

**AMENDED  
AGENDA  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – OCTOBER 5, 2016  
SCARBOROUGH WENTWORTH SCHOOL  
GUIDED TOURS OF SCHOOL – 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: September 21, 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.]

**PRESENTATION:** Kelli Crosby, Principal and Julie Kukenberger, Superintendent

**Order No. 16-61, 7:00 p.m. Public hearing** and second reading on the proposed amendments to Chapter 1002, the Town of Scarborough Shellfish Ordinance, Section 5. Licensing - D. Conservation Activities. [*Shellfish Conservation Commission*]

**Order No. 16-062, 7:00 p.m. Public hearing** and action on the new request for a Liquor License and a Food Handlers License from Thao P. Kieu, d/b/a Pho Hong Vietnamese Restaurant, located at 285 US Route One, Unit #2. [*Town Clerk’s Office*]

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:**

**Order No. 16-063.** First Reading and schedule a public hearing and second reading on the proposed amendment to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, subsection A. [*Ordinance Committee*]

**Order No. 16-064.** Act on the request to accept the Policy Establishing a Methodology for Calculation of Projected Valuation. [*Rules and Policies Committee*]

**Order No. 16-065.** Act on the request to authorize the Town Manager to sign a Municipal Release Deed on land lying southerly of the Bayview Avenue right of way and westerly of the centerline of Ashton Street Extension, so called, to the low water mark of the Atlantic Ocean, said extension shown on a plan captioned “Plan of Lots at Higgins Beach” dated June 10, 1913 and recorded June 19, 1913 in the Cumberland County Registry of Deeds at Book 12, Page 81. [*Town Manager*]

**Order No. 16-066.** Act on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 8, 2016; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary. *[Town Clerk]*

**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.

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SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – OCTOBER 5, 2016  
SCARBOROUGH WENTWORTH SCHOOL  
REGULAR MEETING – 7:00 P.M.**

**Order No. 16-061.** Move approval of the second reading on the proposed amendments to Chapter 1002, the Town of Scarborough Shellfish Ordinance, Section 5. Licensing - D. Conservation Activities.

*Shellfish Conservation Commission*

*Ought to Pass*

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Sponsor

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Recommendation

*09/21/16 7 Yeas*

*10/05/2016*

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First Reading/Vote

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Second Reading/Final Approval/Vote

**CHAPTER 1002  
TOWN OF SCARBOROUGH  
SHELLFISH CONSERVATION ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Town of Scarborough Shellfish Conservation Ordinance of Town of Scarborough, Maine, be and hereby is amended as follows:

**5. Licensing – Municipal Shellfish Digging is required:**

**D. Conservation Activities:** [Adopted 06-03-15]

The Town encourages all shellfish diggers to protect and enhance the resource by participating in conservation activities such as seeding clam beds, participating in shellfish surveys, and participating in other approved resource management activities. All Commercial License holders 18 years of age or older may be required to participate in shellfish seeding as deemed necessary by the Shellfish Conservation Committee. Seeding or other approved conservation activities also may be undertaken on a volunteer basis. Commercial License Holders who complete the specified number of hours of conservation activities which may include required shellfish seeding hours and volunteer hours for a total of twelve (12), will be eligible for priority license renewal pursuant to Section 5.E.4.(a) of this Ordinance.

The Shellfish Conservation Committee will approve all accepted conservation activities by a majority vote. The names and number of hours completed on an accepted conservation activity will be recorded in writing by the Shellfish Conservation Officer and submitted to the Shellfish Committee on a monthly basis for their records.

It shall be the sole responsibility of the Commercial License holder to contact the Shellfish Committee Members or the Shellfish Officer to determine the conservation available to participate in. The Shellfish Committee Chair, with consent of the majority membership of the Committee, may designate special conservation work during any period of State closure of the Town of Scarborough shellfish beds. The Chair may poll the Committee by telephone, email, fax or in person for the purposes of this section. Each Commercial License holder is encouraged to contribute at least half of their voluntary conservation activity in the form of low tide work. All crab trapping is considered low tide work. The conservation year will run from May 1<sup>st</sup> to November 30<sup>th</sup>. School conservation activities have a deadline of December 31<sup>st</sup> and are limited to a maximum of three (3) hours per project and six (6) hours total allowed.

The Shellfish Conservation Committee may waive all or part of the requirement for shellfish seeding for an applicant who provides the Committee with a written statement from a physician indicating that the applicant was not able to participate in any regularly scheduled shellfish seeding do to incapacitation by illness or injury. The Committee may also allow the following alternative conservation work, on an hour for hour basis, upon the request of an applicant made at a regular monthly meeting of the Committee. Such alternative work may be used to meet the shellfish seeding requirement or may be used to qualify as additional volunteer conservation activity:



- i. Another time to complete conservation time for an applicant who demonstrates to the Committee that the illness or incapacitation of a parent, spouse or child prevented that person from participating in regularly scheduled conservation time; or,
- ii. Alternate, less strenuous work for an applicant who provides the Committee with a written statement from a physician indicating that the applicant is not physically able to participate in regular conservation work.
- iii. At the discretion of the Project Leader, any scheduled conservation project may be canceled and/or terminated due to severe weather or safety concerns for those involved. Any participate present or arriving within ten minutes at the designated meeting area and start time must still sign in and sign out. These participants will receive the allotted hours of conservation time for that particular project regardless of performing the activity.

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WEDNESDAY – OCTOBER 5, 2016  
SCARBOROUGH WENTWORTH SCHOOL  
REGULAR MEETING – 7:00 P.M.**

**Order No. 16-062.** Move approval on the new request for a Liquor License and a Food Handlers License from Thao P. Kieu, d/b/a Pho Hong Vietnamese Restaurant, located at 285 US Route One, Unit #2.

*Town Clerk's Office*

*Ought to Pass*

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Sponsor

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Recommendation

10/05/16

N/A

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First Reading/Vote

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Second Reading/Final Approval/Vote

*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 30, 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:

- Thao P. Kieu, d/b/a Pho Hong Vietnamese Restaurant, located at 285 US Route One, Unit #2.

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.

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SCARBOROUGH WENTWORTH SCHOOL  
REGULAR MEETING – 7:00 P.M.**

**Order No. 16-063.** Move approval of the first Reading on the proposed amendment to Chapter 601 – the Town of Scarborough Traffic Ordinance, Section 25. Parking Restrictions, subsection A and schedule a public hearing and second reading.

*Ordinance Committee*

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Sponsor

*10/05/16*

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First Reading/Vote

*Ought to Pass*

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Recommendation

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Second Reading/Final Approval/Vote



**CHAPTER 601  
TOWN OF SCARBOROUGH  
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to Chapter 601 - the Traffic Ordinance of the Town of Scarborough, Maine, be and hereby amended by adding the new subsection XI. Orchard Street, as follows:

**Section 25. Parking Restrictions.**

**A. PARKING RESTRICTIONS**

**XI. ORCHARD STREET.**

No parking shall be allowed on Orchard Street, except for three (3) parking spaces located along the southerly side of Orchard Street [Church side of street].

**AGENDA  
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WEDNESDAY – OCTOBER 5, 2016  
SCARBOROUGH WENTWORTH SCHOOL  
REGULAR MEETING – 7:00 P.M.**

**Order No. 16-064.** Move approval on the request to accept the Policy Establishing a Methodology for Calculation of Projected Valuation.

*Rules and Policies Committee*

*Ought to Pass*

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Sponsor

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Recommendation

10/05/16

N/A

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First Reading/Vote

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Second Reading/Final Approval/Vote

## **Policy Establishing a Methodology for Calculation of Projected Valuation**

When presenting the estimated tax rate computation during the budget process, an estimated town wide valuation is to be provided for the purposes of discussing any modification to the tax rate as impacted by the proposed total net budget for the upcoming fiscal year.

For the purpose of providing an estimated valuation, an average of the past 10 years of growth shall be calculated using a compound annual growth rate formula\*. Two values for the estimated valuation shall be provided; one illustrating a pessimistic scenario, using 50% of the ten year average for the growth as previously calculated, and another representing an optimistic scenario, using 150% of the ten year average. In the event of a full town-wide revaluation it may be necessary to make appropriate adjustments to the methodology.

This policy shall in no way impinge upon the independence of the Office of the Tax Assessor.

$$*CAGR = (EV / BV)^{(1 / n)} - 1$$

EV = Ending Value

BV = Beginning Value

n = number of years

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**Order No. 16-065.** Move approval on the request to authorize the Town Manager to sign a Municipal Release Deed on land lying southerly of the Bayview Avenue right of way and westerly of the centerline of Ashton Street Extension, so called, to the low water mark of the Atlantic Ocean, said extension shown on a plan captioned “Plan of Lots at Higgins Beach” dated June 10, 1913 and recorded June 19, 1913 in the Cumberland County Registry of Deeds at Book 12, Page 81.

*Town Manager*

*Ought to Pass*

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Sponsor

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Recommendation

*10/05/16*

*N/A*

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First Reading/Vote

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Second Reading/Final Approval/Vote

**MUNICIPAL RELEASE DEED**

**TOWN OF SCARBOROUGH**, a Maine municipal corporation and body politic having a mailing address P.O. Box 360, Scarborough, Maine 04074 (“Grantor”), FOR GOOD AND VALUABLE CONSIDERATION, releases unto **PRESTON L. LEAVITT**, an individual having a mailing address of 17 Becker Drive, Lilitz, Pennsylvania 17543 (“Grantee”), the following described real property:

All Grantor’s right, title and interest in and to the land lying southerly of the Bayview Avenue right of way and westerly of the centerline of Ashton Street Extension, so called, to the low water mark of the Atlantic Ocean, said extension shown on a plan captioned “Plan of Lots at Higgins Beach” dated June 10, 1913 and recorded June 19, 1913 in the Cumberland County Registry of Deeds at Book 12, Page 81.

Reference is made to paragraph 5 of a certain Confirmatory Recreational Easement dated January 11, 2016 and recorded in the Cumberland County Registry of Deeds in Book 32864, Page 174 pursuant to which Grantor agreed to release all Grantor’s right, title and interest in and to that portion of Ashton Street Extension lying westerly of the centerline to Preston and Ann Leavitt, Ann Leavitt now being deceased.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed under seal by Thomas Hall, its Town Manager, thereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

WITNESS:

TOWN OF SCARBOROUGH

\_\_\_\_\_  
Print Name:

By:

\_\_\_\_\_  
Thomas Hall, Town Manager

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2016

Personally appeared the above-named Thomas Hall, Town Manager of the Town of Scarborough, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Scarborough.

Before me,

\_\_\_\_\_  
Print Name:

Notary Public/Attorney-at-law


My Commission Expires:



# Town of Scarborough

## Manager's Office Memorandum

To: Scarborough Town Council

From: Thomas J. Hall,  Town Manager

Re: Municipal Release Deed- Leavitt (Ashton Street Extension)

Date: September 30, 2016September 30, 2016

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With the passage of Order No. 16-004 in January of this year the Town accepted a Confirmatory Recreational Easement from James Riechel (current owner of the former Silver Sands lot) to clarify the Town's interest in the ADA access path to Higgins Beach. The easement pertained to a half-width of the former ROW of Ashton Street Extension.

While this matter was being researched it was identified that the other half-width should have been deeded to the other abutter, Preston L. Leavitt (please see the attached map). This action authorizes me to executed are required documents to issue a Municipal Release Deed to Leavitt to finalized this matter once and for all.

I recommend approval of this item to clarify and finalize this long-overlooked matter.



# Scarborough WebGIS



**Legend**

- Parcels with Owner Informatic High Resolution 30cm Imagery
- Building Footprints
- Driveways
  - Paved Driveway
  - Unpaved Driveway
- Road Surfaces
  - Paved Road
  - Unpaved Road
- Parking Lots
  - Paved Parking
  - Unpaved Parking
- Coastline
- Treeline
- Town\_Townline\_Polygons\_α
  - Surrounding Towns
  - Scarborough



1: 1,244



150 0 75 150 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Town of Scarborough, Maine

### Disclaimer

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

### Notes

9/30/2016

**AGENDA  
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**Order No. 16-066.** Move approval on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 8, 2016; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary. *[Town Clerk]*

*Town Clerk*

*Ought to Pass*

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Sponsor

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Recommendation

---

10/05/16

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N/A

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First Reading/Vote

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Second Reading/Final Approval/Vote



**WARRANT FOR  
Regular Municipal Election  
TOWN OF SCARBOROUGH, MAINE**

TUESDAY, NOVEMBER 8, 2016  
DAY AND DATE OF ELECTION

County of Cumberland, ss

State of Maine

To: Robert A. Moulton, the Police Chief of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Regular Municipal & Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a Regular Municipal Election will be held on Tuesday, November 8, 2016, at the Scarborough High School Alumni Gymnasium:

FOR COUNCIL MEMBER

FOR BOARD OF  
EDUCATION MEMBER

FOR TRUSTEE OF  
SCARBOROUGH  
SANITARY DISTRICT

Vote for TWO

Vote for TWO

Vote for TWO

DESANCTIS, Marjorie L.

LYFORD, Cari S.

NELSON, David J.

DONOVAN, William J.

SHEA, Jodi

STRAUSE, Aubrey L.

FOLEY, Kathleen M.

ROSENBLATT, Annalee Z.

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The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Monday, November 7, 2016 from 9:00 a.m. to 4:00 p.m. and on Election Day, Tuesday, November 8, 2016, starting at 8:00 a.m. and hourly thereafter.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter in the Town of Scarborough may not vote in any Scarborough election.

Approved on Wednesday, October 5, 2016, by the Scarborough Town Council.

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Attest to a True Copy:

\_\_\_\_\_  
Yolande P. Justice, Town Clerk