

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 7, 2016
TOWN COUNCIL WORKSHOP WITH MARTIN’S POINT HEALTHCARE – 6:15 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: August 17, 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. 16-50, 7:00 p.m. Public hearing and second reading on the proposed amendment to Chapter 405, the Zoning Ordinance, Section XVII.B Haigis Parkway District (HP).

Order No. 16-51, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 302 – the Scarborough Town Council Rules, Policies and Procedures Manual.

Order No. 16-55, 7:00 p.m. Public hearing and action on the new request for a Liquor License and a Food Handlers License from Patrick and Sue O’Reilly, d/b/a O’Reilly’s Cure, located at 264 US Route One.

Resolution 16-005. Act on the request to accept and approve Chapter 466 of the Public Laws of 1975 relating to the Portland Water District.

Resolution 16-006. Act on the consideration of and action on inducement resolution of the Town of Scarborough declaring its official intent with respect to issuance of its revenue obligation securities to fund the Martin’s Point Project and authorizing the Town to apply to the Finance Authority of Maine for approval of the issuance of Revenue Obligation Securities.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 16-56. First reading and schedule a public hearing and second reading on the proposed new ordinance, Chapter 615 – the Town of Scarborough Blasting Ordinance.

Order No. 16-57. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4).

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

Item 8. Non Action Items.

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

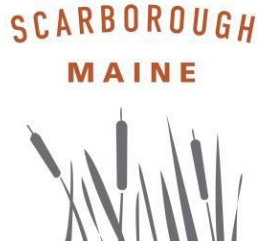
Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

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

Order No. 16-50. Move approval of the second reading on the proposed amendment to Chapter 405, the Zoning Ordinance, Section XVII.B Haigis Parkway District (HP), as follows:



To: Town Council Members and Tom Hall, Town Manager
From: Dan Bacon, Planning Director
Subject: Follow Up on Multi-Family Housing in the Haigis Parkway District
Date: September 1, 2016

Dear Town Councilors,

This memo and the attached revised version of the proposed multi-family housing amendments for the Haigis Parkway are being provided to follow up on your discussion of this matter at 1st Reading in August. Further, this past Monday the Planning Board conducted their public hearing on the proposal and was supportive of the amendments and voted to provide a positive opinion of the changes.

At 1st Reading the Council questioned if “mixed use” buildings (buildings with both commercial and residential uses) were intended to comply with the non-residential height limit of 6 stories or the residential height limit of 3 stories.

- *To clarify this, the attached revised version of the amendment includes “Mixed Uses” under the height allowance of 6 stories and 75’. This will make it clear that buildings containing both commercial and residential space / uses can continue to utilize the current height allowance of 6 stories.*

At both 1st Reading and the Planning Board meeting the 3 story height limit for strictly residential buildings was discussed, and whether it should differ from the potential for 6 story commercial or mixed use buildings.

- *Planning staff recommend maintaining the 3 story limit for multi-family housing, as it isn’t unusual to have a variety of buildings with varying heights within planned and mixed developments. Further, three story residential buildings are typical for our more suburban setting and can ensure the scale of these buildings is in keeping with other multi-family buildings in other areas of town. In the current economy, it’s actually more likely that commercial buildings will be one or two-story in the HP (given the soft market for new office buildings), so three-story multi-family may more likely be the taller structures to be built in the near term.*

We hope these comments are helpful as you further consider these zoning amendments.
Thank you.

August 3, 2016, revised September 1, 2016

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

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

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

B. RESIDENTIAL USES

The following residential uses are permitted only in planned developments:

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

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

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

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

**PORTION OF THE PLANNING BOARD MINUTES
FROM THE AUGUST 29, 2016 MEETING**

4. The Planning Board will conduct a public hearing to receive comment on amendments to the Town of Scarborough Zoning Ordinance regarding multi-family housing in the Haigis Parkway District. The zoning ordinance amendment proposes to enable multi-family housing (buildings with three or more dwelling units) to be regulated in our Haigis Parkway District (HP) by physical size (maximum building footprint, height, etc.) rather than number of dwelling units*

Mr. Bacon explained that currently multi-family dwellings are permitted in the Haigis Parkway District if they are part of a mixed use project. Consistent with recent zoning amendments in the TVC and Village Residential this proposal will be regulated by the physical size (footprint, height) of 12,500 SF instead of the number of units.

Mr. Fellows opened the public hearing. There were no comments made. Mr. Fellows closed the public hearing.

Mr. Beeley was in favor of the proposal and asked if it would still need to be part of a mixed use development. Mr. Bacon stated yes it would.

Ms. Auglis, Mr. McGee and Mr. Mazer were in favor of the proposal.

Mr. Fellows stated he was in favor of the change and that quite a bit of thought was put into the change and that going away from the unit limit is a good approach. Mr. Fellows stated a positive recommendation would be made from the Board.

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

Order No. 16-51. Move approval of the second reading on the proposed amendments to Chapter 302 – the Scarborough Town Council Rules, Policies and Procedures Manual, as follows:

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

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

CHAPTER 302
SCARBOROUGH TOWN COUNCIL
RULES & PROCEDURES

~~RULES, POLICIES & PROCEDURES MANUAL~~

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

Section 100: TOWN COUNCIL RULES OF ORDER

100.0: Preface.

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

101.0: Definitions.

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

101.1: Rules of Order

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

101.2: Policy(ies)

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

101.3: Procedures

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

101.4: Resolutions

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

101.5: Proclamations

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

101.6: Orders

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

101.7: Petitions

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

101.8: Majority

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

101.9: Quorum

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

101.10: Abstain

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

101.11: Immediate Family

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

101.12: Consent Agenda

~~The purpose of a Consent Agenda is to expedite the conduct of routine business during council meetings in order to allocate more meeting time to discussion on substantive issues. The Consent Agenda should consist of routine financial, legal and administrative matters that~~

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

102.0: Organization.

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

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

103.0: Regular Meetings.

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

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

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

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

104.0: Special Meetings.

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

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

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

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

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

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

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

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

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

106.0: *Quorum: Adjourned Meetings.*

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

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

107.0: *Agendas.*

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

1. Call to Order by the Chair
2. Pledge of Allegiance
3. Roll Call by the recording secretary
4. General Public Comments ~~[limited to three (3) minutes or less — refer to Section 202] [adopted 10/21/09]~~
5. Acceptance of minutes
6. Adjustments to the Agenda [adopted 10/21/09]
7. Items to be signed; i.e., treasurer's warrants
8. Public Hearings
9. ~~Consent Agendas [amended 04/04/01]~~
10. Proclamations, Resolutions and Resolves
11. ~~Unfinished Old~~ Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings ~~[limited to three (3) minutes — refer to Section 202] [amended 10/21/09]~~
12. New Business: Ordinances and orders ~~[limited to three (3) minutes — refer to Section 202] [amended 10/21/09]~~
13. Non-Action Items. (amended 04/19/00)
14. Standing and Special Committee Reports and Liaison Reports [amended 10/21/09]
15. Town Manager's Report [adopted 10/21/09]
16. Council member comments ~~[limited to ten (10) minutes]~~
17. Adjournment
18. Executive sessions, which may be scheduled or held anywhere on the agenda

108.0: Enactment: Form.

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

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

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

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

109.0: Ordinances: Style.

All by-laws passed by the Town Council shall be termed "ordinances" and the enacting style shall be:

"Be it ordained by the Town Council of the Town of Scarborough,
Maine, in Town Council assembled."

110.0: Order and Resolve: Style.

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

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

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

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

"Move approval of the first (second) reading of _____."

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

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

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

113.0: First Reading: Waiver.

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

114.0: Yeas and Nays Taken: When.

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

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

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

116.0: Order, Resolve: Effective When.

All orders or resolves shall take effect after passage.

117.0: Emergency Ordinances.

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

118.0: Item for Meetings: Filed When.

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

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

119.0: Chair to be Presiding Officer.

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

120.0: Role of Vice Chair.

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

121.0: Preserve Order: Decide All Questions of Order.

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

122.0: Declare Votes: Cause Return of Votes.

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

123.0: Debate: Rules of.

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

124.0: Motion to Adjourn: Lay on Table.

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

125.0: Reconsideration.

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

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

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

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

126.0: Motion for Previous Question.

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

“Shall the main question be put?”

126.1: And all debates upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments, and then upon the main question.

127.0: Not to be Debated or Amended.

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

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

128.0: Manner of Speaking.

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

129.0: Not to Interrupt.

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

130.0: Breach of Rules and Orders.

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

131.0: Member Excused from Voting: When.

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

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

132.0: Motion to be Reduced to Writing: When.

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

133.0: Division of Question.

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

134.0: Motion for Referral.

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

135.0: Priority of Business.

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

136.0: Suspension of Rules: Amendment or Repeal.

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

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

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

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

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

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

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

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

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

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

200.3: Disclosure of Confidential Information. No Town Councilor shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he/her use such information to advance the financial or private interest of himself/herself or others. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such Town Councilor only because of his/her position with the Town, and is not a matter of public record. Information received and discussed during an

executive session of the Scarborough Town Council any Town agency shall be considered within the constraints of this section, and shall not be disclosed to any third part unless permitted by affirmative vote of such body.

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

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

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

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

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

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

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

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

200.7.c: Income from, and financial investments in, policies of insurance, and deposits and accounts from commercial or savings banks, savings and loan

associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

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

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

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

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

201.0: Appointments To Town Committees/Boards.

Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments Committee and certified by the Council. The term for new appointees will be for one year unless otherwise determined by the Town Council. [amended 09/04/02; amended 04/01/15]

202.0: Procedures For Addressing The Council.

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

202.1: Procedure.

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

202.2: Time Limit.

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

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

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

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

202.2.d: Council Member Comments: Each Council Meeting Agenda schedules an opportunity for Council Member to share personal comments that may be of community interest, at the close of each meeting. Town Council members shall limit their comments to (10) ten minutes. Individual Councilors may be permitted to speak more than once at the discretion of the Chair of the Council.

202.3: Decorum.

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

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

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

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

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

203.0.a: 3 Members to the Finance Committee:

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

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

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

203.0.b: 3 Members to the Appointments Committee:

The Appointments Committee shall meet from time to time and review applications for vacancies on the various Town committees/boards and make their recommendations in accordance with Section 2010.0 of the Rules and Policies Manual.

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

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

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

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

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

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

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

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

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

204.0: Other Committees/Boards

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

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

204.3: Review of Committees/Boards – The Town council shall conduct an annual review of all committees/boards and other than standing committees of the Council, to ensure that there is still a valid need for such committees/boards. The workshop shall be held within the first quarter of the year. [Adopted 09-18-2013]

SECTION 300.0: OTHER TOWN COUNCIL PROCEDURES POLICIES

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

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

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

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

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

~~originator has copied all Councilors, the Clerk will simply note this information on the correspondence unless the originator has done so.)~~

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

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

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

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

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

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

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

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

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

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

303.2: ~~Request for Advance Payment.~~

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A: POLICY MATRIX

Type	Intended Audience	Process to Enact	Votes to Pass	Council Rules	Charter	Statutory
Council Rules & Order	Council Members	2 Council Mtg.	Simple Majority	Section 100: Sub.102	Section. 212	No
Defined As: General procedural rules and orders adopted by the Council Members for the members of the Council to follow.						
Resolutions/Resolves	Staff and/or General Public	1 Council Mtg.	Simple Majority	Section 100: Sub. 102.4	No	No
Defined As: An expression of opinion, principles, facts or purposes adopted by the Council as direction to the staff and/or general public.						
Orders				Section 109-117	No	No
General or if authorizing expenditure under \$500	Staff and/or General Public	1 Council Mtg.	Simple Majority	Section 111, 115	No	No.
\$500 or more	Staff	2 Council Mtg.	Simple Majority ¹	Section 111, 115	No	No
Ordinances	General Public – enforcement by staff	1 Council Mtg., Public Hearing & 2 nd Meeting ²	Simple Majority ³	Section 109-117.	Section. 213	Title 30A, Part 2
Defined As: By-law, law or legal requirement adopted by the Council, as authorized by state statute and town charter to exercise any power or function which the Legislature has power to confer upon it.						
Petitions						No
General or if requesting a reversal of a Council decision.	Council Members, Staff and/or General Public	See Town Charter	Council vote not required.		Article IX: Section 903	No
If not requesting a reversal of a Council decision.	Council Members, Staff and/or General Public			Section 100: Sub. 102.7		No.
Defined As: Formal written requests addressed to a person(s) in authority that asks for some action or benefit, or the redress of a grievance. A petition may also be a formal application in writing made to the Council requesting action concerning some matter.						
Proclamations	Staff and/or Gen. Public	Staff – if authority delegated		Section 100: Sub. 102.5	No	No
Defined As: Recognition, expression of support or sentiment on behalf of the Town of Scarborough.						
Policies	Council	1 Council Mtg.	Simple Majority	Section 100: Sub. 102.2	No	No
Defined As: A plan or course of action, guiding principle, or procedure considered being expedient, prudent or advantageous.						

¹ There are exceptions to a simple majority vote, such as to suspend the rules and wave the second reading or to add a new project or expenditure once the budget has been adopted. These exceptions require a minimum affirmative vote of five members of the Council.

² A second reading can be held on the same night as the public hearing.

³ There are exceptions to a simple majority vote such as the approval of a Contract Zoning Request (which requires a minimum affirmative vote of two thirds of the Council Members but not less than four) or the enactment of an Emergency Ordinance (which requires a minimum affirmative vote of five members of the Council to adopt it).

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

Order No. 16-55. Move approval on the new request for a Liquor License and a Food Handlers License from Patrick and Sue O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One, as follows:

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: September 2, 2016

RE: **Request for a Food Handlers License and Liquor License**

The following applicant is seeking approval on a new request for a Food Handlers License and a new Liquor License:

- Patrick and Sue O'Reilly, d/b/a O'Reilly's Cure, located at 264 US Route One.

The completed applications are on file with Clerk's Office and there are no outstanding issues and it is recommended that these licenses be approved.

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

Resolution 16-005. Move approval on the request to accept and approve Chapter 466 of the Public Laws of 1975 relating to the Portland Water District, as follows:



Portland Water District

F R O M S E B A G O L A K E T O C A S C O B A Y

M E M O R A N D U M

TO: Scarborough Town Council & Tom Hall, Scarborough Town Manager
FROM: Portland Water District
RE: Section 6103 Vote
DATE: September 2, 2016

The Town of Scarborough, along with the cities of Portland, South Portland and Westbrook and the towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Raymond and Windham, are the members of the Portland Water District. The District supplies water to the inhabitants of Scarborough as well as to its other member municipalities. It also supplies water to inhabitants of Standish and sells water to the Yarmouth Water District.

In order to meet rating agency concerns about the quality of the District's credit and to strengthen the District's ability to issue water bonds to finance necessary water system infrastructure, the Maine Legislature enacted a law, Title 35-A, Section 6103 of the Maine Revised Statutes, that provided additional security for the District's water bonds.¹ Thus, in addition to being secured by the District's water rates and charges, under Section 6103, the District's water bonds are also contingently secured by the taxing power of each member based on the relative proportion of each member municipality's state valuation.

The law was conditioned on approval by the District members and, in 1975, the Town of Scarborough, along with all of the other members of the District voted to approve and accept it.² Based on 2016 valuations, the current allocation of contingent liability is as follows:

<u>Member Municipality</u>	<u>2016 State Value</u>	<u>% Obligation</u>
Portland	\$7,996,350,000	29.60%
South Portland	3,791,950,000	14.04%
Scarborough	3,696,350,000	13.68%
Falmouth	2,253,100,000	8.34%
Westbrook	1,884,650,000	6.98%
Windham	1,867,050,000	6.91%
Cape Elizabeth	1,840,800,000	6.81%
Gorham	1,541,700,000	5.71%
Cumberland	1,144,550,000	4.24%
Raymond	998,250,000	3.70%

As part of the due diligence for a recent Portland Water District water bond issue, the District could not locate the records evidencing the Town of Scarborough's prior 1975 vote approving and accepting Section 6103. In order to ensure the records of the District and the Town are complete, the District is now requesting that the Scarborough Town Council vote to ratify and confirm the prior 1975 vote of the Town approving and accepting Section 6103.

¹ The law was originally codified at Title 35, Section 3211 of the Maine Revised Statutes.

² The Town of Raymond approved the law in 2001, when it became a member of the District.



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

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

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

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

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

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

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

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

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

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

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

A true copy, attest: _____, 2016

Yolande P. Justice
Scarborough Town Clerk

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

Resolution 16-006. Move approval of the consideration of and action on inducement resolution of the Town of Scarborough declaring its official intent with respect to issuance of its revenue obligation securities to fund the Martin's Point Project and authorizing the Town to apply to the Finance Authority of Maine for approval of the issuance of Revenue Obligation Securities, as follows:

RESOLUTION 16-006

TOWN OF SCARBOROUGH, MAINE BEFORE THE TOWN COUNCIL

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

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

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

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

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

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

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

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

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

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

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

Yolande P. Justice
Town Clerk
Scarborough, Maine

Date

Appendix A
Inducement Agreement

INDUCEMENT AGREEMENT

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

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

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

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

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

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

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

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

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

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

III. General

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

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

[The remainder of this page is intentionally left blank]

Officer or official empowered to act on behalf of the Borrower.

Name: David Howes

Address: 27 Northport Drive, Portland, ME 04101

Telephone: _____

Position Title: President

2. **BUSINESS DESCRIPTION**

A. Type of Business: Health Insurance/Health Care

B. Describe principal products and services: Offer 1) Uniform Services Family Health Insurance Plan; 2) Generations Advantage Health Insurance Plan; 3) Primary medical care.

C. Describe market(s) serviced (geographic and customer base):
Martin's Point offers health insurance throughout Maine, with particular focus on southern and central Maine. It also offers primary medical care at its network of clinics. (See Exh. A)

D. Provide names and address of direct and/or principal competitors within the State of Maine or a statement that there are none. (If none, state on what basis you concluded there are none). If competitor(s) within the State of Maine exist, attach hereto a draft copy of Notice of Hearing (attach separate sheet as necessary).

See Exhibit B.

3. **PROJECT DESCRIPTION**

Verify that you have examined the allocation of loan proceeds on page 4 of the Municipal Application.

_____ Reviewed and attest as accurate (initial).

Provide a detailed description of the use of the loan proceeds (attach a separate sheet as necessary).

Constructing an 18,000 square foot medical office building at

153 Route 1 in Scarborough, Maine.

Is this a relocation? ☒ yes ☐ no

If yes, from where? South Portland

Reason for relocation It's a leased facility which the primary care practice has outgrown.
Limited parking & facility layout make it infeasible to accommodate growth & patient needs.

Disposition of property abandoned as a result of this financing:

Facility is leased. Martin's Point Healthcare is not responsible for disposing of
any property.

Does any portion of the project include:

A. Sale of goods at retail? ☐ yes ☒ no

 What portion of the project will be devoted to retailing (in terms of physical space).

 Dollar value of construction costs allocated to retail component of the project.

 Dollar volume of sales attributable to retail sales for most recently complete fiscal year.

 Projected annual retail sales as percentage of all sales.

B. An office space component? ☒ yes ☐ no

38% Square footage % of the project usable for office space.

6,557 What portion of the project (in terms of physical space) is devoted to office space.

Please indicate if any of the percentages of dollar amount are expected to change over time while any portion of the bond is outstanding.

Note: For projects involving a retail or office component, a copy of floor plans or blueprints must be submitted. For any retail component questioned by

the Authority, the Authority will require outside accountant certification analysis of retail sales volume.

4. **ECONOMIC IMPACT OF THE PROJECT**

- A. The number of new direct (end user or committed tenant) full-time (at least 35 hours per week, 50 weeks per year) jobs to be created in Maine for Maine residents upon completion of the project (do not include project construction jobs or intrastate relocations) Exh. C.

Please provide documentation supporting this number and attach firm commitments from proposed tenants if the space is not owner occupied.

- B. The number of Full and part time direct jobs retained which will be lost if the project is not completed as well as new part-time direct jobs created in Maine for Maine residents upon completion of the project (do not include project construction jobs or intrastate relocations).

Full-time retained _____

Part-time retained _____

Part-time created _____

Please provide documentation supporting these numbers.

- C. Annual payroll of jobs identified in sections 4A & 4B above: \$195K.

- D. The current number of full-time employees in Maine: 705.

The current number of part-time employees in Maine: 46.

- E. Export Sales

Total current dollar sales volume for products or services sold to customers outside of Maine: \$194M

Estimated new or increase in dollar sales volume due to completion of this project for products sold to customers outside of Maine: \$0

Please describe the basis for your estimate of increased sales outside Maine.

5. SPECIAL PROJECT IMPACT

- A. Will this project provide or result in expanded markets for Maine natural resource products, or increase the productivity of a textile, apparel or footwear manufacturer? _____ yes X no

If yes, explain. _____

- B. If your project involves the sale or distribution of goods, does your firm purchase 50% or more of its raw materials, supplies or inventory from other Maine firms that are unaffiliated? _____ yes _____ no

If yes, explain. N/A _____

- C. Will this project make a significant contribution to the protection of the Maine environment including land, water and air resources?
_____ yes X no

If yes, explain. _____

6. What specific contribution(s) will this project make toward the economic growth, control of pollution or betterment of health, welfare and safety of the residents of the State (other than responses to questions 4 & 5 above)?
 The facility will provide primary care health services to residents of Scarborough and
 surrounding communities. It will continue the mission of Martin's Point Healthcare to
 create a healthier community by being an organization trusted for care, chosen for service,
 and uniting the community in affordable health.
7. Will this project result in any detriment to an existing business in the State of Maine? If so, explain what the detriment might be such as loss of market share, increased competition and whether the detriment is substantial.

Explain: Since this constitutes a relocation, we expect the effect on existing businesses
 to be minimal. _____

If this project is implemented, will there be sufficient demand in the market to utilize the efficient capacity of existing competitors?

Explain: Martin's Point has determined that demand for medical services in Scarborough significantly exceeds the capacity of the existing health infrastructure.

8. POLLUTION

- A. Do any of your activities cause any pollution or nuisance such as water or air pollution, odor, noise or dust?

Explain: No.

- B. What is the method of waste disposal?

See Exhibit D.

- C. This project must be approved by the Department of Environmental Protection. Send the application for Certification directly to the Department of Environmental Protection and attach a copy of that application to this statement (see "Attachments" page 8). This project may also require the approval of other entities (see "Attachments" page 8).

Disclosure: All materials contained in the application, including attachments, will be treated as public information unless the Borrower specifically request and justifies in writing to the Finance Authority of Maine that certain components of the application be treated as confidential. Any such request must specifically state the statutory criteria of 10 MRSA § 975-A.

Borrower Certification: I the undersigned certify that the information contained on this application, including attachments, is correct and accurate. I further certify that I have the authority to sign and submit this application to the Finance Authority of Maine on behalf of the applicant.

Date

Martin's Point Health Care, Inc.
Legal Entity

By: David Howes
Its: President

EXHIBIT A to BORROWER APPLICATION

LOCATIONS

<u>LOCATION</u>	<u>YEARS</u>
61 Barra Rd. Biddeford, ME 04005	1
74 Baribeau Dr. Brunswick, ME 04011	10
6 Farley Rd. Brunswick, ME 04011	17
575 Main St. Gorham, ME 04038	2
331 Veranda St. Portland, ME 04104	15+
27 Northport Dr. Portland, ME 04101	6
51 Ocean St. S. Portland, ME 04106	5+

EXHIBIT B to BORROWER APPLICATION

PLACEHOLDER FOR ATTACHMENT

EXHIBIT C TO BORROWER APPLICATION

Borrower expects to add one full time professional employee at this site within a year of completion.

Based on patient growth, new nurse practitioner and clinical support positions anticipated in 2018; MD/DO and clinical support positions in 2021.

EXHIBIT D to BORROWER APPLICATION

This facility will be designed with individual exam rooms; procedure rooms for minor surgical procedures; a phlebotomy area; and, administrative space. No industrial waste will be produced. Small volumes of biomedical waste will be collected onsite and disposed of by a licensed independent contractor in accordance with State regulations. Normal solid waste will be collected onsite and disposed of by a licensed independent contractor in accordance with State regulations.

NOTICE OF PUBLIC HEARING

A hearing will be held at the Finance Authority of Maine, 5 Community Drive, Augusta, Maine on September 28, 2016, at 10:00 a.m.

Pursuant to 10 MRSA §1063, the following application for Certificate of Approval for Revenue Obligation Securities for the following projects will be considered:

MUNICIPALITY:	Town of Scarborough, Maine
PROJECT USER:	Martin's Point Health Care, Inc.
PROJECT LOCATION:	153 Route 1, Scarborough, Maine
DESCRIPTION OF PROJECT:	To obtain permanent financing relating to the construction of an approximately 18,000 square foot medical office building at 153 Route 1 in Scarborough, Maine, to be used for the purpose of providing health care services (the "Project")

MAXIMUM AMOUNT OF REVENUE OBLIGATION SECURITIES TO BE ISSUED BY MUNICIPALITY TO PROVIDE FINANCING FOR THE PROJECT: \$8,000,000

Prior to issuing a Certificate of Approval, the Authority must make certain findings, including a finding under 10 MRSA §1063(2)(B) that the Project will not result in substantial detriment to existing industry. Opponents of the Project are entitled to appear at the hearing and object to issuance of the Certificate of Approval on the grounds that the Project is likely to cause substantial detriment. Any person or competitor who wishes to make an oral or written statement at the hearing should provide the Authority with written notice summarizing the statement and stating the person's or competitor's name, address and telephone number. The written notice should be received at the Authority on or before November 4, 2015.

Send to:	Christopher Roney, Esq.
	Finance Authority of Maine
	5 Community Drive
	P.O. Box 949
	Augusta, Maine 04332-0949

The hearing may be continued to a subsequent date and time without further notice other than to those who have entered objections or requests for notification of the hearing.

State of Maine




Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of organization, amendment and dissolution of corporations and annual reports filed by the same.

I further certify that MARTIN'S POINT HEALTH CARE, INC., formerly PENOBSCOT BAY MEDICAL ASSOCIATES, INC., formerly PENOBSCOT BAY MEDICAL ASSOCIATES is a duly organized nonprofit corporation without capital stock under the laws of the State of Maine and that the date of incorporation is May 20, 1971.

I further certify that said nonprofit corporation has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the charter and that according to the records in the Department of the Secretary of State, said nonprofit corporation is a legally existing nonprofit corporation in good standing under the laws of the State of Maine at the present time.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this thirty-first day of August 2016.



Matthew Dunlap
Secretary of State

**FINANCE AUTHORITY OF MAINE
MUNICIPAL SECURITIES APPROVAL PROGRAM**

MUNICIPAL APPLICATION

TO BE COMPLETED BY MUNICIPALITY

1. GENERAL MUNICIPALITY INFORMATION

Name of Municipality: Scarborough, ME

Address: 259 U.S. Route 1, Scarborough, ME

Zip: 04074 County: Cumberland

Name and title of municipal official responsible for project oversight:

Thomas Hall, Town Manager Phone: 730-4031

2. BORROWER IDENTIFICATION

Name: Martin's Point Health Care, Inc.

Address: 27 Northport Dr., Portland, ME 04101

3. PROPOSED PROJECT

Describe the project: Construction of an 18,000 square foot medical office building.

4. PROJECT LOCATION

Exact address or location description: 153 U.S. Route 1, Scarborough

5. MUNICIPAL ACTION

Date of Inducement: September 7, 2016

Date of Inducement Agreement: September 7, 2016

6. PROPOSED PURCHASER OF BONDS OR NOTES

Name: Androscoggin Bank

Address: 30 Lisbon Street

Lewiston, ME

Zip Code: 04243-1407

Principal Amount of Issue: \$ 8,000,000

Rate of Interest: 2.73 -10 yrs. Floating 11-15 %

Term of Issue: 15 years

7. COST OF PROJECT

How site was acquired: Martin's Point has entered into a long-term ground lease of the subject property, and built the facility to suit.

8. DEMAND ON PUBLIC FACILITIES

The municipality must identify completely the impact upon public facilities that will result from this project including cost and municipality cost recovery (attach separate sheets as necessary).

The facility will impose an incremental burden on Town services (e.g. increased sewer usage, increased traffic) but the Town does not believe it will result in any detriment to deliver public services.

9. PERMITS AND ZONING

Have all permits necessary for construction, use and occupancy been obtained?

 yes X no

If no, explain: Construction in progress; occupancy not ready.

Does this project comply with local planning and zoning ordinances?

 X yes no

If no, explain how compliance will be assured:

10. ADJOINING MUNICIPAL DETRIMENT

Will this project have a detrimental impact on an adjoining municipality's facilities or services?

_____ yes X no (If yes, explain)

11. PUBLIC BENEFITS

What specific public benefit(s) will the municipality or state derive from this project?

It is expected to result in the creation of one full time professional job within a year, and probably more over time.

A. What are the estimated annual municipal taxes to be derived from this project?
Estimated real estate taxes \$90,000.

12. ENVIRONMENTAL BENEFITS

Will this project provide any substantial environmental benefits?

_____ yes X no (if yes, explain)

13. COST ALLOCATION

Date of Land or Building Purchase: N/A

	<u>New Construction Project</u>	<u>Expansion/ Renovation Project</u>
Land	\$ _____	\$ _____
Land Improvements	\$ <u>752,941</u>	\$ _____
Building	\$ <u>1,700,407</u>	\$ _____
Fixtures	\$ <u>687,620</u>	\$ _____

Equipment/Utilities	\$ 464,000	\$ _____
Architectural Fees	\$ 236,250	\$ _____
Engineering Fees	\$ 59,000	\$ _____
Legal Fees	\$ 10,000	\$ _____
Construction Loan Points	\$ _____	\$ _____
Construction Loan Interest	\$ _____	\$ _____
Percent Loan Points	\$ _____	\$ _____
Other Packaging Fees	\$ 20,000	\$ _____
Legal/Bond Counsel	\$ 62,000	\$ _____
Issuance	\$ 18,000	\$ _____
Other (specify)	\$ _____	\$ _____
	\$ _____	\$ _____
Total Cost of New Project	\$ 4,010,218	
Total Cost of Improvement		\$ _____
Total Cost *	\$ 4,010,218	

** Total Cost of New Project plus Total Cost of Improvement.*

MUNICIPAL CERTIFICATION

I certify that I am authorized to complete this application on behalf of the municipality and that the information provided is true and accurate.

Scarborough
Municipality

Thomas Hall, Town Manager
Name and Title of Authorized
Municipal Official

Official's Signature

Date



June 2, 2016

Martin's Point Health Care
Attn: Warren Evans
27 Northport Drive
Portland, ME 04101

Dear Warren:

We have approved your request for a loan, and this letter, when accepted and properly signed, will constitute an agreement between Androscoggin Savings Bank (the "Bank"), who agrees to lend, and Martin's Point Health Care (the "Borrower") who agrees to borrow, in accordance with the following terms and conditions:

- A. **BORROWER:** Martin's Point Health Care, Inc.
- B. **AMOUNT:** Up to \$8,000,000 Term Loan
- C. **PURPOSE OF LOAN AND USE OF FUNDS:**
Permanent financing for the construction of a facility in Scarborough, Maine to be built on property leased by Borrower. The funds will be drawn down once Borrower has completed the construction (or at least is confident of the amount it will need to borrow).
- D. **RATE:** Fixed at 2.73% for the initial 10-years. After the initial 10 year fixed rate period, the interest rate will reset at the then Federal Home Loan Bank 5 Year Amortizing Rate plus Two (2.0%) percent multiplied by the Bank's then Marginal Tax Rate for the remaining term of the bond. That rate today would be 2.46%. As a result of the interest rate reset, the interest rate paid on deposits will revert back to 0.80%.
- E. **ORIGINATION FEES:** \$20,000. Fee will be collected upon acceptance and execution of the commitment letter. The origination fee will be non-refundable.
- F. **TERM:** Fifteen (15) years.
- G. **REPAYMENT TERMS:**

Level principal and interest payments based on a 180-month amortization, subject to re-amortization with any interest rate change.

- H. **LATE CHARGE:** A late charge of 5% of the scheduled monthly payment shall be assessed on each payment received more than ten (10) days after the scheduled due date.
- I. **DEFAULT INTEREST RATE:** The Bank shall have the right to charge interest, payable on demand, on the unpaid principal balance of the loan at an interest rate of six percent (6%) per annum in excess of the rate of interest otherwise payable for any period during which the Borrower shall be in default under any document governing or securing the loan.
- J. **DEPOSIT ACCOUNTS:** The rate and term of this commitment (and all existing commitments) are in express reliance upon your maintenance of a deposit relationship with us in accordance with the terms of this commitment and upon your continuing compliance with the terms and conditions of this commitment and loan documents. If, for any reason, this relationship changes, the Bank specifically reserves the right to review and modify the rate and term or to call for payment in full of the loan made hereunder. It should be noted, however, that no deposit accounts established by Borrower or Related Entities shall at any time serve as collateral for the loan.

Prior to or at the time of loan closing, Borrower shall deposit or cause to have deposited no less than the amount actually borrowed (up to \$8,000,000) into a supervised deposit trust account (the "Compensating Balance") that is segregated from other assets of the Bank, and shall maintain such Compensating Balance throughout the term of the Loan. The interest rate on the loan is subject to Bank paying Borrower or affiliate 0.80% on compensating balances. If at any time the Borrower chooses to increase/decrease the interest rate received on those deposit accounts, Bank will increase/decrease the loan's interest rate by an amount equal to the change multiplied by a factor of 72.5%. Borrower is limited to one interest rate change per calendar year and may not increase or decrease the interest rate any more than 2.0% in any calendar year. At no time will the interest rate paid on deposits exceed the interest rate of the bond.

Bank shall decrease the balance requirement for the Compensating Balance to reflect the then principal balance of the loan annually and at upon any prepayment. At no time, however, will Bank decrease the required Compensating Balance account to an amount less than the then principal balance. Any non-compliance associated with the establishment/ maintenance of the Compensating Balance account will constitute a default under the loan agreement.

- K. **OFFSET RIGHTS:** Borrower agrees the Bank shall have the right, without notice, to reduce to possession and set off against any and all obligations of the Borrower that are due and have not been paid within five (5) days after demand by the Bank any account (other than the aforementioned Compensating Balance), deposit or other property of Borrower coming into Bank's possession.

L. PREPAYMENT PENALTY:

Borrower will pay to Bank a premium equal to 5% of any payment of principal in advance of its scheduled due date in year 1, 4% in year 2, 3% in year 3, 2% in year 4, 1% in year 5, 1% in year 6, and 1% in year 7. Prepayment is defined as a refinance by another financial institution.

M. COLLATERAL:

The loan will be unsecured, but subject to a negative pledge given on Borrower's leasehold interest in the subject property for which loan proceeds will be used.

O. FINANCIAL STATEMENTS:

Borrower shall furnish annually to Bank the Borrower's and its subsidiaries' audited financial statements within 45 days after their completion, but in any event no later than September 1 of each of each of Borrower's fiscal years.

Borrower shall provide annually to Bank a debt matrix showing all its debt and its subsidiaries.

Borrower will maintain its books and records relating to its financial affairs at all times in accordance with, and all financial statements provided for herein shall be prepared in accordance with, generally accepted accounting principles.

Failure to provide Bank with required financial information when required will be considered a default in the terms and conditions of the documents, and the Bank reserves the right to charge the Default Rate on the unpaid principal balance for the period in which Borrower or Guarantor remains in default.

P. INSURANCE REQUIREMENTS:

Borrower will maintain hazard, liability and flood insurance (if applicable) with financially sound and reputable insurers in such amounts and for such coverage as shall be satisfactory in all respects to Bank on any Collateral that is later pledged in lieu of the Compensating balance.

Bank shall be designated as loss payee and additional insured, with ten (10) day Notice of Cancellation Clause given to Bank on any such Collateral.

Q. CONDITIONS:

1. Borrower will pay all out-of-pocket costs and expenses incurred by Bank in connection with the closing of the proposed loan. This will include, but will not be limited to, bond counsel fees, lien search fees, filing fees, and an environmental risk determination report. Other than the fees incurred by bond counsel, Borrower's obligation to pay these fees will not exceed \$5,000. These fees will be paid by Borrower whether or not the transaction contemplated herein is closed.

In the event that Borrower does not conform to the DSCR requirements found in Section S. 1 and Borrower elects to pledge its leasehold interest in the subject Scarborough real estate as collateral, Borrower agrees to pay any out-of-pocket costs and expenses incurred by the Bank as a result. Additionally, other events following the closing and for the duration of the life of the loan could induce the Bank to incur costs of which Borrower will be responsible. These costs may include, but are not limited to subsequent appraisal costs, any subsequent environmental risk determinations (including, but not limited to a Phase I Report) and/or title and lien search fees which may be required by the Bank. Bank agrees such costs must be reasonable.

2. Borrower shall execute such further documents to secure the loan transaction contemplated hereunder as counsel for Bank shall determine necessary or advisable in the interest of Bank.

3. A default in any outstanding loan by Borrower to Bank or to any other person or institution will be considered as a default in all loans.

4. Any business conducted by Borrower shall have all licenses, permits and approvals to operate.

5. Any future collateral shall be kept in good repair, and all taxes and assessments thereon shall be paid when due.

6. Borrower agrees to indemnify and hold Bank harmless from all liability or loss arising out of violations of all applicable environmental laws or regulations except insofar as the violation was a direct and intentional result or independent action taken by Bank.

7. No loan commitment given by Bank to Borrower shall be assignable by Borrower.

8. No liens, attachments or other encumbrances, whether or not superior to the lien of Bank, shall be placed or arise upon the subject property located in Scarborough other than those previously approved by Bank.

9. Borrower shall certify to Bank prior to closing the status of any actions, suits, proceedings or investigations, now pending or to the knowledge of Borrower threatened against or affecting Borrower.

10. Borrower hereby submits to the jurisdiction of the state and federal courts located within the State of Maine in connection with any suits or proceedings arising from, under or in connection with any loan document, and agree that this Commitment Letter and the loan documents governing the loan transaction shall be construed in all respects in accordance with and shall be governed by the laws of the State of Maine. Borrower hereby waives any rights that Borrower may have to a trial by jury of any dispute arising under or relating to this loan or any of the other documents executed in conjunction with this loan (including commitment letter(s), notes, mortgages, pledge agreements, security

agreements, financing statements, guaranties and other documents related to this loan) and agrees that any such dispute shall be tried before a judge sitting without a jury.

11. Bank's receipt of a Certificate of Occupancy from the City of Scarborough related to the subject property being financed within six (6) months after the loan closing.

12. Evidence of final costs associated with the cost of construction for the subject property located in Scarborough.

13. Borrower must utilize a conduit such as FAME or MHHFA in order to access Bank's anticipated tax exempt financing proposal. Borrower must meet all eligibility requirements of said conduits.

14. Satisfactory receipt and review of a list of any and all pending lawsuits concerning Borrower prior to loan closing.

R. ORGANIZATIONAL DOCUMENTS

1. Bank's commitment to lend is subject to Bank's receipt of satisfactory organizational documents authorizing the Borrower to act on the following items as well as other actions deemed necessary by Bank and its legal counsel:

- a. Ownership of property to be financed with the loan.
- b. Ability to borrow funds.
- c. Ability to pledge assets for collateral, if necessary.

2. Borrower shall provide an opinion of counsel, acceptable in form and substance to Bank's counsel, to the Bank stating a legal opinion of such attorney as to such matters as we may request, including but not limited to the following:

- a. Corporate existence;
- b. Corporate authority;
- c. Eligibility for non-taxable bond financing;

3. Borrower shall provide Bank's counsel with all necessary organizational documents for review prior to closing including, but not limited to the following:

- a. Corporate Bylaws.
- b. Evidence of Borrower's Authority.
- c. Certificate of Good Standing.

S. FINANCIAL COVENANTS:

1. Borrower shall maintain a minimum Debt Service Coverage Ratio (as defined below) of not less than 1.25:1, tested annually. If the Borrower does not maintain a 1.25x debt service coverage ratio or greater, tested annually, collateral deemed acceptable to the Bank will need to be pledged to the loan within 90 days of notification.

2. Borrower shall maintain a Debt to Net Worth Ratio of no more than 0.50:1, tested annually.

Definition of Debt Service Coverage Ratio:

(Net Income minus Income Taxes + depreciation/amortization+ interest expense +/- non-recurring items)/ Aggregate Annual Debt Service

T. GENERAL:

Under Maine law, no promise, contract or agreement to lend money, extend credit, forbear from collection of a debt or make any other accommodation for the repayment of a debt for more than \$250,000 may be enforced in court against the Bank unless the promise, contract or agreement is in writing and signed by the Bank. Accordingly, the Borrower cannot enforce any oral promise unless it is contained in a loan document signed by the Bank, nor can any change forbearance, or other accommodation relating to the loan, this agreement or any other loan document be enforced, unless it is in writing signed by the Bank. Borrower also understands that all future promises, contracts or agreements of the Bank relating to any other transaction between Borrower and Bank cannot be enforced in court unless they are in writing signed by the Bank. Borrower further agrees that the requirement of a writing described in this paragraph shall apply to this commitment, the loans or credit described herein, any extension, modification, renewal, forbearance or other accommodation relating to the transactions contemplated by this commitment, and to any other credit relationship between Borrower and Bank, (whether existing now or created in the future) whether or not the amount involved exceeds \$250,000.

Any additions, deletions, substitutions or other changes in this Agreement must be documented in writing to become effective.

This commitment was approved upon the basis of information and financial data furnished by Borrower and is extended subject to and conditioned upon there being no material change in the information provided or financial condition of Borrower. In the event of such material change, in the opinion of Bank, the right is reserved to terminate the commitment. Further, at any time after the date hereof the Bank deems itself insecure, it may require additional collateral or alter the terms of this commitment.

To the extent that the terms and conditions as stated herein are not incorporated into the loan documents, this letter will survive the loan closing and will govern our relationship while the loan detailed herein, together with interest and fees, remains outstanding.

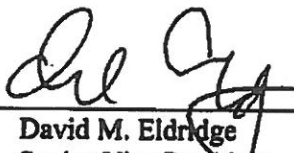
The Bank's obligation to make loans or advances hereunder is hereby expressly conditioned upon receipt by the Bank of any reports, instruments or documentation as required herein and which are satisfactory to the bank. If the terms and conditions as herein stated are satisfactory, please sign this letter signifying your acceptance and return a signed and accepted copy by July 15, 2016, along with a check in the amount of \$20,000, as your authorization for us to proceed. If we do not receive your written acceptance as requested, this commitment will expire at that time. Whether or not the aforesaid conditions are met, the loan must close by February 28, 2017 or this commitment will expire. The Bank may, however, at its own discretion may choose to close the

Martin's Point Health Care
June 21, 2016
Page 7 of 7

loan at any time that all conditions are met. Any extension of this commitment must be in writing and signed by both parties.

Sincerely,

ANDROSCOGGIN SAVINGS BANK

By: 
David M. Eldridge
Its: Senior Vice President

The undersigned acknowledges receipt and acceptance of this commitment letter, the terms and conditions of which shall survive until the loan made hereunder is paid in full unless modified in writing and signed by Borrower, Guarantor and the Bank.

BORROWER:

Martin's Point Health Care, Inc.

By: _____

Its:

FINANCE AUTHORITY OF MAINE EMPLOYMENT PLAN

In accordance with 10 MRSA Section 979, the Finance Authority of Maine requires that all applicants with more than ten (10) employees who receive financial assistance, describe any potential employment opportunities which may assist recipients of Aid to Families with Dependent Children. The information below must be provided as part of this process. This form will be released to a representative for the State's Employment and Training programs who will then contact the company about any training or openings specified in this application.

1. APPLICANT INFORMATION

Company Name: Martin's Point Health Care, Inc.
Project Address: 153 U.S. Route 1, Scarborough, ME 04074
Phone: (207) 253-6204 Fax: _____ E-Mail: warren.evans@martinspoint.org

If the expansion is occurring at a site other than the main office, please complete the following:

Office Address: 27 Northport Drive, Portland, ME 04101
Phone: _____ Fax: _____ E-Mail: _____

Please indicate the company representative who should be contacted to follow-up on this information:

Name: Warren Evans
Title: Corporate Comptroller
Phone: (207) 253-6204 Fax: _____ E-Mail: warren.evans@martinspoint.org

2. BUSINESS DESCRIPTION. If addressed in the FAME application, please note appropriate section.

Describe the type of business: See FAME Application question 2A.

Describe principal products/services: See FAME Application question 2B.

3. EMPLOYMENT INFORMATION. Please note any general employment-related information from the FAME, application.

Number of current employees:	<u>801</u>		
Percentage of current employees in various job categories.			
<u>46%</u> Office	<u>22%</u> Professional	<u>N/A</u> Sales	
<u>0</u> Managerial	<u>32%</u> Technical	<u>N/A</u> Production	

Number of new full-time/part-time positions created as a result of FAME assistance:

FT	PT	
_____	_____	1st year
_____	_____	2nd year
_____	_____	3rd year
_____	_____	TOTAL

Title(s) and brief job description(s) for all new positions. (Attach additional sheets, if necessary.)

See attachment

4. TRAINING INFORMATION.

In what ways could a training program assist your company?

N/A

What training will your company provide?

N/A

How would wage assistance be helpful in training new employees?

N/A

What is your projected hiring schedule?

For additional details and information, please contact FAME:

Finance Authority of Maine
5 Community Drive
P.O. Box 949
Augusta, ME 04332-0949

Tel: 1-800-228-3734
(207) 623-3263
Fax: (207) 623-0095
TTY: (207) 626-2717
E-mail: info@famemaine.com
URL: www.famemaine.com

Attachment to Employment Plan

Borrower expects to add one full time professional employee at this site within a year of completion.

Based on patient growth, new nurse practitioner and clinical support positions anticipated in 2018; MD/DO and clinical support positions in 2021.

**FINANCE AUTHORITY OF MAINE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION ASSESSMENT APPLICATION**

NOTICE OF PROJECT INTENT

1. Must be filed with the: **Maine Department of Environmental Protection**
Attn: Kevin Nelson
17 State House Station
Augusta, Maine 04333
2. Please indicate the appropriate section of the Statute for your application.

☐ Loan Insurance Sec. 1021
☐ Taxable Bonds Sec. 961
☐ Tax Exempt Bonds (Revenue Obligation Securities Program) (ROSP) Sec. 1041
☒ Tax Exempt (Municipal Securities Approval Program) (MSAP) Sec. 1061

APPLICANT INFORMATION

1. Borrower name: Martin's Point Health Care, Inc.
Contact person: Warren Evans
Address: 27 Northport Drive, Portland
State: ME Zip: 04101
Telephone: (207) 253-6204 Fax: _____
2. If the project being financed is occurring at a site other than the address listed above, please provide that address:

Borrower name: Martin's Point Health Care, Inc.
Contact person: Warren Evans
Title: Corporate Comptroller
Address: 153 U.S. Route 1, Scarborough
State: ME Zip: 04074
Telephone: (207) 253-6204 Fax: _____
3. Is the applicant a Maine corporation? ☒ YES ☐ NO
4. If the applicant is a Maine corporation, please submit a copy of the Certificate of Good Standing from the Maine Secretary of State. Certificate submitted? ☒ YES ☐ NO
5. If the applicant is not a Maine corporation, please identify the state of incorporation: _____
6. If the applicant is not a Maine corporation, is it registered with the Secretary of State? ☐ YES ☐ NO
7. If the applicant is commonly known by a name other than its legal name, please provide that name: _____

ENVIRONMENTAL INFORMATION

1. Will the project under consideration produce an industrial liquid effluent? ☐ YES ☒ NO
2. Will the project under consideration produce an industrial air emission? ☐ YES ☒ NO

3. Will the project under consideration involve the storage of more than 500 barrels of petroleum products and/or the handling and transfer of oil products in areas adjacent to tidal waters or the estuaries of tributaries? ☐ YES ☒ NO
4. Will the project under consideration exceed 20 acres, or, if adding to the site conditions in existence since 1970, will such an addition cause the cumulative size of the project site to exceed 20 acres? ☐ YES ☒ NO
5. Will the project under consideration involve the construction of a new structure(s) occupying a ground area in excess of 60,000 square feet, or, if adding to an existing structure, which has been constructed since 1970, will the addition cause the cumulative ground area of the structures to exceed 60,000 square feet? ☐ YES ☒ NO
6. Will the project under consideration involve the excavation of natural resources of: 1) three acres (this includes the cumulative area of all excavation since 1970) or, 2) 1,000 cubic yards per year? ☐ YES ☒ NO
7. Will the project under consideration result in the generation, treatment, storage, or disposal of any hazardous waste as defined in Chapter 850 of the regulations of the Maine Department of Environmental Protection? ☐ YES ☒ NO

NOTE: If you answered YES to any of the questions in the Environmental Information, the project developers should contact the Maine Department of Environmental Protection as soon as possible to discuss the proposed project.

PROJECT DESCRIPTION

Please describe in general terms the project in question. Please use additional space as necessary.
Construction of an 18,000 square foot medical office building.

CERTIFICATION

I certify that I am authorized to submit this application and I am familiar with the information contained in it and to the best of my knowledge and belief such information is true, complete and accurate.

Applicant (please print): David Howes

Phone: _____

Applicant Signature: _____

Fax: _____

Title (print): President

Date: _____

Business Address: 27 Northport Dr.

Portland, ME 04101

FOR ADDITIONAL DETAILS AND INFORMATION, PLEASE CONTACT FAME:

Finance Authority of Maine
5 Community Drive
P.O. Box 949
Augusta, ME 04332-0949

Tel: 1-800-228-3734
(207) 623-3263
Fax: (207) 623-0095
TTY: (207) 626-2717

E-mail: info@famemaine.com

URL: www.famemaine.com

FINANCE AUTHORITY OF MAINE ENVIRONMENTAL QUESTIONNAIRE

1. Name of Applicant: Martin's Point Healthcare, Inc.
2. List all locations of the applicant's business: See attached.
(State whether the applicant is the owner or lessee of any premises referred to above.)
3. Describe briefly the nature of the applicant's business: Provision of health insurance and primary health care services.
4. List all real estate owned by the applicant or by any guarantors of the loan, including any real estate which may have been referred to above and all real estate which is to secure this loan. Please state location and describe whether residential, commercial or industrial and describe improvements. If any such real estate is commercial or industrial, describe the nature of any activities occurring at those premises, whether such activities are conducted by the applicant or any guarantor as owner of the real estate or by a tenant and indicate for how long such activity has been taking place. If known, describe prior uses or activities at any such locations:
27 Northport Dr., Portland, ME (admin. offices); 381 Veranda St., Portland, ME (primary care & admin.); 61 Barra Dr., Biddeford, ME (primary care offices); 6 Farley Rd., Brunswick, ME (primary care offices); 575 Main St., Gorham, ME (primary care offices); 161 Corporate Dr., Portsmouth, NH (primary care offices).
Regarding each piece of property, indicate date of transfer to current owner and state whether property was or may have been included in a property description with any other properties at any time after July 1, 1987.
5. Please indicate if the applicant's business or any of the activities, past or present, at any of the properties referred to in 2 and 4 above, whether conducted by the applicant or any guarantor as owner or lessee of the real estate or by any other lessee, ever included any of the following: gas stations, car washes, auto, truck, bus or boat maintenance or repairs, auto dealers, auto body shops, chemical manufacturing, metal plating, electronic component manufacturing, machine shops, dry cleaning, tanning, coal, gas or tar plants, railroad yards, electrical substations, sand or gravel pits, pigfarms, landfills or junkyards:
N/A
6. Identify all environmental or land use licenses, permits, approvals, authorizations, certifications, notices or filings which are required by any governmental agency for the applicant's business. Indicate those now held or delivered, date of issuance or filing and date of expiration or date of application (for those not yet held). If issued or filed, attach copies.
7. Do the applicant's business operations involve the generation, treatment, storage or disposal of any hazardous wastes or substances as defined in Chapter 850 of the Regulations of the Maine Department of Environmental Protection, the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. ("RCRA") or the Comprehensive Environment Response, Compensation and Liability Act, 42 U.S.C. §9601 et seq. ("CERCLA"), or under any regulations implementing RCRA or CERCLA?

☐ YES ☒ NO

If yes, identify by chemical and trade name the type(s) of waste(s) and provide an estimate of quantity. _____

If yes, describe the process which uses or results in the substances or wastes, the methods of storage of any such substances or wastes, and the methods of disposal of any such wastes: _____

8. Have any activities at any of the locations referred to in 4 above, by current or prior owners, ever resulted in the generation of hazardous wastes at any time? ☐ YES ☒ NO
If yes, has the facility been closed in accordance with all applicable laws and received certification of such? ☐ YES ☒ NO

Explain: _____

9. Are any hazardous substances or wastes transported to or from any of the applicant's business locations? ☐ YES ☒ NO

If yes, identify by chemical and trade names the type(s) of waste(s) and identify the location(s) to which any such wastes are transported: _____

10. Has an environmental site audit, history, review or assessment ever been performed at any of the locations listed in 4 above? ☒ YES ☐ NO

If yes, state at which location(s), when, the result(s) and attach a copy if available.

61 Barra Rd, Biddeford, ME - phase 1 environmental assessment

11. Are there or were there ever any above or underground oil or chemical storage tanks on any of the premises listed in 4 above? ☐ YES ☒ NO

If yes, indicate the number of tanks at each location, the age of each tank, the location of the tanks on site, the storage capacity of each tank, the contents of any such tanks, the DEP registration number of each tank or owner, whether the tanks are or will be abandoned, and whether and when any such tanks were ever removed or replaced: _____

If yes, indicate whether any tank has been precision tested or had a statistical analysis of product inventory done within the past year. If so, provide a copy of the results.

12. Have any of the locations referred to in 4 above ever been used as a junkyard, as a dump for any materials or as a disposal site for any hazardous wastes or substances? ☐ YES ☒ NO

If yes, describe the nature and dates of any such use, the generator, if known, of any wastes, and the owner or operator of the site at the time of such use or disposal: _____

13. Do any of the locations referred to in 4 above contain any wastewater treatment lagoons or lagoons for the storage or treatment of any hazardous wastes? ☐ YES ☒ NO

If yes, describe age, capacity and nature of lagoons, and whether or not actively in use: _____

If inactive, indicate when abandoned and whether the lagoons have been closed in accordance with applicable law and received certification of such: _____

14. Has there ever been a release or threat of release of oil or any hazardous wastes at any of the locations referred to in 4 above? ☐ YES ☒ NO

If yes, identify location(s), applicable dates and explain, stating whether the release was cleaned up and when: _____

State whether any such releases were reported to any agency of State or federal government and if so, when and to whom reported: _____

15. Do any of the locations referred to in 4 above contain any asbestos? ☐ YES ☒ NO

If yes, state at which location(s): _____

16. Is any location, referral to in 4 above located on or adjacent to any wetland (fresh water or coastal)? ☒ YES ☐ NO

If yes, identify the location(s): 331 Veranda St., Portland, ME - adjacent to Casco Bay

17. Are there likely to be any emissions of any "air pollution" or "hazardous air pollutant" (as defined in Title 38 Section 582(3) M.R.S.A. of 1964 as amended, and in Section 582(7-G) of said Title, respectively, and any and all Regulations and Standards adopted pursuant to Chapter 4 of Title 38 M.R.S.A. of 1964, as amended) into the atmosphere at any of the locations listed in 4 above? ☐ YES ☒ NO

If yes, state at which location(s) and explain: _____

18. Has the applicant or any guarantor ever been subject to any governmental enforcement or compliance action or proceeding related to any property referred to in 4 above or to any licenses, permits, approval, authorization, certifications, notices or filings referred to in 5 above or to any environmental or land use laws or regulations? ☐ YES ☒ NO

If yes, explain: _____

19. Is the applicant or any guarantor aware of any environmental problems or potential environmental problems at any of the locations referred to in 4 above or at any other locations ever owned or used in a manner by the applicant or any guarantor, whether or not such problems have been identified by any federal, State or local authorities? ☐ YES ☒ NO

If yes, explain: _____

List all real estate ever owned or used by the applicant or any guarantor of the loan which is or may be the subject of environmental problems. _____

20. Has any application by this applicant or any guarantor for any environmental license, permit, approval, authorization or certification ever been denied or not renewed?

☐ YES ☒ NO If yes, explain: _____

The undersigned hereby certifies he/she has exercised due diligence and made all appropriate inquiries in completing the questionnaire and that the foregoing information is true and correct to the best of his/her/its knowledge.

Printed Name: _____

Signature: _____

Title: _____

Date: _____

ATTACHMENT TO ENVIRONMENTAL QUESTIONNAIRE

LOCATION	YEARS	OWN OR RENT
61 Barra Rd. Biddeford, ME 04005	1	Rent
74 Baribeau Dr. Brunswick, ME 04011	10+	Rent
6 Farley Rd. Brunswick, ME 04011	10+	Rent
575 Main St. Gorham, ME 04038	1	Own
331 Veranda St. Portland, ME 04104	15+	Own
27 Northport Dr. Portland, ME 04101	6	Own
51 Ocean St. S. Portland, ME 04106	10	Rent
891 Washington Ave. Portland, ME	5+	Lease
895 Washington Ave. Portland, Maine	5+	Lease
901 Washington Ave. Portland, Maine	5+	Lease

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

Order No. 16-56. Move approval of the first reading on the proposed new ordinance, Chapter 615 – the Town of Scarborough Blasting Ordinance and schedule a public hearing and second reading for Wednesday, September 21, 2016, as follows:

**PROPOSED NEW CHAPTER 615 –
TOWN OF SCARBOROUGH BLASTING ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine,
in Town Council assembled, that Chapter 615 – the Blasting Ordinance for the Town of
Scarborough, Maine is adopted as follows:

**CHAPTER 615
TOWN OF SCARBOROUGH
BLASTING ORDINANCE**

ADOPTED

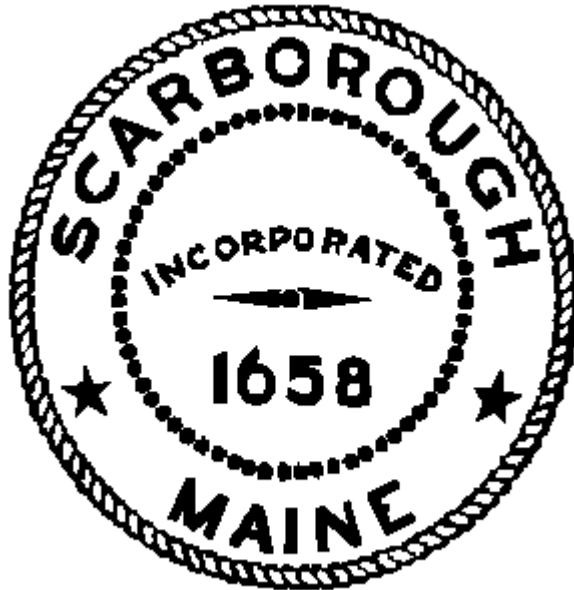


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Section IX	Severability

CHAPTER [REDACTED]
TOWN OF SCARBOROUGH
BLASTING ORDINANCE
ADOPTED [REDACTED]

SECTION I Purpose

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

SECTION II Regulations & Codes

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

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

SECTION III Permit Required

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

SECTION IV Permit Application Procedure

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

- a) Prior to applying for a Scarborough Fire Department Blasting Permit the applicant must have a valid State of Maine Explosives User Permit issued by the State Fire Marshal's office.
- b) At time of application the applicant must provide:
 - i. A valid certificate of liability insurance with a policy limit of not less than \$2,000,000 which includes a statement clearly indicating that blasting and use of explosives is covered under the policy.
 - ii. A scaled map denoting the general blasting location(s) and identifying all structures located within 500 feet of the blast area.
 - iii. A list of all properties within the 500 foot pre-blast survey and notification range including the address, owner's name, and a phone number.
 - iv. The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees.

SECTION V Notifications

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

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

SECTION VI Hours of Detonation

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

SECTION VII Other Requirements

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

SECTION VIII Violation and Enforcement

- a) **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than One Hundred (\$100.00) Dollars per day or more than Two Thousand Five Hundred (\$2,500.00) per day as per Title 30-A M.R.S.A, Section 4452. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) **PENALTY FOR WILLFUL VIOLATION:** Any person who violates the provisions of this ordinance after having been informed by any officer, employee, or agent of the Town of Scarborough has conducted a willful violation of this ordinance and shall be fined the maximum daily amount of Two Thousand Five Hundred (\$2,500.00) Dollars.
- c) **ENFORCEMENT.** This Ordinance shall be enforced by the Town of Scarborough Police Department.
- d) **INJUNCTION:** In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

SECTION IX Severability

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



SCARBOROUGH FIRE DEPARTMENT

246 U. S. Route One

Scarborough, ME 04074

Tel. (207) 883-4542

FAX: (207) 730-



APPLICATION FOR BLASTING PERMIT

APPLICANT MUST FILL OUT ALL REQUIRED INFORMATION BELOW

NAME OF APPLICANT: _____ TEL: _____

MAILING ADDRESS: _____

CITY/TOWN: _____ STATE: _____ ZIP: _____

BLASTING SITE INFORMATION

NAME OF PROJECT/OWNER: _____

PROPERTY ADDRESS: _____

SPECIFIC LOCATION: _____

CONTACT PERSON WHO KNOWS WHERE THE FIRING POINT WILL BE: _____

TELEPHONE NUMBERS: _____

THE APPLICATION SHALL BE ACCOMPANIED BY AN ACCURATE AND DETAILED SITE DIAGRAM.

Including:

1. COPY OF TAX MAP WITH LOTS IDENTIFIED
2. MAP INDICATING STRUCTURE LOCATIONS IN REFERENCE TO BLAST LOCATION
3. COPY OF LIABILITY INSURANCE WITH 2,000,000 MINIMUM COVERAGE
4. PRE-BLAST SURVEY INCLUDING ALL ABUTTERS AND RESIDENCES WITHIN A 500 FOOT RADIUS.

BY SIGNING THE APPLICANT ATTESTS ALL BLASTING WILL BE CARRIED OUT IN ACCORDANCE WITH NFPA 495 EXPLOSIVE MATERIALS CODE AND ALL OTHER APPLICABLE STANDARDS AND LAWS. THE APPLICANT IS RESPONSIBLE FOR ANY BLASTING RELATED DAMAGES THAT MIGHT OCCUR AS A RESULT OF BLASTING ACTIVITIES UNDERTAKEN. THIS PERMIT IS REVOCABLE AT ANY TIME IF IT IS FOUND THAT BLASTING IS BEING CONDUCTED IN VIOLATION OF APPLICABLE LAWS, RULES, AND STANDARDS OR IN A MANNER UNSAFE OR UNSUITABLE AS DETERMINED BY THE FIRE CHIEF OR HIS DESIGNEE. THE APPLICANTS SIGNATURE ON THIS FORM CONSTITUTES AN UNDERSTANDING AND ACCEPTANCE OF THESE TERMS.

PRINTED NAME OF APPLICANT: _____

(SIGNATURE AND TITLE OF APPLICANT)

BLASTING INFORMATION

NAME OF LICENSED TECHNICIAN: _____

CITY/TOWN: _____ STATE: _____

TELEPHONE: _____

DATE OF BLAST: _____ TIME OF BLAST: _____

☐ ABUTTERS & UTILITIES NOTIFIED

ESTIMATED NUMBER OF BLASTS: _____

EST. CUBIC YARDS TO BE REMOVED: _____

☐ STATE FIRE MARSHAL'S PERMIT FOR EXPLOSIVES
USER RECEIVED

NOTES:



SCARBOROUGH FIRE DEPARTMENT USE ONLY



APPLICATION REC'D: _____ INSPECTED: _____ PERMIT FEE PAID: _____ PERMIT ISSUED: _____ NOTES: _____

DATE: _____ DATE: _____ DATE: _____ DATE: _____

BY: _____ BY: _____ AMOUNT: _____ BY: _____



SCARBOROUGH FIRE DEPARTMENT

246 U. S. Route One

Scarborough, ME 04074

Tel. (207) 883-4542

FAX: (207) 730-



APPLICATION FOR BLASTING PERMIT

APPLICANT MUST FILL OUT ALL REQUIRED INFORMATION BELOW

NAME OF APPLICANT: _____ TEL: _____

MAILING ADDRESS: _____

CITY/TOWN: _____ STATE: _____ ZIP: _____

BLASTING SITE INFORMATON

NAME OF PROJECT/OWNER: _____

PROPERTY ADDRESS: _____

SPECIFIC LOCATION: _____

CONTACT PERSON WHO KNOWS WHERE THE FIRING POINT WILL BE: _____

TELEPHONE NUMBERS: _____

THE APPLICATION SHALL BE ACCOMPANIED BY AN ACCURATE AND DETAILED SITE DIAGRAM.

Including:

1. COPY OF TAX MAP WITH LOTS IDENTIFIED
2. MAP INDICATING STRUCTURE LOCATIONS IN REFERENCE TO BLAST LOCATION
3. COPY OF LIABILITY INSURANCE WITH 2,000,000 MINIMUM COVERAGE
4. PRE-BLAST SURVEY INCLUDING ALL ABUTTERS AND RESIDENCES WITHIN A 500 FOOT RADIUS.

BY SIGNING THE APPLICANT ATTESTS ALL BLASTING WILL BE CARRIED OUT IN ACCORDANCE WITH NFPA 495 EXPLOSIVE MATERIALS CODE AND ALL OTHER APPLICABLE STANDARDS AND LAWS. THE APPLICANT IS RESPONSIBLE FOR ANY BLASTING RELATED DAMAGES THAT MIGHT OCCUR AS A RESULT OF BLASTING ACTIVITIES UNDERTAKEN. THIS PERMIT IS REVOCABLE AT ANY TIME IF IT IS FOUND THAT BLASTING IS BEING CONDUCTED IN VIOLATION OF APPLICABLE LAWS, RULES, AND STANDARDS OR IN A MANNER UNSAFE OR UNSUITABLE AS DETERMINED BY THE FIRE CHIEF OR HIS DESIGNEE. THE APPLICANTS SIGNATURE ON THIS FORM CONSTITUTES AN UNDERSTANDING AND ACCEPTANCE OF THESE TERMS.

PRINTED NAME OF APPLICANT: _____

(SIGNATURE AND TITLE OF APPLICANT)

BLASTING INFORMATION

NAME OF LICENSED TECHNICIAN: _____

CITY/TOWN: _____ STATE: _____

TELEPHONE: _____

DATE OF BLAST: _____ TIME OF BLAST: _____

☐ ABUTTERS & UTILITIES NOTIFIED

ESTIMATED NUMBER OF BLASTS: _____

EST. CUBIC YARDS TO BE REMOVED: _____

☐

STATE FIRE MARSHAL'S PERMIT FOR EXPLOSIVES
USER RECEIVED

NOTES:



SCARBOROUGH FIRE DEPARTMENT USE ONLY



APPLICATION REC'D:	INSPECTED:	PERMIT FEE PAID:	PERMIT ISSUED:	NOTES:
DATE:	DATE:	DATE:	DATE:	
BY:	BY:	AMOUNT:	BY:	

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

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

TO: Municipal Officials/Welfare Directors/General Assistance Administrators

FROM: Ian Miller, General Assistance Program Manager

RE: 2016 – 2017 General Assistance Ordinance Maximums

DATE:

Enclosed please find the following items:

- MMA's new (October 1, 2016–September 30, 2017) “**General Assistance Ordinance Appendix**” (A - D).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Appendix A - D

The enclosed Appendices A - D have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – D. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

The Adoption Process

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site www.memun.org).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	703	777	981	1,227	1,437
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	596	673	836	1,082	1,254
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	575	678	855	1,086	1,241
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	838	975	1,220	1,638	1,717
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	967	1,011	1,316	1,693	2,070
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	750	796	1,058	1,542	1,759

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

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

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

Non-Metropolitan Areas

Persons in Household

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

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

Food Maximums

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

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

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

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	111	476	129	556
1	111	476	131	565
2	130	558	159	682
3	167	718	202	870
4	177	762	220	947
<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	136	583
1	117	503	140	603
2	137	591	166	715
3	173	743	208	895
4	258	1,108	301	1,293
<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	114	489	137	590
1	126	543	155	667
2	163	699	198	853
3	220	948	264	1,136
4	220	948	271	1,166
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	448	128	549
1	109	469	138	593
2	142	609	177	763
3	184	792	228	980
4	186	801	240	1,030

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	135	579	158	680
1	135	579	158	680
2	158	679	194	833
3	207	889	250	1,077
4	223	959	276	1,188
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	142	609
1	128	549	157	673
2	162	698	198	852
3	205	880	248	1,068
4	242	1,039	295	1,268
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	95	408	118	509
1	101	427	128	551
2	122	524	158	678
3	176	757	220	945
4	229	985	282	1,214
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	447	123	530
1	116	500	140	604
2	144	621	174	749
3	186	798	222	956
4	192	824	236	1,016
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	141	606
1	121	519	147	631
2	143	615	175	753
3	202	869	241	1,038
4	202	869	241	1,038

Non-Metropolitan FMR Areas

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

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	125	539	149	640
1	135	583	164	707
2	173	744	209	898
3	219	944	263	1,132
4	255	1,097	308	1,326
<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	101	432	124	533
1	111	479	140	603
2	139	599	175	753
3	186	799	230	987
4	213	914	266	1,143
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	96	411	119	512
1	112	484	141	608
2	144	618	180	772
3	187	803	230	991
4	210	901	263	1,130

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	674	180	775
1	182	781	210	905
2	229	983	264	1,137
3	315	1,355	359	1,543
4	320	1,377	373	1,606
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	187	803	210	904
1	190	817	219	941
2	251	1,079	287	1,233
3	328	1,410	372	1,598
4	402	1,730	456	1,959
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	586	160	687
1	140	602	169	726
2	191	821	227	975
3	293	1,259	337	1,447
4	330	1,419	383	1,648
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	141	605	164	706
1	153	657	182	781
2	174	749	210	903
3	237	1,019	281	1,207
4	289	1,241	342	1,470
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	570	156	671
1	155	666	184	790
2	193	828	228	982
3	269	1,156	313	1,344
4	269	1,156	314	1,349

GA MAXIMUMS SUMMARY SHEET

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

APPENDIX A - OVERALL MAXIMUMS

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

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	45.20	194.36
2	89.60	385.28
3	119.80	515.14
4	151.00	649.30
5	194.90	838.07
6	233.90	1,005.77
7	257.20	1,105.93
8	283.00	1,216.90
<p>NOTE: For each additional person add \$149 per month.</p>		

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
(The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.)				

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APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

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NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

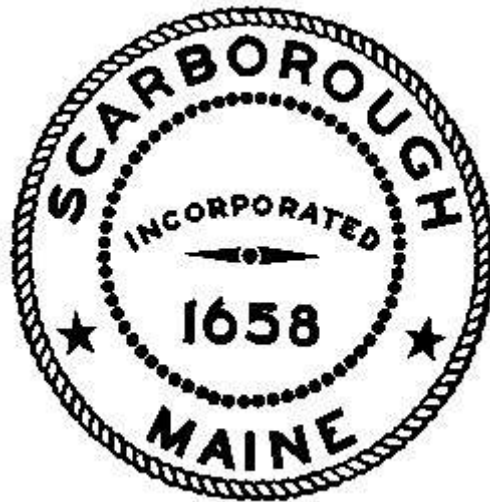
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AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 7, 2016
REGULAR MEETING – 7:00 P.M.

Order No. 16-58. Move approval on the request to accept a new policy entitled “the Town of Scarborough Capital Planning Policy,” as follows:

Town of Scarborough

Capital Planning Policy



Approved by Finance Committee– August 3, 2016

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Town of Scarborough Capital Planning Policy

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

INTRODUCTION

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

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

To enhance creditworthiness and prudent financial management, the Town is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to capital planning will be demonstrated through adoption and periodic adjustment of the Town's Capital Improvement Plan (CIP) and the annual adoption of a multi-year Capital Improvement Budget.

PURPOSE

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

- (1) Determine the physical assets to be renovated or replaced;
- (2) Document the decision-making process;
- (3) Demonstrate a commitment to long-term financial planning objectives;
- (4) Annually prioritize those physical assets to be included in the Capital Improvement Plan;
- (5) Utilize debt financing only when desirable;
- (6) Identify capital planning objectives for staff to implement;
- (7) Understand how the operating budget will be impacted by the completion of the capital project;

- (8) Ensure that the useful life of the asset or project equals or exceeds the payout schedule of any debt the Town assumes for the project. This allows for a closer match between those who benefit from the asset and those who pay for it.

Capital projects may involve the following:

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

DEFINITIONS

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

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

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

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

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

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

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

IMPLEMENTATION/POLICY MANAGEMENT

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

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

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

CAPITAL IMPROVEMENT BUDGET

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

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

PRESERVATION OF EXISTING CAPITAL INFRASTRUCTURE

It shall be the policy of the Town that adequate resources are allocated to preserve existing infrastructure before targeting resources to build new facilities that also have operating and maintenance obligations. Emphasis shall be given to protect historical investments in capital facilities

and to avoid embarking on a facility enhancement program, which when couple with the existing facility requirements, the Town cannot afford to maintain.

LONG-RANGE FACILITY PLAN

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

LIFE-CYCLE EXPENSES

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

FINANCING OPTIONS FOR CAPITAL BUDGETS

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

Voter Approved Bonds

Per section 907 of the Town Charter:

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

Reserve Funds (From the Debt Management Policy)

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

Equipment Reserve Fund (From the Debt Management Policy)

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