

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 2, 2014
REGULAR MEETING – 6:45 P.M.**

Item 1. Call to Order. Chairman Sullivan called the regular meeting of the Scarborough Town Council to order at 6:45 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager, was also present.

Jessica L. Holbrook, Vice Chair

William J. Donovan

Jean-Marie Caterina

Katherine A. St. Clair

Edward NMI Blaise, III

James E. Benedict

Richard J. Sullivan, Jr., Council Chair

Order No. 14-32. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's contract. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a personnel matter relating to the Town Manager's contract.

Vote: 7 Yeas.

The Town Council adjourned to executive session at 6:46 p.m. Chairman Sullivan reconvened the meeting at 7:02 p.m.

Item 4. General Public Comments.

- Jim Reichel of Morning Street spoke on the dog issue and felt there was no need to amend the current Ordinance and felt that the proposed amendments were not enforceable. He asked the Council to really consider their actions
- Judy Roy of Second Avenue spoke on the process that had been followed throughout this issue. She noted that a Councilor is put on all Ad-Hoc Committees. She noted that the Council needs to consider all voters of the Town of Scarborough, not just one group and what the needs are for the whole town residents.
- Martin Tripp of Oceanwood Avenue spoke on the proposed budget for FY2015 for the School Department. He further voiced his concern about the funds from the State. He also spoke on the Scarborough Land Trust and money spent on the land. We really need to take a militant look at what we spend.
- Mo Erickson of 288 Pine Point Road spoke on the proposed budget FY2015 and after reading about the possible 6.5% increase, which means another \$300 increase. We do not need more cops/fireman, etc. She just learned that the Town and School would be donating the furniture from the school department to a third world country – it is perfectly good - why shouldn't we keep it? Please stop finding ways to spend the money – find ways to cut the budget. You are bleeding me dry.
- Dick Alofs of Gunstock Road was surprised that the dog issue wasn't already over. He felt that this has been handled wrong and went on to make several recommendations.

- Katy Foley of Lucky Lane spoke on previous comments that she made in past meetings. She noted that if the proposals go forward there will be another referendum. This is a regional issue and we need to reach out to State government and ask for help.
- Catherine Rogers of Gorham Road spoke on the lack of communication from the Council. She had emailed every Councilor and only three Councilors have responded. She felt that the selection of the committee and the drafting of the ordinance had not been fair.
- Amie Direnzo of Lucky Lane spoke on an article that she had read with regards to piping plovers. If the beaches are closed, where would the funds come from?
- Margot Hodgkins of King Street noted that she was opposed to a Resolution and felt that it should be an Ordinance. She then voiced her concerns about the possible new rules. She felt that education and signage would benefit all.
- Sean Flaherty of Black Point Road spoke on an incident that happened at Ferry Beach and then one that happened this evening. He does not approve the proposed changes.
- Liam Summers of Holmes Road spoke on the incident report, which has yet to be seen. He did not agree with the proposed amendments. He asked the Council to allow the taxpayers reasonable access to the beaches. He then asked the Council to be mindful of their actions that is taken on this issue. He then asked that Councilor Donovan to recuse himself on any vote on the dog issue.
- Sue Foley-Ferguson of Black Point Road spoke on the Resolution and felt that the crutch of the proposed changes fell in the resolve. The proposal takes off-leash completely away.

Item 5. Minutes: March 19, 2014 – Regular Meeting. Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval of the minutes of the March 19, 2014, regular Town Council meeting.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer’s Warrants. Treasurer’s Warrants were signed during the meeting.

Resolution 14-03. Act on the request to approve the resolve to create Protected Beach Areas. Thomas J. Hall, Town Manager, gave a brief overview on this item.

The following individuals spoke on this item:

- Seth Fernald of Maple Avenue did not support the proposed Resolve and one reason was due to no public comments were involve.
- Robert Rovner of King Street was not sure why the Resolve was first, when we might not have “protected areas.”
- Catherine Rogers of Gorham Road voiced her concerns on the proposed resolve.
- Julie Hannon of Mast Road voiced her concerns on the proposed resolve.
- Sue Foley-Ferguson of Black Point Road also voiced her concerns with the resolve.
- Maureen Burns of Morning Street spoke on the resolve being presented this evening.

Motion by Councilor Caterina, seconded by Councilor Benedict, to move approval of Resolution 14-03 to create Protected Beach Areas.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval to amend the main motion by adding a sixth “Whereas” as follows: “Whereas section 604-10 (a) establishes “Protected Areas”, the specific designation of which is set forth below.

Vote: 6 Yeas.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval to table Resolution 14-03, to the May 7th Town Council meeting.

Vote: 7 Yeas.

Resolution 14-04. Act on the request to approve the resolve to establish the Canine Education and Enforcement Ad-Hoc Committee. The following individuals spoke on this Resolve:

- Katy Foley of Lucky Lane asked the Council to make this an open application process.
- Catherine Roger of Gorham Road felt this was premature and asked that those who are familiar with dogs. She went on to mention the possible tag system that could be implemented and felt that it would be overkill.
- Sue Foley-Ferguson of Black Point Road
- Liam Summers of Holmes Road asked that the committee selection be an open process and remove those dog members and councilors not be allowed on this committee.
- Seth Fernald of Maple Avenue noted that if this was in place on the resolution and the ordinance he would
- Julie Hannon of Mast Road asked if the Section 10 permits of LISTEN TO TAPE.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval of the Resolution 14-04 to establish the Canine Education and Enforcement Ad-hoc Committee:, as follows:

**RESOLUTION 14-04
ESTABLISHMENT OF THE CANINE EDUCATION AND
ENFORCEMENT AD HOC COMMITTEE**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, many of the recommendations that came forward from the “Final Report” of the Ad-Hoc Animal Control Advisory Committee and endorsed by the Town Council requires a work group environment to expeditiously implement the actions proposed; and,

WHEREAS, it is recommended that a special committee be formed to implement the actions set forth in the Duties below; and,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine in Town Council assembled, that the charge for the Canine Education and Enforcement Ad Hoc Committee shall be as follows:

1. **Purpose.** The purpose of the Committee is to continue the work of the Ad Hoc Animal Control Advisory Committee in the areas set forth in the Duties below. The Committee’s powers and duties shall not exceed those prescribed, herein or otherwise restricted by Town Council Rules, Policies and Charter.
2. **Duties.** The Committee shall have the following duties:
 - Work with Community Services to develop educational programs and materials, and,
 - Work with Public Works to develop consistent signage for all beaches; and,

- Provide support for the Plover Coordinator in the development and implementation of a beach monitoring program for Higgins Beach, Ferry Beach, and Pine Point Beach; and,
 - Work with Community Services to evaluate the need for dog parks; and,
 - Develop an off leash tag program modeled after Boulder CO and submit it to the Ordinance Committee within 60 days of the Committee's first meeting; and,
 - Work with the Plover Coordinator regarding the designation of "essential habitat"; and,
 - The Committee shall sunset on September 1, 2014.
3. **Membership.** The Committee should be comprised of five (5) members, broadly representative of the community, all being residents of the Town of Scarborough. The Town Plover Coordinator and a Community Services representative shall attend all meetings as the primary advisors to the Committee. All appointments will be recommended by the Appointments Committee with final approval being made by the Town Council. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.
4. **Vacancies and Removal.** Any vacancies shall be filled by the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or non-performance of duty.
5. **Procedures.** Three (3) members of the Committee shall constitute a quorum. The Committee shall select one of its members to serve as chair and another member who shall serve as recording clerk and keep the minutes of all proceedings and submit these to the Town Clerk's Office for filing. The Committee shall set its own meeting schedule which will be open to the public.

Signed and sealed this the 2nd day of April, 2014, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Richard J. Sullivan, Jr., Council Chair and attested by the Town Clerk.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 14-30. Second reading on the Bond Order for the 2014 Municipal and School Capital Improvements. Motion by Councilor Holbrook, seconded by Councilor Blaise, to move approval of the second reading on the Bond Order for the 2014 Municipal and School Capital Improvements, as follows:

BOND ORDER FOR 2014 MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS

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

<u>2013-2014 Municipal - Equipment</u>	<u>Amount to Bond</u>
CS 4x4 Truck Replacement w/plow	\$ 36,104.00
PW Plow Truck #4024	159,985.00
PW Plow Truck #4025	159,985.00
PW Pickup Truck #4006	39,140.00
PW Crash Attenuator	22,230.00
PW Fuel Island - Fuel Mgmt System Upgrade	53,980.00

	<u>\$471,424.00</u>
<u>2013-2014 Municipal - Projects</u>	
259 US Rte 1 - Waterproofing	\$ 40,000.00
259 US Rte 1 - Tri -Generation Energy Efficiency	500,000.00
MIS Replacement Telecom System	83,426.00
Black Point Sidewalk Project	415,000.00
Pine Point Rd/ Eastern Trail Crossing	75,000.00
Mid-Level Road Rehabilitation (3 miles per year)	503,000.00
Jasper Street Reconstruction	400,000.00
Pine Point Rd Sidewalk Improvements	112,250.00
Pleasant Hill Rd Engineering Study	205,000.00
	<u>\$2,333,676.00</u>
<u>2013-2014 School Projects</u>	
CIP Bus Purchase	314,220.00
MS Tech FY 2014	61,100.00
Security System Upgrade	385,000.00
2014 Building Envelope	50,000.00
MS Tech FY14 New	387,300.00
DW Tech FY 14 New	83,425.00
DW HVAC/Mechanical	50,000.00
	<u>\$1,331,045.00</u>
<u>2003-2004 Capital Projects</u>	
Comstock Farm (22 Berry Rd)	\$ 270,000.00
	<u>\$ 270,000.00</u>
<u>Total Amount to Bond</u>	<u>\$4,406,145</u>

BE IT FURTHER ORDERED, That a sum, not to exceed \$4,406,145, is hereby appropriated to provide for the costs of said projects; and

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$4,406,145 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Roll Call Vote:

Vice Chair Holbrook - Yea	Councilor St. Clair - Yea
Councilor Donovan - Yea	Councilor Blaise, III - Yea
Councilor Caterina - Yea	Councilor Benedict - Yea
Chairman Sullivan, Jr. - Yea	

Order No. 14-33. Act to approve the appointment of Robert Baizley to the Historic Preservation Committee. Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval on the appointment of Robert Baizley to the Historic Preservation Committee.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 14-34. First reading and schedule a public hearing on the proposed Municipal/School Budget for FY2015. Thomas J. Hall, Town Manager, gave a brief overview on the proposed Municipal/School Budget for FY2015.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the first reading of the proposed Municipal/School Budget for FY2015 and schedule the public hearing, as follows:

Budget Order for Fiscal Year 2015

Be it ordered that the Scarborough Town Council moves approval of the first reading to adopt the Fiscal Year 2015 Budget, **schedule a public hearing for 7:00 p.m. on Wednesday, April 16, 2014**, and approve the line item appropriations and expenditures for all offices, agencies and departments of the Town as follows, and approves other additional operating expenditures which may result from the receipt of Federal or State funds or other grants and subsidies not requiring local taxation:

SUMMARY MUNICIPAL OPERATING BUDGET 2015	
TOTAL LEGISLATIVE	\$11,573
TOTAL EXECUTIVE ALL DIVISIONS	2,259,888
TOTAL FINANCE ALL DIVISIONS	749,683
TOTAL ASSESSING	263,197
TOTAL MUNICIPAL INFORMATION SYSTEMS	1,107,425
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	913,480
TOTAL COMMUNITY SERVICES ALL DIVISIONS	2,278,403
TOTAL LIBRARY NET – TOWN APPROPRIATION	974,185
TOTAL SEDCO	202,775
TOTAL FIRE ALL DIVISIONS	4,092,601
TOTAL POLICE ALL DIVISIONS	5,701,641
TOTAL PUBLIC WORKS ALL DIVISIONS	6,337,049
TOTAL DEBT (Town Only)	<u>4,658,213</u>
MUNICIPAL TOTALS	\$29,550,113

Be it further ordered, that the Scarborough Town Council hereby appropriates the sum of **\$130,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including Adult Education, Food Services and school debt), the sum of **\$45,257,105** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$37,833,151** and,

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

Be it further ordered, that the Town of Scarborough hereby adopts the **Schedule of License, Permit and Application Fees** as presented and attached hereto – Chapter 311 – Town of Scarborough, Schedule of License, Permit and Application Fees, for Budget Presentation FY 2015; and,

Be it further ordered, that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of **\$2,355,415** for the period July 1, 2014 through June 30, 2015; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates for capital purposes, the sum of **\$1,786,153** for school capital programs and **\$1,879,364** for town capital equipment and **\$2,240,460** for town capital improvements; for a total Capital Budget of **\$5,905,977** to be funded from property taxes, lease and bond arrangements and other local, state and federal sources; and,

Be it further ordered, that the Total Gross Budget of **\$84,401,532**; this total less estimated revenues and other credits of **\$(26,461,774)** result in a Net Appropriation of **\$57,939,758**, which shall be raised from taxation. The Scarborough Town Council further fixes **Wednesday, October 15, 2014**, and **Monday, March 16, 2015**, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of **7.00%** per annum.

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

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

Be it further ordered, that in the event that that the 2015 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2015, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

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

<u>Chapter 402a – Electrical Permit Fees</u>	<u>Fee</u>
Administrative Fee [for each application] (adopted 05/06/09)	\$30.00
<u>RESIDENTIAL</u>	
Minimum Fee (amended 05/06/09)	\$30.00
Square footage of any structure (adopted 05/06/09)	\$0.05

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

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

<u>Chapter 405 – Zoning</u>	<u>Fee</u>
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00
Contract Zoning – Non-Refundable Application Fee (11/20/02)(amended 05/05/04)	\$500.00
~~Sketch Plan Review Fee (amended 05/05/04)~~	~~\$175.00~~
<u>Zoning Determination Letter</u>	<u>\$35.00</u>
<u>Planning Administrative Review Fee</u>	<u>\$75.00</u>
Review Fee for Private Way Registration (amended 06/02/04)	\$100.00
One (1) Dwelling Unit Credit (<i>as per Section VIID(E)1, Development Transfer Provisions</i>) (July 18, 2007)	\$20,000
~~Calendar Years 2007 & 2008~~	~~\$15,000~~

~~Calendar Years 2009 & 2010~~	~~\$17,500~~
~~Calendar Years 2011 & 2012~~	~~\$20,000~~
Affordable Housing In-Lieu Fee Per Dwelling Unit [Adopted 11/06/2013]	\$20,000
CODE ENFORCEMENT -	
Building Permit Fees [-a minimum of] (amended 05/06/09)	\$35.00
Residential / Commercial Unfinished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.20
Residential / Commercial Finished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.40
<u>Renovations/Remodels/Alterations/Minor Additions, Residential/Commercial</u>	<u>\$10.00 per \$1,000 of est. cost of construction</u>
<u>Sheds less than 250 SF</u>	<u>\$35.00</u>
Minimum Application Fee - Will be applied toward the building permit when issued. Applies to new construction and renovations over 1,000 square feet.	\$110.00
First Offense Double the Permit Fee	
Each Offense Thereafter Triple the Permit Fee	
Demolition Permit Fees (amended 05/05/04) (amended 05/06/09)(amended 05/02/2012)	\$50.00
Zoning Board Of Appeals - Per Appeal (amended 05/05/04)	\$250.00
Certificate of Occupancy/ <u>Change of Use</u> Fee (<u>no charge if in conjunction with other active permits</u>) (adopted 05/06/09)	<u>\$50.00</u> ~~\$35.00~~
Sign Permit Fees	
Permanent Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Temporary Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Plus Deposit Required (refundable deposit for removal of sign) (10/02/02)	\$300.00
Temporary Storage Containers - Per Application (10/01/97) (amended 05/05/04)	\$25.00
<u>Heating Appliance Permit</u>	<u>\$35.00</u>
The fees for electrical permits, plumbing permits and building permits shall include one inspection of the work covered by each permit. Typically permits include the following inspections: A) Foundation; B) Bed bottom for leech fields; C) Leech bed; D) Electrical; E) Plumbing; F) Framing; and, G) Certificate of Occupancy. For each re-inspection thereafter, per-permit, a fee of \$50 shall be charged. If a re-inspection is required because the permit holder called for an inspection before the work was ready for inspection, such re-inspection shall not occur for at least two (2) weeks, unless the permit holder pays a surcharge of \$200 in addition to the \$50 re-inspection fee. <u>For after the fact Certification of Occupancy/Change of Use Permits and inspections, the fee is doubled.</u> (amended 10/06/04)	

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

<u>Chapter 405B - Site Plan Review</u>	<u>Fee</u>
<u>Site Plan Application Fee (plus fee per Square Feet)</u>	<u>\$500.00</u>
<u>Site Plan Amendment Fee (plus fee per square feet)</u>	<u>\$250.00</u>
Under 1,000 Square Feet	<u>\$0.00</u> ~~\$50.00~~

1,000 to 2,000 Square Feet	~~\$250.00~~ ~~\$150.00~~
>2,000 to 5,000 Square Feet	~~\$500.00~~ ~~\$250.00~~
>5,000 to 10,000 Square Feet	~~\$1,000.00~~ ~~\$500.00~~
>10,000 Square feet and over, plus \$25.00 per 1,000 above 10,000 square feet	~~\$1,000.00~~ ~~\$500.00~~

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

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

<u>Chapter 408 - Extractive Industry, Waste Control, Landfill, And Land Reclamation</u>	<u>Fee</u>
Plan Review Fee - Minimum fee (amended 05/05/04)	~~\$250.00~~ ~~\$175.00~~
Additional Fee Per Acre In Excess Of 10 Acres - Per additional acre over 10 acres (amended 05/05/04)	\$15.00

<u>Chapter 410 - Road Impact Fee Ordinance And Designating Approved Projects</u>			
The following fees and charges are established for development and the following projects are designated as eligible for funding from the Highway Impact Fee Trust Fund:			
Fees	Peak Hour Trips		Cost of Trip
A. District 1	N	X	\$149.43
B. District 2	N	X	\$292.42
C. District 3	N	X	\$499.05
D. District 5	N	X	\$1,024.52
Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in the 1987 Institute of Transportation Engineers (ITE) “ <u>Trip Generation</u> ” handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only “new” trips to the system roadways should be assessed a development fee.			
The total Impact Fee for a project shall be the sum of the fees for each district affected.			
Projects eligible for funding from the Road Impact Fee Trust Funds are those projects depicted on the 100 scale aerial photographs titled “Long Range Transportation Improvement Program” (April 1989), prepared by Vanasse Hangen Brustling, Inc. as part of the 1988 Maine Mall/Jetport Area Traffic			

Study conducted for the Portland Area Comprehensive Transportation Study (PACTS) and the Maine Department of Transportation.

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

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

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

<u>Chapter 601 – Traffic Ordinance [amended 05/02/2012]</u>	<u>Fee</u>
Section 26 – Penalties General (05/03-2006)	
Fine for any violation of this ordinance is:	\$80.00
If paid within 30-days of issuance of the ticket the fine is reduced to:	\$40.00
Section 27 – Illegally Parked Vehicles (05/03-2006)	
Fine for illegally parked vehicle, except handicapped parking violation is:	\$80.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$40.00
Fine for parked vehicle violating handicapped parking is:	\$120.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$60.00
Section 30 – Towing Rate Schedule -	
Service Call - Gas, Jumpstarts, lockouts, tire change, etc. Range	\$25.00 to \$40.00
Vehicle Storage, per day, INCLUDING non-business days	~~\$40.00~~ ~~\$25.00~~ per day
Call out fee, to come to shop during non-business hours	~~\$40.00~~ ~~\$25.00~~
Vehicle Tow	
Day	~~\$80.00~~ ~~\$65.00~~
Night	~~\$90.00~~ ~~\$75.00~~
Snow Tow – Range	
Day	~~\$90.00~~ ~~\$75.00~~
Night	~~\$100.00~~ ~~\$85.00~~
Vehicle Tow w/dollies – Range	~~\$80 to \$100~~ ~~\$65 to \$85~~
Motorcycle Tow – Same as vehicle due to special equipment	
Pull out – Range	\$40 to \$85
Recovery – Same as tow, depending on time of day. After first hour \$70 per additional hour plus any special equipment, i.e., bulldozer, etc.	
Definition of Hours – Daytime Hours = 0700 to 1800 hours; Night Time Hours = 1800 to 0700 hours	

<u>Chapter 602A – Mass Gathering</u>	<u>Fee</u>
Application Fee, each event; 1,000 – 2,500 (Number of anticipate patrons) [amended 05/05/04; 05/21/2008; 06/06/2012]	\$175.00
Application Fee, each event; 2,501 – 5,000 (Number of anticipate patrons)	\$350.00

[adopted 06/06/2012]	
Application Fee, each event; >5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$500.00

<u>Chapter 607 - Alarm Systems</u>	<u>Fee</u>
False Alarm Fee - per occurrence after third false alarm within one year (amended 05/05/04)	\$250.00

<u>Chapter 608 – Fireworks Ordinance</u>	<u>Fee</u>
Non-Refundable Local Fireworks Display Permit Application Fee (amended 06/15/05)	\$50.00

<u>Chapter 612 – Rules & Regulations for Use of Parks & Recreation Facilities</u>	<u>Fee</u>
Application Fee	\$100.00
Application Fee for Non-Profit or Service Groups	\$50.00

<u>Chapter 702 - Street Opening, Fees</u>	<u>Fee</u>
Excavator License Fee Annual	~~\$125.00~~ \$100.00
Excavation Permit Fee - Each Excavation (amended 05/05/04)	\$50.00
Renewal Of Excavation Permit (amended 05/05/04)	\$50.00
<u>Street Opening Charges</u>	<u>Fee*</u>
~~1. Newly constructed or reconstructed Streets (amended 05/05/04)~~	~~\$55.00 per sq. yd.~~
~~2. Residential streets (amended 05/05/04)~~	~~\$55.00 per sq. yd.~~
~~3. Arterial or commercial streets (amended 05/05/04)~~	~~\$80.00 per sq. yd.~~
~~4. Streets with a concrete base (amended 05/05/04)~~	~~\$80.00 per sq. yd.~~
<u>Sidewalk and Driveway Opening Charges</u>	
~~1. Portland cement concrete sidewalk (amended 05/05/04)~~	~~\$55.00 per sq. yd.~~
~~2. Portland cement concrete driveway (amended 05/05/04)~~	~~\$65.00 per sq. yd.~~
~~3. Bituminous concrete sidewalk (amended 05/05/04)~~	~~\$35.00 per sq. yd.~~
~~4. Bituminous concrete driveway (amended 05/05/04)~~	~~\$45.00 per sq. yd.~~
<u>Curbing</u>	
~~1. Replacement and installation of lost or damaged granite curbing~~	~~\$35.00 linear ft.~~
~~2. Bituminous concrete curbing~~	~~\$10.00 linear ft.~~
<u>Other Charges</u>	
1. Removing and replacing regulatory signs	\$50.00 each
2. Removing and replacing street name and stop signs	\$50.00 each
3. Reinstalling street and right of way granite monuments	\$800.00 each
4. Long-term maintenance reserve for bituminous street openings	\$25.00 per sq. yd.

<u>Chapter 901 – Refuse collection Fee</u>	<u>Fee</u>
1. Commercial Hauler	\$500.00 each
2. Residential Hauler	\$500.00 each
Applications for license renewal received after March 1 st shall pay a late fee in the amount of \$100.00 in addition to the regular application fee. (05/03/2006)	

<u>Chapter 1002 - Shellfish Ordinance, Fees</u>	<u>Fee</u>
Resident Commercial	\$200.00

Non-resident Non-reciprocating Commercial	\$400.00
Resident Student Commercial	\$100.00
Non-resident Student Commercial	\$200.00
Over - 60 Years Resident Commercial (Bushel)	\$100.00
Resident Recreational - (Over 65 Free)	\$25.00
All Day Licenses – Resident and Non-resident (amended 04/06/05)	\$10.00

<u>Chapter 1003 – Hawkers & Peddlers</u>	<u>Fee</u>
License Fee for Hawkers & Peddlers License (05/21/2008)	\$110.00

<u>Chapter 1004 - Taxicab Licenses</u>	<u>Fee</u>
Annual License - Each Taxicab (amended 05/05/04) (amended 05/06/09)	\$150.00
Annual License - Each Operator (amended 05/05/04) (amended 05/06/09)	\$50.00

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

<u>Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes</u>	<u>Fee</u>
~~Resident And/Or Taxpayer Season Beach Pass – (Ferry Beach, Higgins Beach or Hurd Park) (amended 05/05/04)~~	~~\$20.00~~
Resident And/Or Taxpayer ~~Combination~~ Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park) (amended 05/05/04; 05/18/11)[amended 05/02/2012]	~~\$40.00~~ ~~\$35.00~~
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident ~~Combination~~ Season Beach Pass - (includes Ferry Beach Higgins Beach and Hurd Park) (amended 05/05/04) [amended 05/02/2012]	~~\$70.00~~ ~~\$65.00~~
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Combination Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park)	FREE
Resident Veteran Lifetime Combination Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Combination Season Pass.) (Adopted 05/19/2010)	FREE
<u>DAILY PARKING RATES (WITHOUT PASS)</u>	
Daily Parking: Ferry Beach, Higgins Beach And Hurd Park (amended 05/05/04) [amended 05/02/2012]	\$10.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 5 PM (amended 05/03/05)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)	\$35.00

<u>BOAT LAUNCHING FEE</u>	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	
Resident – Daily Boat Launching Fee (amended 05/05/04)	\$10.00
Resident – Seasonal Boat Launching Fee	\$25.00
Resident Commercial Fisherman Seasonal Boat Launch Pass	Free
Non-Resident – Daily Boat Launching Fee (amended 05/05/04)	\$20.00
Non-Resident – Seasonal Boat Launching Fee	\$50.00

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

<u>Chapter 1008 - Special Amusement Operator License Fees</u>	<u>Fee</u>
Annual License Fee	\$110.00

<u>Chapter 1009 – Coin Operated Game License Fees</u>	<u>Fee</u>
Annual License Fee - Per Machine (B-2 Zone)	\$110.00
Annual Video Arcade License Campgrounds (R-F Zone) Maximum of 25 machines (amended 05/03/06)	\$1,500.00

<u>Chapter 1010 - Massage Establishment Annual License Fees</u>	<u>Fee</u>
Massage Establishment	\$55.00
Combined Massage Establishment/Massage Therapist	\$35.00
Massage Therapist	\$30.00

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

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

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

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

<u>Chapter 1201 - Cemetery Fees</u>	<u>Fee</u>
Sale Of Lots -	
Scarborough Memorial Cemetery Per Grave (amended 05/05/04)	\$400.00
Scarborough Memorial Cemetery – Section D, Lots for Cremations Only (adopted 02/16/2011)	\$220.00
Grave Opening Charges	
Regular Burial (amended 05/05/04 – 05/04/2011)	\$450.00

Cremations/Other (Weekends) (amended 05/05/04 – 05/04/2011)	\$125.00
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Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]	<u>Fee</u>
Annual Mooring Fee	
Resident And/Or Taxpayer (amended 05/05/04)	\$50.00
Non-Resident (amended 05/05/04)	\$100.00
Annual Pier Maintenance Fee	
Commercial User	\$100.00
Non-Commercial User	\$50.00

<u>Assessing Office Charges</u>	<u>Fee</u>
<u>Printouts</u>	
Name/Location/Map & Lot	\$25.00
Name/Address/Location/Map & Lot	\$50.00
Name/Location/Map & Lot/Assessment	\$75.00
Name/Address/Location/Map/Lot/Assess	\$75.00
Name/Address/Location/Map/Lot/Assess/Ref.	\$100.00
Valuation Report – Printout per page	\$2.00
Mailing Labels - Each	\$.05
Copy of Property Card	\$2.00
Large Map	\$5.00
Reduced Map	\$2.50
Reduced Set of Maps	\$200.00

<u>Fire Department Fees</u>	
<u>Fire Department Construction Permit & Plans Review Fees</u>	<u>Fee</u>
A Fire Department construction permit is required for any new construction, or remodeling of existing commercial space, or erection of any temporary structures for commercial purposes. The permit allows us to review important information concerning life safety issues, the buildings alarm & suppression systems, utility connections, heating system information, water supply, hazardous materials, fire lanes, and a variety of other items prior to the start of construction. (amended 11/05/03)	
Minimum Fee	\$25.00
Construction permit fees for all commercial buildings shall be	\$0.10 per sq. ft.
Commercial structures include any building that is non-residential, or any residential complex that has three or more living units.	
Construction permit fees cover the following services:	
Initial conference and fact finding discussion	
Concept plans review for compliance with local ordinances	
Site Plan review	
Construction plans review	
Follow-up meetings with contractors, architects, and building owners	
Structural building inspections as necessary during construction	
One (1) comprehensive alarm system and fire suppression system test to be scheduled after coordination of reporting information with the Fire Department, and after all components have been installed to the applicable	

codes and pre-tested through to the monitoring company.	
One (1) final Certificate of Occupancy inspection to be scheduled when all Federal State and Local codes have been met and the building is ready for occupancy.	
Additional Fire Dept. Construction Permits & Plans Review Fees	
Re-inspection of alarm & fire suppression system testing required due to improper pre-testing, installation, or lack of coordination with the Fire Department concerning appropriate reporting requirements. (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Re-inspection fee for Certificate of Occupancy (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Commercial Fire Alarm Plan Review & Permit Fee (adopted 05/06/09)	\$100.00
Commercial Sprinkler System Plan Review & Permit Fee (adopted 05/06/09)	\$100.00
Blasting Permit Fee (adopted 05/06/09)	\$50.00
Fire Department Fees	Fee Per Hour
Aerial / Ladder Truck	\$150.00
Pumper Truck	\$125.00
Squad Truck	\$125.00
Command Van	\$100.00
Rescue Unit	\$100.00
Tank Truck 4 x 4/ <u>Marine Rescue Boat</u>	\$75.00
Utility Truck/ <u>Chief or Duty Officers SUV</u>	\$50.00
<u>Police Cruiser</u>	<u>\$50.00</u>
<u>All-Terrain Vehicles</u>	<u>\$25.00</u>
Personnel Labor [amended 05/01/2013]	\$45.00
Fire Department Rescue Charges	Fee
Base Rescue Charges:	
Based on bundled rate plan adopted May 1, 2013, these rates shall automatically adjust when and by the same % as those established and approved by the Centers for Medicare & Medicaid Services (CMS).	
Basic Life Support Non-Emergency [adopted 05/01/2013]	<u>\$523.44</u> <u>\$473.44</u>
Basic Life Support Emergency [adopted 05/01/2013]	<u>\$523.44</u> <u>\$473.44</u>
Advance Life Support Level 1 Emergency [adopted 05/01/2013]	<u>\$807.53</u> <u>\$632.53</u>
Advance Life Support Level 2 Emergency [adopted 05/01/2013]	<u>\$1,145.75</u> <u>\$1,070.75</u>
Additional Rescue Charges:	
<u>Mileage</u>	<u>\$8.86</u>
No Transport (amended 05/05/04)(amended 05/06/09)(amended 01/18/12)	\$125.00
Paramedic Intercept Fee (05/21/2008)	\$300.00
Rescue Run Reports (amended 01/18/2012) [amended 05/02/2012] <u>Fees are as set by State Statutes - pursuant to Title 22, Health and Welfare, Subtitle 2,\$1711, pertaining to Fees charged, and as amended from time to time.</u>	<u>\$10.00</u>
Chapter 1015 -Food Handlers Registration Fee	

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

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

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

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

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

<u>Notary Fee (amended 3/6/96; 05/05/04; 05/21/2008)</u>	<u>Fee</u>
First 3-pages	\$10.00
Any Documents more than 3-pages	\$15.00
<u>Photocopies</u>	<u>Fee</u>
Single Sheets - Their Original	
8 ½ x 11 Regular, each copy	\$0.25
8 ½ x 14 Legal, each copy	\$1.00
11 x 17 Ledger, each copy	\$1.50
<u>Photocopies (amended 3/6/96)</u>	<u>Fee</u>
Single Sheets - Our Document	
8 ½ x 11 or 14 or 17, first page	\$2.00
Each Additional Page	\$0.50
Maps, each copy	\$5.00
Meeting DVD [Copying]	\$25.00
<u>Electronic Responses to Requests</u>	<u>\$15.00 Per Hour [or any part thereof]</u>

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

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

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

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

Vote: 7 Yeas.

Order No. 14-35. First Reading and schedule a public hearing on the proposed amendments to Chapter 604, the Animal Control Ordinance. Thomas J. Hall, Town Manager, gave a brief overview on the proposed amendments.

The following individuals spoke on this Order:

- Julie Hannon of Mast Road did not believe the proposed changes were necessary and felt that the original ordinance just needed to be enforced.
- Seth Fernald of Maple Avenue noted that he would agree with the proposed changes with the exception of the timeframe in subsections a and c. He made further comments on what he did not agree with.
- Catherine Rogers of Gorham Road spoke in opposition of the proposed changes and felt that the original ordinance was ok.
- Liam Summers of Holmes Road voice his concerns with the proposed amendments and felt that the change could be interpreted in many different ways. He supported the current Ordinance; it just needed to be enforced.
- Katy Foley of Lucky Lane agreed with comments of prior speakers. She noted that being on the Ad-Hoc Committee was the hardest thing ever. She then commented on the proposed amendments being presented.

- Sue Foley-Ferguson of Black Point Road felt that the maps should be in part of the ordinance. Egos need to be put away. She went on to voice her concerns about the proposed changes.
- Ann Hammond of Piper Shores also spoke on this item and asked the Council to keep things simple. She felt that original ordinance should be left and the enforcement should be implemented.
- Robert Rovner of King Street also spoke on the proposed amendments being presented.
- Joanne LeBlanc of Dover Street commented on the proposed changes.

Motion by Councilor Blaise, seconded by Councilor Benedict, to move approval of the first reading on the proposed amendments to Chapter 604, the Animal Control Ordinance and schedule a public hearing for Wednesday, April 16, 2014.

Motion by Councilor Donovan, seconded by Councilor Holbrook, to amend the main motion as follows:

Section 604-2. Definitions. 12. Responsible Party, by adding the following sentence: "A responsible party shall have a leash in his or her possession for each dog off leash."

Section 604-2. Definition. 9. Leash, 11. Responsible Dog Owner and 12. Responsible Party, by adding the following sentence: "A failure to comply with this definition shall constitute a violation of this ordinance."

Section 604-2. Definition, by adding a new definition as follows: "Protected Areas. Areas that may be designated for special protection for piping plovers or other endangered species based upon scientific and historical data."

Section 604-10. Public Beaches and Shores subsection (e) to read: "No dogs on any beach from dusk to dawn."

Vote on amendments: 6 Yeas. 1 Nay [Councilor St. Clair].

At this point in the meeting Councilor St. Clair left the meeting due to a prior commitment.

Main Motion as amended:

**Proposed Amendments to
CHAPTER 604
TOWN OF SCARBOROUGH
ANIMAL CONTROL ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 604 - the Animal Control Ordinance of the Town of Scarborough, Maine, be and hereby is amended, as follows (*additions are underlined; deletions are struck through*):

604-1	Purpose	20
604-2	Definitions	20
1.	ABANDONED ANIMAL:.....	20
2.	ANIMAL:.....	20
3.	ANIMAL CONTROL:	20
4.	ANIMAL CONTROL OFFICER:.....	20
5.	ANIMAL SHELTER:	21
6.	AT LARGE:	21

7.	BEACH:	21
8.	DOG:	21
9.	LEASH:	21
10.	OWNER:	2
11.	PROTECTED AREAS:	2
~~11~~ 12.	RESPONSIBLE DOG OWNER	2
~~11~~ 12	13.RESPONSIBLE PARTY:	21
~~12~~ 13	14.VOICE AND SIGHT CONTROL:	21
604-3	Animal Control Officer	22
604-4	At Large Dogs	22
604-5	Impoundment or Return of At Large Dogs	22
604-6	Disposition of Impounded Animal	22
604-7	Impoundment Fee	22
604-8	Animal Noise	22
604-9	Control of Animal Waste	23
604-10	Public Beaches and Shores (amended 05/19/2004)	4
604-11	Dangerous Dogs	24
604-12	Trespass	24
604-13	Tags [Amended 04/20/2011]	24
604-14	Rabies Tags	24
604-15	Violations/Penalties	25
604-16	Severability Clause	25

**CHAPTER 604
TOWN OF SCARBOROUGH
ANIMAL CONTROL ORDINANCE
ADOPTED 2/16/00
AMENDED 5/19/04**

604-1 Purpose

The purpose of this ordinance is to require that all animals in the Town of Scarborough be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

604-2 Definitions

1. ABANDONED ANIMAL:

An animal that has been deserted by its owner or keeper.

2. ANIMAL:

Every living, sentient creature not a human being.

3. ANIMAL CONTROL:

Control of dogs, cats and domesticated or undomesticated animals.

4. ANIMAL CONTROL OFFICER:

Any person appointed by the Town of Scarborough to enforce animal control laws.

5. ANIMAL SHELTER:

A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.

6. AT LARGE:

off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.

7. BEACH:

Any beach area within the Town of Scarborough which is used by the general public.

8. DOG:

Any of large and varied groups of domesticated animals in the canine family.

9. LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed. A leash of a length no longer than 12 feet shall be used at all time on Beaches of Scarborough from April 1 to Labor Day. A failure to comply with this definition shall constitute a violation of this ordinance. (amended 05/19/2004)

10. OWNER:

Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

11. PROTECTED AREAS: Areas that may be designated for special protection for piping plovers or other endangered species based upon scientific and historical data.

~~1211.~~ RESPONSIBLE DOG OWNER: Is an individual who has possession or custody of a dog and has read and affirmed [at the time of licensure], that they will 1) Maintain control of their dog(s) at all times; 2) They will not allow the dog(s) to charge, chase or display aggression towards any person, other dogs or wildlife; and, 3) Behave in any way that a reasonable person would find disturbing or harassing. Except for hunting purposes a Responsible Dog Owner shall not have more than two dogs under Voice and Sight Control at the same time. A responsible party shall have a leash in his or her possession for each dog off leash. A failure to comply with this definition shall constitute a violation of this ordinance.

~~1112~~ 13. RESPONSIBLE PARTY:

As used in this ordinance, the term “responsible party” means the owner or any other person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation. A failure to comply with this definition shall constitute a violation of this ordinance. (amended 05/19/2004)

~~1213~~ 14. VOICE AND SIGHT CONTROL:

As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command. “Sight Control” means that a dog is always within sight of the Responsible Party and the dog is capable of complying with Voice Control. A violation of this Ordinance occurs upon a failure to

comply with the definition of either Voice Control or Sight Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. (amended 05/19/2004)

604-3 Animal Control Officer

A qualified person shall be employed by the police department who shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals and also to undomesticated animals.

604-4 At Large Dogs

Dogs shall be considered at large unless leashed or under Voice and Sight Control. It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civil penalties provided in this ordinance.

604-5 Impoundment or Return of At Large Dogs

All dogs found at large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$15.00 (fifteen dollars) return fee to the Town of Scarborough before the dog is returned. The payment must be made at the police dispatch center, which shall issue a receipt therefor.

604-6 Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal's owner may be subjected to all civil penalties authorized by this ordinance.

604-7 Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Town of Scarborough at the Town Clerk's Office, a fee of \$30.00 (thirty dollars) for each animal impounded. If the Town Clerk's Office is closed, the fee shall be paid at the Police Dispatch Center. Fees must be paid and a receipt from the Town must be presented to the animal shelter before the release of an animal. All fees will be deposited in the separate account required by Title 7, M.R.S.A. 3945.

604-8 Animal Noise

- a. Except as provided in subparagraph (b) and (c) below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more.
- b. Section 604-8(a) shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
- c. Section 604-8(b) shall not apply to farm animals kept on a property located in the R-F or R-F-M Districts under the Scarborough Zoning Ordinance. In all other zoning districts, Section 604-8(a) shall not apply to farm animals kept on a property [the principal use of which is] [a use of which is] the commercial production of farm

products and is either a conforming use or a lawful nonconforming use under the Scarborough Zoning Ordinance. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

604-9 Control of Animal Waste

An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal’s feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

604-10. Public Beaches and Shores (amended 05/19/2004)

The following restrictions apply to dogs on beaches:

- a. From April 1 to Labor Day dogs shall be restricted in the Protected Areas of each Beach as set forth by Resolution of the Town Council.
 - b. From May 15th to Labor Day (i) no dogs on any Beach from 9:00 a.m. to 5:00 p.m.; and (ii) dogs on leash from 5:00 p.m. to dusk.
 - c. From the day after Labor Day to May 14th dogs on leash from 11:00 a.m. to 2:00 p.m.
 - d. Whenever the Responsible Party has been directed by a law enforcement officer to leash the dog.
 - e. No dogs on any beach from ~~dawn to dusk~~ dusk to dawn.
 - f. Whenever a portion of a beach has been roped off, fenced off or otherwise demarcated or posted as a protected area in order to protect the nesting site of a piping plover or of any other endangered species protected under federal law, no dog shall approach within 200 feet of such protected area.
 - g. Dogs shall be on leash while entering or exiting vehicles and the Beach.
-
- a. ~~No dog shall be present on any beach at any time unless the dog is accompanied by a responsible party who has voice control (see definition) over the dog and who is carrying a leash in the hand of the responsible party (see definitions) which can be used to restrain the dog.~~
 - b. ~~No dog shall be present on any beach between the hours of 9:00 a.m. and 5:00 p.m. from June 15th through September 15th.~~
 - c. ~~When otherwise allowed to be present on a beach pursuant to this section, all dogs must be leashed at the following times:~~
 - ~~At all times from June 15th through September 15th, except that a dog under the voice control of its owner or a responsible party shall be permitted to be unleashed between sunrise and 9:00 a.m. (The purpose of this exception is to allow individuals to walk, jog, run or engage in other physical exercise with their dogs in the early hours of the morning.)~~
 - ~~Whenever the owner or responsible party has been directed by a law enforcement officer to leash the dog.~~
 - d. ~~Whenever a portion of a beach has been roped off, fenced off or otherwise demarcated and posted as a protected area in order to protect the nesting site of a~~

~~piping plover or of any another endangered species protected under federal law, no dog shall enter such protected area, and no dog shall approach within 150 feet of such protected area unless the dog is attached to a leash held by a responsible party so that the responsible party can physically restrain the dog from entering the protected area.~~

604-11 Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952. After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

604-12 Trespass

An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the property owner or a representative of the property owner or by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.

The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and control the animal if:

- the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or
- the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Sections 604-5, 604-6 and 604-7 in the same manner as an at large dog.

604-13 Tags Licenses[Amended 04/20/2011]

No dog shall be kept within the limits of the Town of Scarborough unless such dog is licensed by its owner in accordance with Maine Law and has acknowledged receipt and affirmation of the requirements of a "Responsible Dog Owner" as defined in Section 604-2-11. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under Title 7 M.R.S.A. Part 9 - Chapter 721. Dog Licensing.

604-14 Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four hours upon request for the Animal Control Officer.

604-15 Violations/Penalties

Any persons who violates Section 604-8 (Animal Noise) or Section 604-9 (Control of Animal Waste) shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50.00 and not more than \$100.00, plus costs.

Second violation: not less than \$100.00 and not more than \$250.00, plus costs.

Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs.

Any person who violates any other Section of this ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 plus costs for each offense.

All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Scarborough and deposited in the separate account required by 7 M.R.S.A. Section 3945.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

604-16 Severability Clause

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Vote: 6 Yeas.

Order No. 14-36. First reading and schedule a public hearing on the proposed amendments to Chapter 604A, the Horse Beach Permit Ordinance. Thomas J. Hall, Town Manager, gave a brief overview on this order.

Motion by Councilor Benedict, seconded by Councilor Caterina, to move approval of the first reading on the proposed amendments to Chapter 604A, the Horse Beach Permit Ordinance and schedule a public hearing for Wednesday, April 16, 2014, as follows:

Proposed Amendments to Chapter 604A –
the Town of Scarborough Horse Beach Permit Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 604A - the Town of Scarborough Horse Beach Permit, be and hereby is amended, as follows :

HORSE BEACH PERMIT ORDINANCE

604A-1. Authority

This Ordinance is enacted pursuant to the authority of 30-A M.R.S.A. § 3001 and also implements 17 M.R.S.A. § 3853-A. The Town Clerk shall have the powers and exercise the duties of the municipal officers under 17 M.R.S.A. § 3853-A.

604A-2. Purpose

The purpose of this Ordinance is to allow horses to be present on Pine Point Beach in Scarborough and Old Orchard Beach in the Town of Old Orchard Beach during appropriate times of year, and subject to

appropriate regulation and control. This Ordinance recognizes that Pine Point Beach and Old Orchard Beach form a continuous strand of sand beach and establishes a system of reciprocal licensing for horses on that strand of beach.

604A-3. Definitions

As used in this Ordinance, the following terms have the following meanings:

1. “Beach” means Pine Point Beach and/or Old Orchard Beach.
2. “Old Orchard Beach” means the sand beach bordering the Atlantic Ocean from the Scarborough/Old Orchard Beach town line to the Saco city line.
3. keeping or having custody, possession or control of a horse.
4. “Pine Point Beach” means the sand beach bordering the Atlantic Ocean from the mouth of the Scarborough River to the Old Orchard Beach town line.
5. “Rider” means any person who rides, leads or drives a horse.
6. “Town of Old Orchard Beach” means the municipality so named.

604A-4. Permit Required

No rider shall bring a horse onto the beach without having a permit and displaying on the rider a permit number tag issued by the Town Clerk of either the Town of Scarborough or the Town of Old Orchard Beach. Every rider must have an individual permit and permit number tag.

604A-5. Procedure for Obtaining a Permit

A rider seeking a permit to bring a horse onto the beach must apply in writing to the Town Clerk of the Town of Scarborough or the Town Clerk of the Town of Old Orchard Beach, using forms supplied by such clerk. The application must be accompanied by identification issued by a government agency and by the application fee required by the Schedule of License, Permit and Application Fees in the municipality where the application is made. If the applicant is a minor, the application must be signed by a parent or guardian, who must supply the required identification (the minor need not supply identification). Along with the permit, the Town Clerk shall also issue a permit number tag, designed to be worn by the rider and visible at a distance, which shall contain the permit number in numerals at least two and one half (2½) inches high, the name of the permit holder and the name of the issuing municipality, and may contain such other information concerning the permit as the Clerk deems appropriate. A permit issued by either municipality shall be valid in both municipalities. Permits are valid only between October ~~15th~~ 1st and ~~May 1st~~ March 31st. All permits, whenever issued, expire on ~~May 1st~~ March 31st. The Town Clerk who issues the permit may suspend or revoke the permit if the rider violates any provision of this ordinance and may decline to issue a subsequent permit to a rider who has violated any provision of this ordinance.

604A-6. Regulation of Horses on the Beach

1. Horses are allowed on the beach only from October ~~15th~~ 1st and ~~May 1st~~ March 31st.
2. Except for gaining access to and egress from the beach, horses are allowed only in the intertidal zone (between the mean high tide line and the mean low water line).
3. Parking of horse trailers is limited to Hurd Park in the Town of Scarborough and the Milliken Street Municipal Parking Lot in the Town of Old Orchard Beach.

4. Any rider or owner who allows a horse to be present on the beach must remove and dispose of animal waste as required by Section 604-9 of the Town of Scarborough Animal Control Ordinance. Violation of Section 604-9 constitutes a violation of this Ordinance.

604A-7. Violation/Penalties

Any person who violates this Ordinance within the Town of Scarborough shall be subject to civil penalties for each violation as follows:

First violation: not less than \$50.00 and not more than \$100.00, plus costs.

Second violation: not less than \$100.00 and not more than \$250.00, plus costs.

Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Scarborough Town Clerk in the amount specified in the citation prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Town shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

If a horse is present on the beach in violation of this Ordinance and the rider is not the owner, the owner shall be jointly and severally liable with the rider for civil penalties.

604A-8. Enforcement

This Ordinance may be enforced by any officer of the Police Department of the Town of Scarborough.

604A-9. Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Vote: 6 Yeas.

Order No. 14-37. First reading and schedule a public hearing on the proposed amendments to Chapter 610 – the Piping Plover Ordinance. The following spoke on this order:

- Liam Summers of Holmes Road felt the changes were not related to the Piping Plover. He made further comments relating to the proposed changes.
- Sue Foley-Ferguson of Black Point Road noted that she was one who adopted the Plover Ordinance and felt there is was more an enforcement issue.

Motion by Councilor Caterina, seconded by Councilor Benedict, to move approval of the first reading on the proposed amendments to Chapter 610 – the Piping Plover Ordinance and schedule a public hearing for Wednesday, April 16, 2014, as follows:

Proposed Amendments to Chapter 610 –
the Town of Scarborough Piping Plover Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 610 - the Piping Plover Ordinance of the Town of Scarborough, Maine, be and hereby is amended as follows:

1. **Purpose.**

The purpose of this Ordinance is to avoid or minimize adverse effects on Piping Plovers and their young by protecting their nesting, brooding, fledging, roosting and foraging activities on beaches within the Town of Scarborough.

2. **Definitions.**

Beach means any beach area within the Town of Scarborough, which is used by the general public.

Exclosure means an area from which pedestrians and vehicles are excluded by means of symbolic fencing.

Owner of a dog (or owner) means any person having custody, possession or control of a dog.

Piping Plover means the Atlantic Coast Piping Plover (*Charadrius melodus*), identified as a threatened species pursuant to the Federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.

surfer means a recreational device consisting of a board on wheels attached to a large kite or sail and propelled by wind power.

Symbolic fencing means one or two strands of lightweight string, tied between posts to delineate areas where pedestrians and vehicles should not enter.

Wrack line means the line of dried seaweed, marine vegetation and other debris left on the beach by the action of the tides.

3. **Piping Plover nesting habitat to be identified.**

On or before April 1st of each year, the Town of Scarborough, in conjunction with the Maine Department of Inland Fisheries and Wildlife, the United States Fish and Wildlife Service and/or the Maine Audubon Society, will identify Piping Plover nesting habitat and will mark or arrange for the marking of such habitat with posts and warning signs.

4. **Nests and broods protected.**

When Piping Plover nests are present, the Town of Scarborough, in conjunction with the Maine Department of Inland Fisheries and Wildlife, the United States Fish and Wildlife Service and/or the Maine Audubon Society, will create or arrange for the creation of an exclosure around such nests in accordance with the guidelines of the United States Fish and Wildlife Service and authorization issued by the Maine Department of Inland Fisheries and Wildlife. Once such exclosures have been created, the following prohibitions shall apply:

- (1) No person shall enter into an exclosure, except for wildlife management purposes authorized by the Maine Department of Inland Fisheries and Wildlife or the United States Fish and Wildlife Service.
- (2) No person shall remove or disturb the wrack line located in front of an exclosure located within 330 feet of a Piping Plover brooding site, unless such activity is approved by the Maine Department of Inland Fisheries and Wildlife or the United States Fish and Wildlife Service.
- (3) No owner of a dog shall cause or permit that dog to enter the exclosure or shall fail to prevent that dog from entering the exclosure. All dogs shall be leashed in accordance with the Animal Control Ordinance, Chapter 604.
- (4) No person shall drive or operate a vehicle, including a non-motorized vehicle, on the wrack line. (a) Non-emergency activities such as removal of dead or injured sea mammals shall require at least two responders, one of which will act as the spotter to and from the scene.

(b) All emergency response personnel will account for and avoid nesting sites and chicks to the maximum extent practicable, consistent with the nature and urgency of the emergency. However, it is the policy of the Town of Scarborough that such essential vehicles will avoid driving on the wrack line where possible and will avoid frequent driving on the beach in a way which would create deep ruts that could impede movement of Piping Plover chicks.

- (5) No person shall engage in kite flying, kitesurfing or parasailing within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers between April 1st and August 31st.
- (6) No person shall discharge or cause the discharge of any fireworks on any beach on which Piping Plovers are nesting from April 1st until all chicks are fledged.
- (7) No person shall utilize a sand surfer within 650 feet of nesting or territorial adult or unfledged juvenile Piping Plovers between April 1st and August 31st.

5. Enforcement and penalties.

Any person who violates any provision of this Ordinance commits a civil violation for which a civil penalty of no less than \$50.00 and no greater than \$250.00 shall be imposed. This Ordinance may be enforced by any officer of the Scarborough Police Department.

6. Relation to state and federal laws.

This Ordinance is intended to be consistent with state and federal protections of Piping Plovers and Piping Plover habitat. In the event of any inconsistency between this Ordinance and state or federal laws or regulations, the more stringent provisions shall control.

7. Relation to private protection efforts.

This Ordinance is not intended to supersede or displace any efforts or activities of private individuals or organizations or any protections afforded to Piping Plovers and their habitat by deed restrictions, conservation easements and other types of private covenants. To the extent any such private covenants are more restrictive than the provisions of this Ordinance, this Ordinance does not authorize any departure from the requirements of such covenants.

Vote: 6 Yeas.

Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to suspend the rules to continue after the 10:00 p.m.

Vote: 6 Yeas.

Order No. 14-38. Act on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground. Motion by Councilor Caterina, seconded by Councilor Holbrook, to move approval on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground.

Vote: 6 Yeas.

Order No. 14-39. Act on the request to renew the Town Manager's contract. Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval to table Order No. 14-39 to the May 21st Town Council meeting.

Vote: 6 Yeas.

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

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

- Councilor Benedict noted there would be no Coastal Waters and Harbors Committee meeting this month.
- Councilor Caterina noted that the Long Range Planning Committee would be meeting Friday morning at 8:00 a.m.
- Councilor Donovan gave an update on the Energy Committee.
- Councilor Holbrook gave an update on the Housing Alliance Committee and the next committee would be on the Thursday, April 17th 6:30 p.m. She also gave an update on the Historic Preservation Commission. There would be an Appointments Committee meeting prior to next meeting on April 16th. She then gave an update on the Finance Committee.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave an update on the following:

- Dredge permit expired at the end of March – at this point the contractor is now cleaning up; however, the contractor fell short of what was to happen. The money will be held and this fall the dredging will begin.
- Update on the pedestrian safety Project.
- Solar project well under way and then gave an update on the TRI-gen project.

Item 11. Council Member Comments.

- Councilor Holbrook noted that the Town continues to work with Project GRACE on the Fuel Assistance Program adding the she hit the 15 bag mark and encouraged everyone to participate. Bags are available in the Town Clerk's Office. She sent condolences to the families of the following individuals: Charles "Bernie" Baird, William Belfance, Beatrice Dulac, Maynard Ginn; Leland Hanson, Jr., Richard Hawkes, Frances Hoeller, Frederick Hunnewell, Sr., Giovanni Profenno, Catherine Underkoffler and Rocco Risbara, Jr.
- Councilor Donovan was ready for the Sox season.
- Councilor Caterina Scarborough noted that there would be a roast beef dinner at the Lions' Den on Gorham Road at 5:30 p.m. benefiting Engine Five.
- Chairman Sullivan commented on the dredge and as well as the dog issue. He then asked if residents are still able to get the cable boxes due to the switch over of carriers. Mr. Hall noted that he would check into it and report back at the next Council meeting.

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

Vote: 6 Yeas.

Meeting adjourned at 10:18 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk