contemplate issuing no more than and probably less than the consolidated amount of prior bonds. Therefore, the Bond Order, should stipulate “an amount not to exceed \$3,800,000 comprised of following refunding:

\$ 815,000 2006 Bonds,
\$ 125,000 2007 Bonds,
\$1,850,000 2008 Bonds and
\$1,010,000 2009 Bonds”

The total amount for the new money \$3,830,000 and the advance refunding \$3,800,000 is \$7,630,000.

Thank you for your consideration.

Town of Scarborough, Maine
General Obligation Refunding Bonds Series 2016
As of February 17, 2016

| | Series 2006 Refunding | Series 2007 Refunding | Series 2008 Refunding | Series 2009 Refunding | Aggregate Refunding |
|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|------------------------|
| Recommendation | <i>Refund</i> | <i>Refund</i> | <i>Refund</i> | <i>Refund</i> | <i>Refund</i> |
| Par Amount | \$ 810,000 | \$ 120,000 | \$ 1,745,000 | \$ 965,000 | \$ 3,640,000 |
| Arb Yield | 1.58% | 1.58% | 1.58% | 1.58% | 1.58% |
| Escrow Yield | 0.43% | 0.43% | 0.64% | 0.84% | 0.71% |
| Negative Arbitrage | 5,739 | 880 | 28,379 | 19,658 | 54,657 |
| Call Date (Refunded Bonds) | 11/1/2016 | 11/1/2016 | 11/1/2017 | 11/1/2018 | |
| Avg. Life Refunding Bonds | 3.15 | 3.53 | 7.10 | 8.09 | 6.36 |
| Avg. Life Refunded Bonds | 3.17 | 3.61 | 7.11 | 8.06 | 6.40 |
| Refunded Bonds | 815,000 | 125,000 | 1,850,000 | 1,010,000 | 3,800,000 |
| PV Savings | 49,502 | 8,616 | 145,144 | 61,696 | 264,958 |
| PV Savings % | 6.07% | 6.89% | 7.85% | 6.11% | 6.97% |
| Cashflow Savings | \$ 46,288 | \$ 11,188 | \$ 160,280 | \$ 67,730 | \$ 285,485 |
| FY 2016 | 13,830 | 2,088 | 27,833 | 14,680 | 58,431 |
| 2017 | 3,700 | 1,200 | 5,103 | 650 | 10,653 |
| 2018 | 7,825 | 1,075 | 5,103 | 650 | 14,653 |
| 2019 | 5,900 | 825 | 14,490 | 650 | 21,865 |
| 2020 | 8,748 | 575 | 13,173 | 10,500 | 32,995 |
| 2021 | 6,285 | 325 | 11,763 | 5,213 | 23,585 |
| 2022 | - | 5,100 | 11,181 | 5,288 | 21,569 |
| 2023 | - | - | 11,383 | 5,650 | 17,033 |
| 2024 | - | - | 11,491 | 925 | 12,416 |
| 2025 | - | - | 11,461 | 1,050 | 12,511 |
| 2026 | - | - | 11,200 | 5,950 | 17,150 |
| 2027 | - | - | 10,800 | 5,750 | 16,550 |
| 2028 | - | - | 15,300 | 5,550 | 20,850 |
| 2029 | - | - | - | 5,225 | 5,225 |

Town of Scarborough, Maine

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

BOND ORDER FOR 2016 MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS AND THE REFUNDING OF CERTAIN 2006, 2007, 2008 AND 2009 GENERAL OBLIGATION BONDS OF THE TOWN

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

2015-2016 Municipal - Equipment

| | <u>Amount to Bond</u> |
|---|------------------------------|
| F.D. Extrication Tool Upgrade Project | \$ 71,000.00 |
| F.D. AED Replacement Project | 75,000.00 |
| F.D. Tank 3 Re-chassis | 37,000.00 |
| F.D. Service Plow Truck U7 (replace schedule) | 45,000.00 |
| C.S. Replacement Tow Behind Mower | 14,050.00 |
| Upgrade Radio Equipment - Communications | 39,100.00 |
| Plow Truck #4021 | 170,000.00 |
| Pickup Truck #4004 | 30,000.00 |
| Front End Loader #4014 | 139,500.00 |
| | <hr/> |
| | \$ 620,650.00 |

2015-2016 Municipal - Projects

| | |
|---|-----------------------|
| MIS Office Reconfiguration | 10,000.00 |
| MIS Server Virtualization | 25,000.00 |
| Eastern Trail Improvements (Local Match) | 45,000.00 |
| Mid-level Road Rehabilitation | 543,000.00 |
| Pleasant Hill Reconstruction Phase II (RR Overpass) | 556,000.00 |
| Gorham Road Engineering | 65,000.00 |
| Cummings Road Reconstruction | 245,000.00 |
| Fuel Station Replacement Engineering & Permitting | 60,000.00 |
| | <hr/> |
| | \$1,549,000.00 |

2015-2016 School Projects

| | |
|-------------------------|-----------------------|
| H.S. Tech – New Laptops | 700,000.00 |
| 3 - 84 Passenger Buses | 301,350.00 |
| | <hr/> |
| | \$1,001,350.00 |

2014-2015 Municipal - Projects

| | |
|--|---------------------|
| Mid-Level Road Rehabilitation (3 Miles per year) | 68,000.00 |
| | <hr/> |
| | \$ 68,000.00 |

2014-2015 Municipal – Lease Projects

| | |
|--|---------------------|
| 259 U.S. Route One – Fire Alarm System - Replacement | 45,000.00 |
| MIS Main Office 10 GB Switch | 8,000.00 |
| | <hr/> |
| | \$ 53,000.00 |

2014-2015 School Projects

| | |
|----------------------------------|----------------------|
| DW Roofing | 88,000.00 |
| DW Technology | 360,000.00 |
| Security System Upgrade Property | 65,000.00 |
| | <hr/> |
| | \$ 513,000.00 |
| | <hr/> |

2009-2010 Municipal - Projects

| | |
|---|---------------------|
| Referendum to Fund-Purchase Parks and Conservation Land | |
| Danish Village Archway Relocation | 25,000.00 |
| | <hr/> |
| | \$ 25,000.00 |
| | <hr/> |

Total to Bond**\$3,830,000.00**

BE IT FURTHER ORDERED, That a sum, not to exceed \$3,830,000, is hereby appropriated to provide for the costs of said projects and expenses associated with said projects; and,

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$3,830,000 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council; and,

BE IT FURTHER ORDERED, That the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, in an aggregate principal amount not to exceed \$3,800,000, to refund, on an advance basis, the remaining outstanding 2006, 2007, 2008 and 2009 General Obligation Bonds of the Town of Scarborough, Maine, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-022. Move approval and act on the request to approve the names that were posted to the Senior Advisory Board and the Scarborough Housing Alliance, by the Appointments Committee at the March 16, 2016, Town Council meeting:

Senior Advisory Board:

Donnamarie Collins, 1st Alternate, with a term to expire in 2017

Kenneth N. Simons, 2nd Alternate, with a term to expire in 2017

Scarborough Housing Alliance:

Marj DeSanctis, Full voting member, with a term to expire in 2017

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-023. Move approval of the first reading and schedule a Planning Board public hearing for an amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located at 11 Willowdale Road and identified as Map U39, Lot 41 as shown on the Town Assessor's Map from the General Business District (B3) to the Residential 4 District (R4) and schedule a Town Council public hearing and second reading upon the filing of the Planning Boards recommendations.



TO: Scarborough Town Council
FROM: Karen Martin, SEDCO
DATE: March 31, 2016
SUBJECT: Zone Change Request,
11 Willowdale Road

The property owner of 11 Willowdale Road, Mr. Paul Rousseau, requests a zone change from B3 – General Business to R4 – residential. The property (Map U039041) is 1.67 acres with a 1,366 square foot single family home, which has been used recently as an office. The property is served by public water and sewer.

As shown on the attached map, this property abuts the R4 zone to the south. The property to the north is zoned B3, but the structure on the property is a single family home and is used as such. The land directly across the street from the property is zoned B3, but is an occupied single family house with an antique barn. The property drops off in the back. From the edge of the property, you can see the back façade of Cliff's.

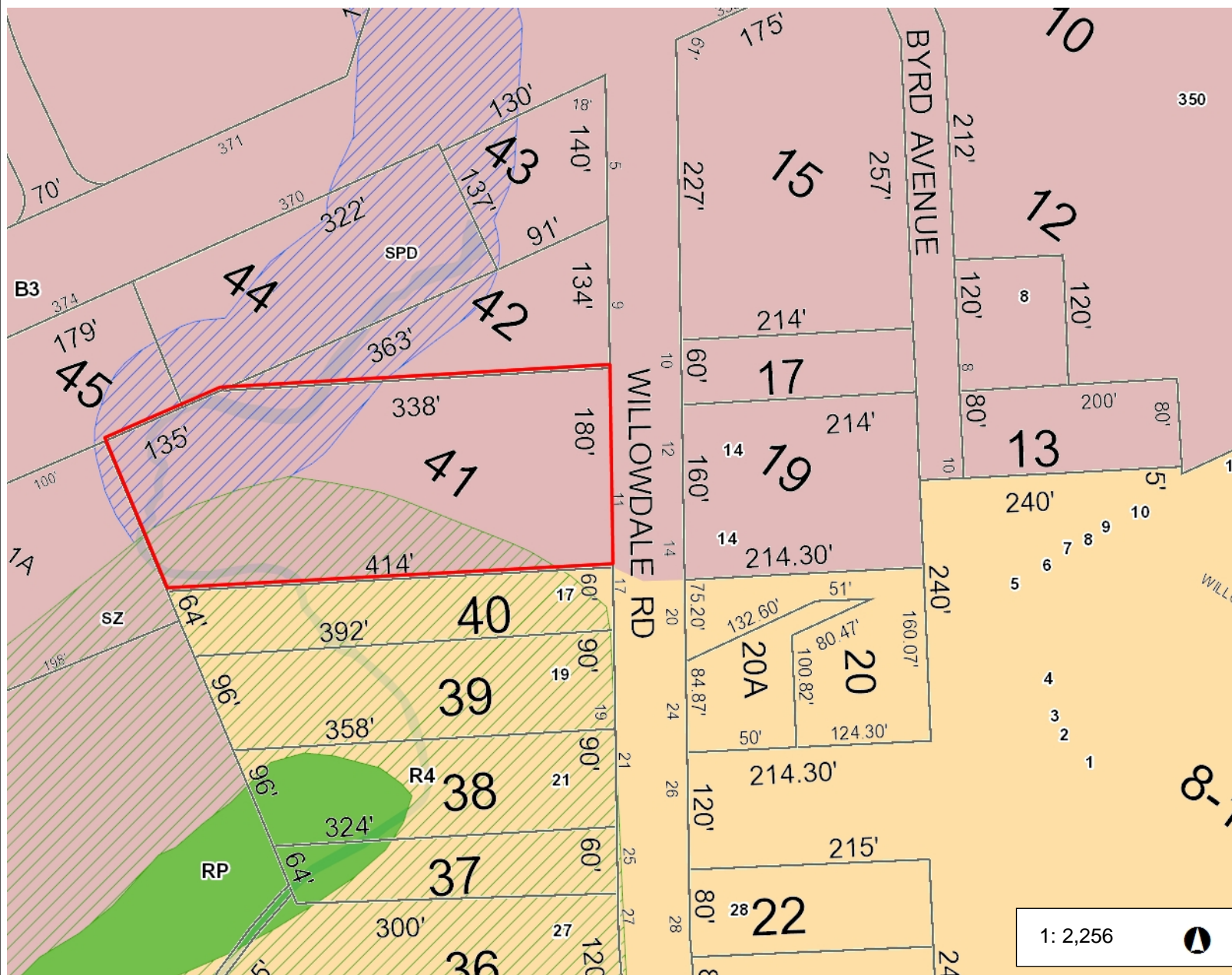
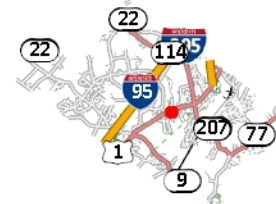
Mr. Rousseau is requesting the Zone Change in order to build duplex units. The current zoning (B3) would allow dwelling units in a mixed use building or in Live Work Units. Standard duplex units would not be allowed under B3.

Under the R4 zoning district, 2-family units are permitted. Mr. Rousseau is proposing to keep the original house and construct two 2-family homes for a total of 5 units. Should the zone change be approved, he would then need to go to the Planning Board for Subdivision approval to build the units.

The proposed re-zoning was presented to the Long Range Planning Committee in March. While the LRPC was supportive, they requested that we evaluate changing the zoning for other similarly situated properties on lots 17, 19 and 42. We reached out to each of the property owners. The owner of lot 19 preferred to remain in B3. We have not heard from owners of lots 17 and 42. At this time we are only recommending that lot 41 be rezoned.



Willowdale Road: Proposed Rezoning



Legend

- Address Points
- Parcels with Owner Info
- Parcels with Owner Info
- Shoreland Zoning
- Stream Protection Zoning
 - Stream Protection Overlay
 - Stream Protection 2 Overlay
- Zoning
 - B1 - Local Business
 - B2 - Regional Business
 - B3 - General Business
 - CPD - Crossroads Planned Devel
 - BOR - Business Office Research
 - DVR - Dunstan Village Residentie
 - HPZ - Haigis Parkway
 - I - Industrial
 - LI - Light Industrial
 - R2 - Residential 2
 - R3 - Residential 3
 - R4 - Residential 4
 - R4A - Residential 4A
 - TND - Traditional Neighborhood
 - RF - Rural Residence, Farming
 - RFM - Rural Residence, Farming
 - RH - Running Hill Mixed Use
 - RH2 - Running Hill Transition

Notes

Lot to be rezoned is outlined in red. If approved, this lot will move from B3 to R4

3/31/2016

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
Town of Scarborough, Maine

Disclaimer

This map is a user generated static output from the Town of Scarborough internet mapping site (WebGIS) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-024. Move approval of the first reading on the proposed FY2017 Municipal/School Budget and schedule a public hearing for Wednesday, May 4, 2016.

Budget Order for Fiscal Year 2017

Be it ordered that the Scarborough Town Council moves approval of the first reading on the Fiscal Year 2017 Budget and **schedule the public hearing for Wednesday, May 4, 2016**, 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 2017 | |
|---|--------------|
| TOTAL ADMINISTRATION | \$ 1,348,187 |
| TOTAL TOWN CLERK/ELECTIONS | 193,957 |
| TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE | 320,015 |
| TOTAL FINANCE ALL DIVISIONS | 1,024,430 |
| TOTAL MUNICIPAL INFORMATION SYSTEMS | 1,183,430 |
| TOTAL PLANNING DEPARTMENT ALL DIVISIONS | 951,269 |
| TOTAL COMMUNITY SERVICES ALL DIVISIONS | 2,753,340 |
| TOTAL LIBRARY NET – TOWN APPROPRIATION | 1,099,898 |
| TOTAL SEDCO | 224,694 |
| TOTAL FIRE ALL DIVISIONS | 4,641,596 |
| TOTAL POLICE ALL DIVISIONS | 6,228,611 |
| TOTAL PUBLIC WORKS ALL DIVISIONS | 6,748,940 |
| TOTAL DEBT (Town Only) | 4,875,093 |
| MUNICIPAL TOTALS | \$31,593,460 |

Be it further ordered, that the Scarborough Town Council hereby appropriates the sum of **\$75,000** 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 Adult Education, Food Services and school debt), the sum of **\$47,508,938** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$39,833,562** 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 2017; 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 **\$2,568,852** for the period July 1, 2016 through June 30, 2017; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates for capital purposes, the sum of **\$1,380,830** for school capital programs and **\$1,194,470** for town capital equipment and **\$2,194,132** for town capital improvements; for a total Capital Budget of **\$4,769,432** to be funded from property taxes, lease and bond arrangements and other local, state and federal sources; and,

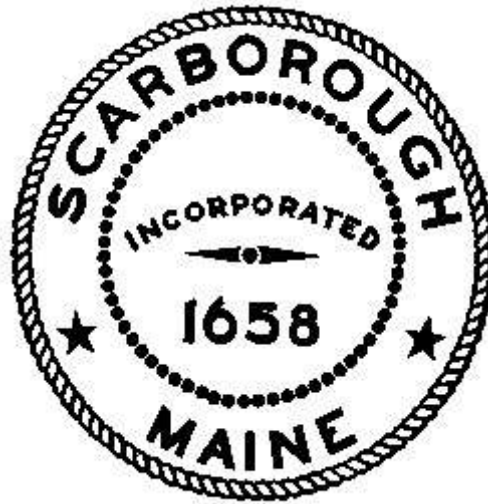
Be it further ordered, that the Total Gross Budget of **\$87,586,082** this total less estimated revenues and other credits of **\$27,188,603** result in a Net Appropriation of **\$60,397,479**, which shall be raised from taxation. The Scarborough Town Council further fixes **Monday, October 17, 2016**, and **Wednesday, March 15, 2017**, 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 2017 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2017, 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.

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**



**Adopted September 6, 1995
Amended February 28, 1996
Amended March 21, 1996
Amended March 5, 1997
Amended June 18, 1997
Amended October 1, 1997
Amended March 18, 1998
Amended January 20, 1999
Amended May 16, 2001
Amended December 5, 2001
Amended May 1, 2002
Amended October 2, 2002
Amended November 20, 2002
Amended February 5, 2003
Amended May 7, 2003
Amended June 18, 2003
Amended November 5, 2003
Amended May 5, 2004
Amended June 2, 2004
Amended September 2, 2004
Amended October 6, 2004
Amended November 3, 2004
Amended February 2, 2005
Amended April 6, 2005
Amended May 3, 2005
Amended June 15, 2005
Amended February 1, 2006
Amended February 16, 2006**

**Amended March 15, 2006
Amended May 3, 2006
Amended June 21, 2006
Amended September 6, 2006
Amended March 7, 2007
Amended May 2, 2007
Amended July 18, 2007
Amended May 21, 2008
Amended August 20, 2008
Amended May 6, 2009
Amended September 16, 2009
Amended February 17, 2010
Amended May 5, 2010
Amended May 19, 2010
Amended February 16, 2011
Amended May 4, 2011
Amended May 18, 2011
Amended December 7, 2011
Amended January 18, 2012
Amended May 2, 2012
Amended June 6, 2012
Amended February 20, 2013
Amended May 1, 2013
Amended November 6, 2013
Amended May 7, 2014
Amended May 20, 2015**

| <u>Chapter 402a – Electrical Permit Fees</u> | <u>Fee</u> |
|--|-------------------|
| 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 |

| <u>Chapter 404a – Local Plumbing Permit Fees Internal Permit Fee Schedule</u> | <u>Fee</u> |
|--|-------------------|
| 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 |

| <u>Chapter 405 – Zoning</u> | <u>Fee</u> |
|---|-------------------|
| 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 |

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|---|---|
| Review Fee for Private Way Registration (amended 06/02/04) | \$100.00 |
| One (1) Dwelling Unit Credit (<i>as per Section VIID(E)I, 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) | |

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

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| <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 |

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| >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 |

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| <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 |

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| <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 |

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| <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 |

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| <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) “ <u>Trip Generation</u> ” 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. | | | |

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| [adopted 06/06/2012] | |
| <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 |
| <u>Chapter 1005 - Innkeepers Licenses (06/21/2006)</u> | <u>Fee</u> |
| Application Fee | \$50.00 |

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| Per Room Fee | \$3.00 per room |
| Maximum Fee Not to Exceed | \$350.00 |
| <u>Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes</u> | <u>Fee</u> |
| 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 |
| 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 |
| <u>DAILY PARKING RATES (WITHOUT PASS)</u> | |
| 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 |
| <u>BOAT LAUNCHING FEE</u> | |
| 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 |
| <u>Resident - Additional Boat Launching Fee Registered to the Same Address</u> | <u>\$5.00</u> |
| 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 |
| <u>Chapter 1007 - C.A.T.V. (Cable T.V.) Operators Fees</u> | <u>Fee</u> |
| Franchise Filing Fee (Amended 05/04/2011) | \$1,000.00 |
| <u>Chapter 1008 - Special Amusement Operator License Fees</u> | <u>Fee</u> |
| Annual License Fee | \$110.00 |
| <u>Chapter 1009 – Coin Operated Game License Fees</u> | <u>Fee</u> |
| Annual License Fee - Per Machine (B-2 Zone) | \$110.00 |

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| Annual Video Arcade License Campgrounds (R-F Zone) Maximum of 25 machines (amended 05/03/06) | \$1,500.00 |
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| <u>Chapter 1010 - Massage Establishment Annual License Fees</u> | <u>Fee</u> |
|--|-------------------|
| Massage Establishment | \$55.00 |
| Combined Massage Establishment/Massage Therapist | \$35.00 |
| Massage Therapist | \$30.00 |

| <u>Chapter 1011 - Para-Massage Establishment Annual License Fees</u> | <u>Fee</u> |
|---|-------------------|
| Para-Massage Establishment License | \$55.00 |
| Para-Massager License | \$30.00 |
| Combined Para-Massager Est./Para-Massager License | \$35.00 |

| <u>Chapter 1012 - Adult Business - Viewing Booth Annual License Fees</u> | <u>Fee</u> |
|---|-------------------|
| Annual License For Each Viewing Booth | \$110.00 |

| <u>Chapter 1013 - Ice Cream Trucks (06/18/97)</u> | <u>Fee</u> |
|--|-------------------|
| Application Fee | \$110.00 |
| Each Additional Truck | \$30.00 |

| <u>Chapter 1017 – Pawnbroker Fees/Secondhand Dealer Fees (02/17/2010)</u> | <u>Fee</u> |
|--|-------------------|
| Application Fee | \$100.00 |
| SBI Check | \$25.00 |

| <u>Chapter 1201 - Cemetery Fees</u> | <u>Fee</u> |
|--|-------------------|
| 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 |

| <u>Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]</u> | <u>Fee</u> |
|---|-------------------|
| 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 |

| <u>Assessing Office Charges</u> | <u>Fee</u> |
|--|-------------------|
| <u>Printouts</u> | |
| 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 |

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|---|----------|
| Name/Address/Location/Map/Lot/Assess/Ref. | \$100.00 |
| Valuation Report – Printout per page | \$2.00 |
| Mailing Labels - Each | \$.05 |
| Copy of Property Card | \$2.00 |
| Large Map | \$5.00 |
| Reduced Map | \$2.50 |
| Reduced Set of Maps | \$200.00 |

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| <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 <u>Construction Permit</u> Fee | \$25.00 \$35.00 |
| Construction permit fees for all commercial buildings shall be | \$0.10 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> | |
| 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) | \$100.00 |

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| <u>Minimum Permit Fee</u> | <u>\$35.00</u> |
| <u>New Fire Alarm Control Panel</u> | <u>\$100.00</u> |
| <u>Replacement of Fire Alarm Panel with Existing Devices</u> | <u>\$100.00</u> |
| <u>New Initiation or Notification Devices</u> | <u>\$50.00</u> |
| Commercial Sprinkler System Plan Review & Permit Fees (adopted 05/06/09) | \$100.00 |
| <u>Minimum Permit Fee</u> | <u>\$35.00</u> |
| <u>New Sprinkler Heads</u> | <u>\$1.00/Head</u> |
| <u>Relocation of Sprinkler Heads</u> | <u>\$0.50/Head</u> |
| <u>Fire Pump Installations</u> | <u>\$100.00 Each</u> |
| <u>Fuel Canopy Installations</u> | <u>\$100.00 Each</u> |
| <u>Kitchen Suppression System Installations</u> | <u>\$100.00 Each</u> |
| 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> |
| <u>Base Rescue Charges:</u> | |
| 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) | \$533.91 <u>\$531.77</u> |
| Basic Life Support Emergency (adopted 05/01/2013)(amended 05/07/2014) (05/20/15) | \$533.91 <u>\$531.77</u> |
| Advance Life Support Level 1 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15) | \$823.68 <u>\$820.39</u> |
| Advance Life Support Level 2 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15) | \$1,168.67 <u>\$1,164.00</u> |
| <u>Additional Rescue Charges:</u> | |
| Mileage (adopted 05/07/2014) (05/20/15) | \$9.04 <u>\$9.00</u> |
| 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 |

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| 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] |
| <u>Police Department Charges</u> | <u>Fee</u> |
| 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 |

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| | 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 |

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

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| <u>Voter Registration Fees (amended 09/06/2006)</u> | <u>Fee</u> |
| 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. | |

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| <u>Vehicle Registration Fee</u> | <u>Fee</u> |
| 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] | |

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-025. Move approval on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground scheduled for Thursday, May 19, 2016 through Sunday, May 22, 2016.

Town of Scarborough, Maine

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

MEMORANDUM

TO: Town Council Members
Thomas J. Hall, Town Manager

FROM: Yolande P. Justice, Town Clerk

RE: Application for a Mass Gathering Permit

DATE: April 1, 2016

The Town Clerk's Office received a request for a Mass Gathering Permit from the Vacation Dog Club, Inc. and York County Kennel Club of Maine for an AKC All Breed and Obedience Dog Show. This event is scheduled for Thursday, May 19th through Sunday, May 22nd from 8:00 a.m. to 5:30 p.m. at Wassamki Springs, located at 56 Saco Street.

Pursuant to the Mass Gathering Ordinance, the completed application package was sent to the Fire Chief, the Police Chief and the Codes Department for review. We received notification from all Departments noted above and there were no issues or concerns with this application and they all recommended approval.

Should you have any questions, please contact the Town Clerk's Office. The completed application is on file with the Town Clerk's Office.

Thank you in advance for your consideration on this request.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 6, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-026. Move Approval to authorize the Town Manager to enter into an Interlocal Agreement with Cape Elizabeth for shared Harbormaster Services.

**INTERLOCAL AGREEMENT BETWEEN
MUNICIPALITIES OF SCARBOROUGH, MAINE and CAPE ELIZABETH, MAINE**

AGREEMENT made this ____ day of _____, 2016, by and between the Town of Scarborough, a municipality under the laws of the State of Maine with a principal location at 259 Route One, Scarborough, Maine 04070 (“Scarborough”) and the Town of Cape Elizabeth, a municipality under the laws of the State of Maine with a principal location at 320 Ocean House Road, Cape Elizabeth, Maine 04107 (“Cape Elizabeth”) The foregoing are also referred to herein collectively as the “Parties” or singly as “Party”.

WHEREAS, both state law and the municipalities encourage the development of regional coalitions of local governments in order to establish efficient and effective delivery of municipal services; and

WHEREAS, the Town of Scarborough currently has a professional harbor enforcement program ; and

WHEREAS, the Town of Cape Elizabeth has a small number of harbors and minimal harbors issues that would benefit from a cooperative agreement with the larger program in Scarborough, and

WHEREAS, it will be to the advantage of both parties and to the State of Maine to provide a regional approach to the enforcement of harbor issues in both communities,

WHEREAS, both Parties are willing to share in a harbormaster program on a cost-sharing basis through this interlocal agreement, with Scarborough being the lead party;

NOW THEREFORE, in consideration of the covenants herein, the parties do agree as follows:

1. Interlocal Agreement:

This Agreement shall be considered an interlocal cooperation agreement pursuant to 30-A M.R.S.A., Sec. 2201 et. seq. for the purpose of providing harbor enforcement services.

2. Functional Organization:

The Town of Scarborough shall provide harbormaster services to the Town of Cape Elizabeth with the duties and responsibilities being those delineated in the Cape Elizabeth Coastal Waters and Harbors Ordinance (“Ordinance”) in place as of January 1, 2016 (attached hereto as Exhibit A). The Town of Cape Elizabeth Town Council may amend the ordinance at any time provided any additional services required by any such amendment shall be compensated to the Town of Scarborough on mutually agreeable terms. Scarborough’s harbormaster shall be appointed by the Cape Elizabeth Chief of Police as Cape Elizabeth’s harbormaster pursuant to the appointment power in Cape Elizabeth’s ordinance .

3. Scope of Services :

Costs and services shall be allocated between the parties consistent with Exhibit B attached and more specifically as follows:

- a) Scarborough shall provide between 130 and 155 hours of direct service to Cape Elizabeth each year. This shall include time for inspection of moorings and harbors, travel to and from Cape Elizabeth from Scarborough, attendance at meetings in Cape Elizabeth, recordkeeping and interaction with mooring permit holders and applicants. Scarborough shall provide a boat to its harbormaster which shall be used

as needed in the coastal waters of Cape Elizabeth to inspect moorings and harbors.

- b) Cape Elizabeth shall annually pay Scarborough \$5,500 for these services. This amount shall be adjusted each July 1 by the Employment Cost Index for State and Local Government.
- c) Each party shall be responsible for the collection of any revenues relating to the harbormaster program and shall retain for its own use all such revenues.

4. Property:

All capital equipment and personal property utilized in the harbormaster program shall be and remain the property of Scarborough regardless of the source of financing.

5. Indemnification:

Each Party shall defend, indemnify and hold each and every other Party hereto harmless from any claim, cause of action, liability or expense, including without limitation, costs and reasonable attorneys fees, arising out of or resulting from the error, act or omission of the indemnifying Party's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. Sec. 8101 et. seq.) or any other immunities or defenses under the Act or other applicable law.

6. Insurance:

Each Party shall maintain insurance, or provide through self-insurance, comprehensive general liability and automobile insurance coverage in the minimum amount of Four Hundred Thousand Dollars (\$400,000) or such other amount as may be required under

the Maine Tort Claims Act, and shall insure or self-insure its employees for workers compensation claims.

7. Term:

This Agreement shall remain in effect until 11:59 p.m. December 31, 2026, unless earlier terminated by mutual agreement of all Parties.

8. Termination of Agreement:

Any Party may terminate its participation under this Agreement in its discretion and for its convenience upon no less than eighteen (18) months prior written notice to the other Party. Notwithstanding a Party's termination, each Party shall continue to be liable for its share of all costs until the effective date of the termination..

9. Entire Agreement:

This Agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section or provision. Amendments shall be in writing and executed by all parties. Each Party represents that it has the authority to enter into this Agreement and that it is being executed by its duly authorized representatives. This Agreement shall be governed solely by the laws of the State of Maine.

10. Authority:

By executing this Agreement, each Party warrants that the representative signing below has been duly authorized by all appropriate actions of that Party's governing body to enter into and execute this Agreement, and that this Agreement represents a legal, valid and binding obligation of each Party, enforceable upon it in accordance with its terms

and by application of equitable principles if equitable remedies are sought, except as enforceability may be limited by applicable bankruptcy or similar laws.

Dated this _____ day of _____ in the year 2016/

For the Town of Scarborough, Maine

For the Town of Cape Elizabeth, Maine

Town Manager

Town Manager

Exhibit A

COASTAL WATERS and HARBOR ORDINANCE

**(Adopted Eff. May 10, 1989)
(Amended July 13, 2005 – Effective August 10, 2005)**

CHAPTER 10

ARTICLE I General Provisions

Sec. 10-1-1. Purpose. This Ordinance is to establish regulations for marine activities within the harbors, waterways and tidal waters of the Town of Cape Elizabeth, Maine to ensure safety to persons and property, to promote availability and use of a valuable public resource and to create a fair and efficient framework for the administration of that resource. This Ordinance shall be subordinate to existing Federal and State Laws governing the same matters and is not intended to preempt other valid laws.

Sec. 10-1-2. Harbor Limits.

(a) Seal Cove Harbor Limits. The harbor limits of Seal Cove, sometimes referred to as Kettle Cove, shall include the area of water northerly of the straight line between McKenney Point and East Point, so called, on Richmond Island. The Inner Harbor at Seal Cove (northerly of a line from McKenney Point to black can buoy 'C-1' near the harbor entrance and easterly of a straight line from such can buoy through Crow Rock, so called, to the shore) is hereby designated as a mooring area.

(b) Maiden Cove Harbor Limits. The harbor limits of Maiden Cove shall include the area of water located southwesterly of a straight line running approximately 345 magnetic from the point forming the easterly end of Maiden Cove and located southeasterly of the rocks off the cliff at the westerly end of Maiden Cove. The waters within such harbor limits, excepting the swimming area utilized by the Cape Cottage Beach Association, are hereby designated as a mooring area.

(c) Additional Harbors. In addition to the two major harbors listed above, numerous other coves and inlets are used for mooring and anchorage of vessels. This Ordinance shall also apply to these coves and inlets although no harbor limits have been established.

ARTICLE II

Sec. 10-2-1, Definitions.

(a) Anchorage: Shall mean an area of a harbor set aside for the temporary anchoring of vessels.

(b) Auxiliary: Shall mean any vessel having both sails and either an inboard or outboard motor and which may be propelled by its sails or by its motor, or both.

(c) Basin: Shall mean a naturally or artificially enclosed or nearly enclosed body of water where small craft may lie (anchor).

(d) Beach: Shall mean a public or private beach area bordering the waters of Cape Elizabeth.

(e) Commercial Vessel: Shall mean any vessel whose primary use is fishing.

(f) Distress: Shall mean a state of disability or a present or obviously imminent danger, which, if unduly prolonged, could endanger life or property.

(g) Emergency: Shall mean a state of imminent or proximate danger to life or property in which time is of the essence.

(h) Fairway: Shall mean a navigable channel in a harbor.

(i) Float: Shall mean any floating structure normally used as a point of transfer for passengers and goods and/or for mooring purposes.

(j) Mooring: Shall mean any appliance used by a vessel for permanent anchoring purposes and which appliance is not carried aboard such vessel when underway as regular equipment.

(k) Non-Resident: Shall mean a person who does not fall within the definition of Resident.

(l) Resident: Shall mean any person whose principal residence is in the Town of Cape Elizabeth; or who owns property and uses that property as a residence for at least 60 days a year.

Proof of residency may be established through voter registration, payment of real estate taxes or rental receipts for residential property within the Town of Cape Elizabeth.

(m) Riparian Owner: Shall mean an owner of a parcel of land located in the Town of Cape Elizabeth which borders upon a harbor, cove or inlet commonly used for mooring or anchorage of vessels.

(n) Shore: Shall mean that part of the land in immediate contact with a body of water, including the area between the high and low water lines.

(o) Shall and May: 'Shall' is mandatory, 'May' is permissive.

(p) State: Shall mean the State of Maine.

(q) Stray Vessel: Shall mean (1) an abandoned vessel, (2) a vessel the owner of which is unknown, or (3) a vessel underway without a competent person in command.

(r) To Anchor: Shall mean to secure a vessel to the bottom within a body of water by dropping an anchor(s) or other ground tackle, which is carried aboard a vessel when underway as regular equipment.

(s) Underway: Shall mean the condition of a vessel not at anchor, without moorings, and not made fast to the shore nor aground.

(t) **Vessel:** Shall mean a floating object, boat or craft of any size designed for self-propelled travel on water.

(u) **Wash:** Shall mean a surge of water, wave.

(v) **Waterway:** Shall mean any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

ARTICLE III Harbor Master

Sec. 10-3-1. Harbor Master Appointment. A Harbor Master for the Town of Cape Elizabeth shall be appointed and may be removed by the Chief of Police subject to the approval of the Town Manager and shall be subject to all the provisions of Title 38, Maine Revised Statutes Annotated Section 1 et seq. as amended.

In addition, the Harbor Master for the Town of Cape Elizabeth shall also be subject to the following local provisions:

Sec. 10-3-2. Maritime Agent. The Harbor Master is to be considered the maritime agent of the Cape Elizabeth Town Council and shall have full authority for the interpretation and enforcement of all regulations affecting the harbors, waterways and tidal waters of the Town of Cape Elizabeth.

Sec. 10-3-3. Appeals. The Town Manager shall serve as the appeal authority for any person (s) aggrieved by any decision, act or failure to act by the Harbor Master. Any party aggrieved by a decision of the Town Manager may seek review of such decision pursuant to Rule 80 of the Maine Rules of Civil Procedure, as may be amended.

Sec. 10-3-4. Responsibility for Equipment. The Harbor Master shall be the municipal overseer of all town owned marine oriented equipment not specifically included within the purview of any other Town Board or Department.

Sec. 10-3-5. Mooring Records. The Harbor Master shall maintain copies of all mooring records as well as any waiting list for mooring location assignment.

ARTICLE IV Anchoring of Vessels

Sec. 10-4-1. Anchoring Only With Permission. There shall be no anchoring of vessels in the designated mooring areas of Seal Cove and Maiden Cove without the permission of the Harbor Master except under extreme emergency conditions.

Sec. 10-4-2 Shifting Berths of Anchored Vessels. Anchoring will be permitted within all other tidal waters of the Town of Cape Elizabeth at the discretion of the vessel's operator. Anchored vessels may be required to shift their berth at the direction of the Harbormaster if they are the subject of noise or other complaints, or for the safety of the vessel or the safety of others.

Sec. 10-4-3 Anchored Vessels to Abide by Regulations. All anchored vessels shall abide by all Federal Regulations for anchored vessels including but not limited to Day Signals and/or lights for signals, etc.

ARTICLE V

Moorings

Sec. 10-5-1. Mooring Location Assignments. All mooring locations shall be assigned by the Harbor Master. No mooring shall be placed without a written permit from the Harbor Master authorizing placement of a mooring at a specific location. Moorings shall be placed within thirty (30) days of obtaining a permit or July first (1) of the year the permit is obtained, whichever is later.

Sec. 10-5-2. Mooring Permit. All permits issued hereunder shall be for a period of one (1) year, and shall be subject to renewal annually. Permit holders who elect not to renew must notify the Harbor Master and remove their mooring. The mooring permit of any person who violates any of the provisions of these regulations may be revoked by written notice to that effect signed by the Harbor Master.

Sec. 10-5-3. Moorings to be Registered and Numbered. Moorings shall be registered and numbered at all times. Mooring numbers shall be issued by the Harbor Master at the time a mooring permit is issued.

Sec. 10-5-4. Mooring Locations Subject to Change. All moorings shall be subject to change in location at the owner's expense if such change is deemed by the Harbor Master to be in the best interest of the Town.

Sec. 10-5-5. Harbor Master Empowered to Remove Moorings. If a mooring owner refuses to move his mooring after receiving written notice to do so, the Harbor Master is authorized, after a fourteen (14) day waiting period to remove the mooring float, mark the mooring chain with an identifying tag and drop the chain to the bottom. If the Harbor Master determines that the anchor and chain could pose a fouling hazard to anchoring vessels or there is other reason for removal, the mooring gear may be pulled and the permit holder billed for the cost. The Harbor Master shall store any removed mooring gear up to six (6) months. During that period of time, the owner may reclaim the equipment after payment of any expenses or fines as provided under Title 38 M.R.S.A. §4.

Sec. 10-5-6. Location and Waiting Lists. Within the limitations of Sections 3 and 6 of Title 38, the Harbor Master shall assign mooring locations and maintain a waiting list for mooring locations.

Sec. 10-5-7. Standards. All moorings shall be of sufficient size and weight with chain and rope in sound condition to properly secure the moored vessel and the float attached to the mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the vessel.

Moorings shall be equal or greater in size, strength and weight than the minimum standards as set by the Harbormaster. The adequacy of each mooring set remains the responsibility of the individual boat owner. Standards set by the Town are minimum standards.

Sec. 10-5-8. Fees. The Town Council shall establish mooring permit fees.

Sec. 10-5-9. Renewals and Abandoned Moorings. Any mooring not used by the vessel(s) named on the permit application for at least seven (7) days during the previous year may be refused a permit renewal if its presence is preventing applications for that mooring area from being approved or requiring new mooring installations to be placed in more exposed locations. All mooring gear is to be removed by the owner within two (2) weeks of permit expiration. Moorings without current permits may be removed by the Harbor Master as provided in Sec. 10-5-5 of this Ordinance.

Sec. 10-5-10. Inspection. All moorings shall be inspected according to a schedule and procedures to be posted by the Harbor Master. Inspection shall be performed only by individuals or organizations authorized by the Harbor Master and written reports of all inspections must be submitted to the Harbor Master. The mooring permit holder shall be responsible for all costs associated with mooring inspections.

Sec. 10-5-11. Buoys. Mooring marker buoys shall be visible at all tides. Buoys shall be white with a blue stripe.

Sec. 10-5-12. Town Moorings. Any moorings placed by the Town of Cape Elizabeth in any harbor under the jurisdiction of the Town shall not be used for a period longer than twelve (12) hours by any vessel, except by permission of the Harbor Master.

Sec. 10-5-13. Subletting of Mooring Space. The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or vessel owner; however, another vessel owner may use the mooring, provided the original owner pays the fee or fees and has received permission from the Harbor Master to moor such vessel.

Sec. 10-5-14. Dinghies. Dinghies may not be tied astern of moored vessels for more than 24 hours.

Sec. 10-5-15. Mooring Limitations. Lobster crate or lobster car moorings are not to be used for vessel moorings.

ARTICLE VI

Channels

Sec. 10-6-1. Channel Designations and Restrictions. The Town Council may from time to time establish channels for the passage of vessels in the harbors and waterways of the Town after due consideration of the recommendations of the Harbor Master. There shall be no anchoring or mooring in any channels designated as such.

Sec. 10-6-2. Interference with Channel Markers. Whoever moors a vessel, boat, raft or scow to any buoy or beacon placed by the Town of Cape Elizabeth in any waters subject to its jurisdiction to define the channels for vessels, or in any manner make the same fast thereto, or willfully destroys any such buoy or beacon shall be in violation of this Ordinance and liable upon complaint of the Harbor Master as provided in Sec. 10-8-1 of this Ordinance.

Sec. 10-6-3. Obstruction of Channels and Removal of Sunken Vessels.

(a) It shall be unlawful to tie up or anchor a vessel in a Cape Elizabeth harbor in such a manner as to obstruct the fairways, launch ramps or channels or to prevent or obstruct the passage of other vessels; or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space; or to float loose timbers, debris, logs or piles in any channel, fairway or berthing space in such manner as to impede navigation or cause damage to vessels therein. It is understood that wrecked or sunken vessels within a harbor are subject to the published rules and regulations of the United States Coast Guard and any applicable state law, rules or regulations.

(b) Whenever the navigation of any waters within a Cape Elizabeth harbor or maritime facility, including anchorages and berths herein, shall be obstructed or endangered by any sunken vessel or other obstruction or danger which has existed for a period of more than ten (10) days, the vessel or obstruction shall be subject to removal, sale or other disposition. The owner(s) of such vessel or other property causing said obstruction or danger shall be liable to the Town of Cape Elizabeth for all costs incident to said removal and disposition, and the Town of Cape Elizabeth, its employees, agents and officers shall not be liable for damages of any nature whatsoever originating out of or in any way connected with removal, sale or disposition of such vessel or other property.

ARTICLE VII

General Boating and Traffic Control Regulations

Sec. 10-7-1. Traffic Control Authority. The Harbor Master shall have the authority to control water borne traffic in any portion of the waters of a harbor or maritime facility under the Town's jurisdiction by use of authorized State regulatory markers, signals, orders or directions at any time preceding, during and after any race, regattas, parade or other special event held in any portion of the waters of a harbor or maritime facility or at any time when the Harbor Master deems it necessary in the interest of safety of persons and vessels or other property, and it shall be unlawful for any person to willfully fail or refuse to comply with any authorized State regulatory marker utilized by the Harbor Master, or with any signal, orders or directions of the Harbor Master.

Sec. 10-7-2. Basic Speed Law. The operation of any vessel within the harbor area in excess of posted speed limits or, in the absence of such limits, in a manner to create a wash which endangers persons or property, shall constitute a violation of this Ordinance; provided that special written permission may be granted to conduct and engage in water sports and regattas in specific designated areas.

Sec. 10-7-3. Discharge of Refuse and Sewage. It shall be a violation of this Ordinance to discharge into the waters of the harbor any sewage, refuse, garbage or waste matter, petroleum or petroleum matter, paint, varnish, timber or any other foreign matter, including dead animals, fish and bait.

Sec. 10-7-4. Responsibility for Sanitation of Facilities. The owner, captain, lessee, agent, manager or person in charge of a vessel, facility or water area adjacent to or within a Cape Elizabeth harbor shall, at all times, maintain the premises under their charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials. Should the Harbor Master find that any vessel, facility or water area is not so maintained, the Harbor Master shall, in writing, notify said

owner, captain, lessee, agent, manager or other person in charge of said vessel, facility or area to immediately commence and diligently prosecute to completion of the necessary correction of the unsanitary condition to the satisfaction of the Harbor Master. Failure to do so with reasonable dispatch shall be a violation of this Article, and the Harbor Master may then cause the condition to be corrected and charged to said owner, captain, lessee, agent, manager or person in charge.

Sec. 10-7-5. Buoys. No person shall place buoys of any type, other than lobster pot buoys and marker buoys, within the boundaries of the mooring areas established by these regulations without written permission of the Harbor Master.

Sec. 10-7-6. Water Skiing. There shall be no water skiing within established mooring areas.

Sec. 10-7-7. Launch Ramps. Motor vehicles are not to be left unattended on or near launch ramps. All motor vehicles are to be parked only in designated areas and motor vehicle operators are to comply with all parking regulations as posted by the Town of Cape Elizabeth or the State of Maine.

Sec. 10-7-8. Liability.

(a) Vessel Owner: Any person using the facilities within the limit of a harbor or maritime facility shall assume all risk of damage or loss to his property and the Town of Cape Elizabeth assumes no risk on account of fire, theft, Act of God or damages of any kind to vessels within harbors or maritime facility.

(b) Secure Berthing and Anchoring of Vessels. The owner of any vessel moored or anchored within Cape Elizabeth harbors or maritime facilities shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall, thereafter, provide for periodic inspection maintenance, replacement and adjustment of anchor, mooring or tie lines at reasonable intervals.

Sec. 10-7-9. Unseaworthy Vessels Prohibited in Harbor. A person shall not moor or permit to be moored, in any harbor, a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency.

Sec. 10-7-10. Correcting an Unsafe Berthing. If any vessel shall be found, in the judgment of the Harbor Master, to be anchored or moored with any harbor or maritime facility in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels, persons or property, the Harbor Master shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation and in the absence of any such responsible person, the Harbor Master shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of Cape Elizabeth in effecting such correction.

Sec. 10-7-11. Removal and Custody of Illegally Berthed or Abandoned Vessels. If any unattended vessel shall be found to be anchored or moored illegally within a harbor or maritime facility, or if the Harbor Master has reasonable grounds to believe that a vessel has been abandoned within a Cape Elizabeth harbor or maritime facility, the Harbor Master may assume custody of such vessel and cause it to be removed and held or placed in storage. The Town of Cape Elizabeth or its officials shall not be held liable for any damage or loss to such vessel or its contents nor liable to its owner before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Town Manager only after satisfactory proof of ownership has been presented and full reimbursement made to the Town for all costs incident to recovery, movement and storage.

Sec. 10-7-12. Damage to Harbor or Other Property. It shall be unlawful to willfully or carelessly destroy, damage, disturb or interfere with any public or private property in the harbor area.

Sec. 10-7-13. Tampering With or Boarding Vessels Without Permission. It shall be a violation of this Ordinance for any person willfully to board, break in, enter, damage, move or tamper with any vessel or part thereof located within the harbor unless authorized by the rightful owner of such vessel. Violation of this provision shall constitute a misdemeanor, punishable by the penalties hereinabove provided for violations of this Ordinance and to additional penalties not to exceed the aggregate \$1,000 and six months imprisonment for each offense. Any person violating this provision shall, in addition, be responsible to the rightful owner of any such vessel for any damages caused by such violation and to the reasonable costs incurred as a result thereof including any attorney's fees.

Sec. 10-7-14. Obstruction of facilities. It shall be a violation of this Ordinance for any person to willfully prevent any other person from the use and enjoyment of the harbor facilities.

ARTICLE VIII

Enforcement and Invalidity

Sec. 10-8-1. Enforcement. Except as enumerated elsewhere in this Ordinance or as stated by the Maine Revised Statutes Annotated, violation of this Ordinance shall be punishable as follows:

a) Any person who shall violate any provision of this Ordinance shall be punished upon conviction, by a fine of not less than twenty-five (\$25.00) and not more than one hundred (\$100.00) dollars. All fines shall be paid to the Town of Cape Elizabeth.

b) Each day that such violation continues to exist shall constitute a separate offense. Any law enforcement officer vested with the authority to carry a weapon and make arrests shall have the authority to enforce this Ordinance.

Sec. 10-8-2. Invalidity Provisions. If any provision of this Ordinance is held invalid or inoperative, the remainder shall continue in full force and affect as though such invalid or inoperative provisions had not been made.

Exhibit B

TO:

Chief Neil Williams
Cape Elizabeth Police Department
325 Ocean House Rd.
Cape Elizabeth, ME 04107
(207)767-3323

FOR:

Proposal for Harbormaster Services

| DESCRIPTION | HOURS | RATE | AMOUNT |
|---|------------|----------------|-------------------|
| Initial Time Spent (Meetings, contacting owners) | 20 | \$29.47 | \$589.40 |
| Supervision of Mooring Placement | 10 | \$29.47 | \$294.70 |
| Weekly Checks through Season (April-October, 4hrs per week) | 115 | \$29.47 | \$3,389.05 |
| End of Season Services (Mooring removal) | 10 | \$29.47 | \$294.70 |
| Total Salary and Benefits | 155 | \$29.47 | \$4,567.85 |
| | | | |
| Boat Maintenance | | | \$150 |
| Boat Fuel (6 gallons per trip, 28 trips a season) | 168 gal. | 2.50/gal. | \$420.00 |
| Total Equipment and Maintenance | | | \$570.00 |
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| | | | |
| TOTAL | | | \$5,137.85 |

Total cost of services for Year I is \$5,500.00, with automatic increase annually on July 1 adjusted by the Employment Cost Index for State and Local Government.