

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 21, 2014
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Vice Chair Holbrook called the regular meeting of the Scarborough Town Council to order at 7:01 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 [Absent]

Item 4. General Public Comments.

- The following students were from the Mr. Coffins civic class at the high school: Brianna Byther, Isabel Ross-Bartlett, Cole Disney and Brandon Plummer.
- Chris Dionne a Scarborough resident and a Boy Scout working on his Community Service Badge.
- Jackie Perry of Black Point Road and a member of the Kiwanis noted the organization would be conducting a Food Drive for the Scarborough Food Pantry beginning Tuesday, May 27th and will run for a week. For more information please contact Ron Forest Fence at 883-2775.
- Michael Turek of Bayberry Lane spoke on the proposed School Budget and the Town Budget. After reviewing both budgets he now understands what a task it must have taken to go through the budgets. He questioned the Charter School tuition and other items that had increased. He had to come out of retirement due to the increase in the mil-rate.
- Robert Rovner of King Street stated that at prior meetings there had been comments stating that Scarborough had the lowest mil-rate – that is not so.

Item 5. Minutes: May 7, 2014 – Regular Meeting. Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the May 7, 2014, regular Town Council meeting.

Vice Chair Holbrook noted that on page 28, second paragraph – the total sum for the Education Operating Budget should read \$43,974,495 – to reflect the Adult Education portion of the budget and sum for the local share for the Education Operating budget should read \$36,336,345, which reflects what had been approved by the Town Council at the May 7th Town Council meeting.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. The Town Clerk noted that a public hearing for a Food Handlers License needed to be added to the agenda and that the notice had been posted in the newspaper as required per ordinance.

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

Order No. 14-46, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 313, the Property Tax Assistance Ordinance. Vice Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:12 p.m.

Motion by Councilor Benedict, seconded by Councilor Caterina, to move approval of the reading on the proposed amendments to Chapter 313, the Property Tax Assistance Ordinance.

Motion by Councilor Caterina, seconded by Vice Chair Holbrook, to move approval to amend the main motion as follows:

Section 4. Application and Payment Procedures - Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. At the time of application, Applicants must provide evidence of income eligibility in the form of ~~shall submit with the application~~ a signed copy of their Form 1040ME, including Schedule PTFC (Property Tax Fairness Credit) as proof and dollar amount of State Property Tax Fairness Credit eligibility Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program). The program is based on the State Property Tax Fairness Credit and relates to property taxes paid in the preceding calendar year. No confidential income records will be maintained by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final. [Amended 09/01/2010]

Vote on amendment: 6 Yeas.

Main Motion as Amended:

**CHAPTER 313
TOWN OF SCARBOROUGH
PROPERTY TAX ASSISTANCE 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 313 - the Town of Scarborough Property Tax Assistance Ordinance, be and hereby is amended, as follows (*additions are underlined; deletions are struck through*):

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough. Under this program, the Town of Scarborough will provide supplemental cash refund payments to those individuals who qualify as Scarborough resident beneficiaries of the State of Maine Residents Property Tax Fairness Credit pursuant to Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance. [Amended 09/01/2010]

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person's dependents as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or his designee, after review of a complete application under Section 4 of this Ordinance, to be eligible for a refund payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more at the time of application. [Amended 09/01/2010]
- b. The applicant has qualified to receive a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit.
- c. The applicant has been a resident of the Town of Scarborough for at least ten years immediately proceeding the date of application for participation in the Program.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. At the time of application, applicants must provide evidence of income eligibility in the form of a signed copy of their Form 1040ME, including Schedule PTFC (Property Tax Fairness Credit) as proof and dollar amount of State Property Tax Fairness Credit eligibility. The program is based on the State Property Tax Fairness Credit and relates to property taxes paid in the preceding calendar year. No confidential income records will be maintained by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final. [Amended 09/01/2010]

Section 5. Determination of eligibility and amount of eligibility

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

- a. The amount of credit qualified for under the State Property Tax Fairness Credit Program.
or;
- b. A pro-rata share of the available monies in the Program Fund based on the amount of one's State Property Tax Fairness Credit; or,
- c. \$500.00.

The Tax Assessor shall report to the Town Council at their first meeting in December each year the projected payments and number of eligible applicant requesting assistance for the program fund. [Amended 09/01/2010; Amended 04/17/2013]

Section 6. Program Fund - Limitations upon payments

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, payments shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 7. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the Property Tax Assistance Reserve Account.

Section 8. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than December 15th for the year in which participation is sought. [Amended 04/17/2013]

Section 9. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor or the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

Vote: 6 Yeas.

Order No. 14-47, 7:00 p.m. Public hearing and action on the renewal requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Higgins Beach Inn, located at 34 Ocean Avenue; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; and Scarborough Downs, located at 90 Payne Road. Vice Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:18 p.m.

Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the renewal requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Higgins Beach Inn, located at 34 Ocean Avenue; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; and Scarborough Downs, located at 90 Payne Road.

Vote: 6 Yeas.

Order No. 14-51, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from First Stop Convenience Store, LLC, d/b/a First Stop Convenience Store, located at 85 County Road. Vice Chair Holbrook opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:19 p.m.

Motion by Councilor Blaise, seconded by Councilor Caterina, to move approval of the new request for a Food Handlers License from First Stop Convenience Store, LLC, d/b/a First Stop Convenience Store, located at 85 County Road.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 14-39. Act on the request to renew the Town Manager's contract. [Tabled from the April 2, 2014, Town Council meeting]. Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval to renew the Town Manager's contract for another 3 years, through to 2017.

Vote: 6 Yeas.

Order No. 14-48. Act to approval the appointment of Sharman Kivatisky to the Historical Preservation Ad Hoc Committee, as recommended by the Appointments Committee. Motion by Councilor Caterina, seconded by Councilor Benedict, to move approval on the appointment of Sharman Kivatisky to the Historical Preservation Ad Hoc Committee.

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 14-49. First reading on the proposed FY2015 School Budget and schedule a public hearing and second reading Wednesday, June 4, 2014. Chris Caiazzo, Chair of the Finance Committee of the Board of Education, spoke on the proposed adjustment that would be recommended to the Town Council.

The following individuals spoke on this item:

- Robert Rovner of King Street spoke as to the lack of understanding from the public and why did the School not follow the directive from the Council to bring in a flat budget. He made further comments relating to the School's budget.
- Cindy Kueck of Moors Point Road spoke in support of the School's proposed budget and pointed out that people will not move here if the Schools are not high quality. We need to invest in our Schools.
- Michelle Arpin of Fowler Farms Road spoke in support of the School's proposed budget. We elect individuals to serve on the Board of Education and the Town and we have to trust that you are making the right decisions. It costs more now to educate children then it did when she was a in school.

Motion by Councilor Caterina, seconded by Vice Chair Holbrook, to move approval of the FY2015 School Budget and schedule a public hearing and second reading Wednesday, June 4, 2014.

Motion by Vice Chair Holbrook, seconded by Councilor Caterina, to move approval to amend the main motion to replace Order No. 14-49 with the following:

Order No. 14-49

Budget Order for Fiscal Year 2015 School Budget

Be it ordered that the Scarborough Town Council moves approval of the first reading to adopt the Fiscal year 2015 School Budget and **schedule a public hearing for 7:00 p.m. on Wednesday, June 4, 2014, as well as the second reading;** and,

Be it ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the sum of \$43,974,495 (including Adult Education, School Nutrition and school debt), and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of \$36,336,345.

Be it further ordered, that the ~~portion Scarborough Town Council hereby appropriates, for school purposes, of~~ the Education Operating Budget ~~to be voted at referendum pursuant to M.R.S.A.20-A §1486(2) and §2307, shall be~~ the appropriated sum of \$42,314,624 and the Town of Scarborough raises as the local share ~~for the Education Operating Budget,~~ the sum of \$36,238,654 (excluding Adult Education and School Nutrition).

Vote on Amendment: 4 Yeas. 2 Nays [Councilors Benedict and Blaise].

Motion by Vice Chair Holbrook, seconded by Councilor Caterina, to move approval to amend the main motion as amended to accept the School Finance Committee's recommended adjustment for a further reduction of \$138,000, for a new Education Operating Budget of \$43,836,495 (including Adult Education and School Nutrition) and a local share of \$36,198,345.

Vote on Amendment: 4 Yeas. 2 Nays [Councilors Benedict and Blaise].

Main Motion as Amended:

Be it ordered that the Scarborough Town Council moves approval of the first reading to adopt the Fiscal year 2015 School Budget and **schedule a public hearing for 6:00 p.m. on Wednesday, June 4, 2014, as well as the second reading;** and,

Be it ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the sum of **\$43,836,495** (including Adult Education, School Nutrition and school debt), and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$36,198,345**.

Be it further ordered, that the portion of the Education Operating Budget to be voted at referendum pursuant to M.R.S.A.20-A §1486(2) and §2307, shall be the appropriated sum of **\$42,176,624** and the Town of Scarborough raises as the local share the sum of **\$36,100,654** (excluding Adult Education and School Nutrition).

Vote: 4 Yeas. 2 Nays [Councilors Benedict and Blaise].

Order No. 14-50. Act on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 10, 2014. Motion by Councilor Caterina, seconded by Councilor Blaise, to move approval to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 10, 2014, as follows:

**WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
Tuesday, June 10, 2014**

Municipality: Scarborough

Voting District: Town Wide

Voting Place Name: Scarborough High School

Voting Location: 259 US Route One

Polls Open at 7:00 A.M.

Polls Close at 8:00 P.M.

Absentee Ballot Processing (check all that apply):

Processed by:

Clerk (Centrally)

☒ Clerk (At Polls)

Date/Time of Processing:

X **During** Election Day (6/09) Processing Time(s): After 8:00 a.m.
Only after 8:00 p.m. on Election Day (6/10)

**WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
Tuesday, June 10, 2014**

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, A Resident 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 Special Scholl Budget Validation Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that a School Budget Validation Referendum will held at the Scarborough Scarborough High School, located at 10 Municipal Drive, in the Town of Scarborough on Tuesday, June 10, 2014, for the purpose of determining the following questions:

School Budget Validation Referendum Question No. 1:

- ☐ YES Do you favor approving the Scarborough School budget for the upcoming school
☐ NO year that was adopted at the latest Town of Scarborough budget meeting?

The following is a non-binding expression of opinion for the consideration of the Town Council and School Board.

I find the school budget adopted at the June 4, 2014, Town Council meeting to be:

- ☐ TOO HIGH
☐ ACCEPTABLE
☐ TOO LOW
-

The Registrar of Voters will hold office hours while the polls are open to correct any error in 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 may not vote in any Scarborough election.

Given under our hand this 21st day of May, 2014, at Scarborough, Maine. Signed by a majority of the municipal officers of the Town of Scarborough.

Vote: 6 Yeas.

Item 8. Non Action Items. Non at this time.

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

- Councilor Donovan gave an update on the SEDCO/Chamber of Commerce Meeting.
- Councilor Caterina gave an update on the Conservation Commission and was unable to attend the Long Range Planning meeting
- Councilor Blaise gave an update on the Senior Advisory Board Meeting and the need for committee members.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager gave the following updates:

- Working with PACTS and DOT with regards to connecting Eastern Trail between South Portland and Scarborough [Pleasant Hill Road] – funding for this portion of the project will be through PACTS.
- The Oak Hill Pedestrian improvements would be going out to bid the end of the week with a bid date in June.
- Plead to Council members regarding the Legislative Policy Committee – two representatives – please let him know and he would let MMA know and sign the form as needed.
- The Black Point sidewalk project is near completion with plantings going in, etc.
- A meeting with US Fish and Wildlife Service has been scheduled to go over the changes that have been implemented.

Item 11. Council Member Comments.

- Councilor Caterina thanked Chris Dionne for coming and speaking with her. She wished he luck on working on his Boy Scout badge. She announced that she will have “Office Hours on Wednesday, June 11 from 5:30 to 6:30 p.m. at Town Hall in the Manager’s Conference Room.
- Councilor Donovan attended a Vision Committee Meeting that was well attended by other town committees. The topic was how we all work together. A bit of news is that there are two Plover nests that have eggs - one at Pine Point Beach and the other at Higgins Beach.
- Vice Chair Holbrook sent condolences to the families of Theodore Park Atwood, Mary Theresa Beck, Rodrigue Blanchett, Dale Bliss, Dorothy Crandall, Susan Strachan Karam, Luella Laskey, Sarah Love and Vera Temm.

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

Vote: 6 Yeas.

Meeting adjourned at 8:11 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk