MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 20, 2014
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Sullivan 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 Thomas J. Hall, Town Manager:

Jessica L. Holbrook, Vice Chair	Katherine A. St. Clair
William J. Donovan	Edward NMI Blaise, III [Absent]
Jean-Marie Caterina	James E. Benedict

Richard J. Sullivan, Jr., Council Chair

Prior to Item 4. Chairman Sullivan noted that there would be a workshop on Order No. 14-53[Cell Towers] on Wednesday, September 3, 2014 and there would be a workshop on Order No. 14-76 [Ice Hockey Rink] on Wednesday, October 1, 2014. These workshops are to gather further information and consider comments made by the public.

Item 4. General Public Comments.

- The following Boy Scouts introduced themselves: Jackson Obar, Nate Taggart, Daniel Bowen and Mark Smith. By attending this meeting they are earning points for the Citizen in the Community Merit Badge.
- Martin Tripp of Oceanwood Avenue spoke on his thoughts of an infrastructure built out on the west side of town and the possible increase in the gas tax this fall. He also spoke about the grass that had been planted on the corner of Black Point Road and Eastern Road – this could hinder the site of traffic and cause accidents.
- Gina Crisci of 1 Meadowood Drive thanked the Council for tabling the Cell Tower issue.
- Susan Hamlin of 3 Bay Street spoke about the skating rink and was in support of this recommendation. She voiced her concerns about the process that had been followed in getting this item on the agenda noting that it gives the perception of closed-door deals. The public lands belong to the people not the Town Manager or the Council.
- Robert Rovner of King Street agreed with the previous speaker relating to the Memorandum of Understanding relating to the Ice Hockey Rink. He voiced his concerns with all the possible changes that might have to be made down the road. He did not feel the process had been followed and that it had been circumvented.

Item 5. Minutes: July 16, 2014 – Regular Meeting. Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the minutes of the July 16, 2014, regular Town Council meeting as written.

Vote: 6 Yeas.

Item 6. Adjustment to the Agenda. There will be an executive session at the end of the meeting following Councilor Comments regarding a real estate matter.

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

Order No. 14-67, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses. Prior to the public hearing, Dan Bacon, Town Planner, gave a brief overview on this order.

Chairman Sullivan 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 Holbrook, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance by adding an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses, as follows:

Proposed Amendments to the Zoning Ordinance to Add an Affordable Housing In-Lieu Fee to the Zoning Districts that Allow Residential Density Bonuses

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

1. Amend Section XV.B VILLAGE RESIDENTIAL 2 – VR2, subsection F.2. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection e. to read (additions are underlined; deletions are struck through):

> **e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee –** In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

2. Amend Section XV.C. VILLAGE RESIDENTIAL 4 – VR4, subsection F.2. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection e. to read (additions are underlined; deletions are struck through):

> **e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee –** In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per net residential acre beyond the maximum base residential density. ~~If subsections F.2. and F.3. are both used, the additional dwelling units permitted under F3. shall not also be subject to the development transfer provisions under F.2.~~

3. Amend Section XVIIA. RESIDENCE AND PROFRESSIONAL OFFICE DISTRICT RPO, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) –** In lieu of developing affordable housing to utilize additional residential density under subsection E.3., a development may incorporate additional dwelling units beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance if such a bonus is provided for in the abutting residential district.

4. Amend Section XVIII.A. TOWN AND VILLAGE CENTER DISTRICT TVC, subsection F. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. ~~If subsections F(2) and F(3) are both used, the additional dwelling units permitted under F(3) shall not also be subject to the development transfer provisions under F(2).~~

5. Amend Section XVIII.C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT TVC2, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) –** In lieu of developing affordable housing to utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. ~~If subsections (E)(2) and E(3) are both used, the additional dwelling units permitted under (E)(3) shall not also be subject to the development transfer provisions under (E)(2).~~

6. Amend Section XVIII.D. TOWN AND VILLAGE CENTERS FRINGE DISTRICT TVC3, subsection E. RESIDENTIAL DENSITY REGULATIONS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) –** In lieu of developing affordable housing to utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

~~a.~~ The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. ~~If subsections (E)(2) and (E)(3) are both used, the additional dwelling units permitted under (E)(3) shall not also be subject to the development transfer provisions under (E)(2).~~

7. Amend Section XIXA. GENERAL BUSINESS DISTRICT B3, subsection H. RESIDENTIAL DENSITY REGULATIONS FOR PLANNED DEVELOPMENTS by adding a new subsection 4. to read (additions are underlined; deletions are struck through):

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection H.3, a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. ~~If subsections H(2) and H(3) are both used, the additional dwelling units permitted under H(3) shall not also be subject to the development transfer provisions under H(2).~~

Vote: 6 Yeas.

Order No. 14-70, 7:00 p.m. Public Hearing and action on the new requests for a Food Handlers License from Nouria Energy Retail Maine, Inc., d/b/a Payne Road Lil' Mart #01024, located at 284 Payne Road and from Anusart Limsrithong, d/b/a Thai 9 Restaurant, located at 400 Expedition Drive, Unit G. Chairman Sullivan opened the public hearing, as there were no comments either for or against the hearing was closed at 7:25 p.m.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval on the new requests for a Food Handlers License from Nouria Energy Retail Maine, Inc., d/b/a Payne Road Lil' Mart #01024, located at 284 Payne Road and from Anusart Limsrithong, d/b/a Thai 9 Restaurant, located at 400 Expedition Drive, Unit G.

Vote: 6 Yeas.

Order No. 14-71, 7:00 p.m. Public Hearing and action on the new request for a Liquor License from Anusart Limsrithong, d/b/a Thai 9 Restaurant, located at 400 Expedition Drive Unit G. Chairman Sullivan opened the public hearing, as there were no comments either for or against the hearing was closed at 7:26 p.m.

Motion by Councilor , seconded by Councilor , to move approval on the new request for a Liquor License from Anusart Limsrithong, d/b/a Thai 9 Restaurant, located at 400 Expedition Drive Unit G.

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 14-53. Second reading on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update the Performance Standards thereto. The following individuals spoke on this order:

- Rick Mahoney of 34 Tenney Lane felt that towers should be in an industrial area.
- Leslie Garber of 22 Coulthard Farms Road was grateful to hear that this item would be brought to a workshop and was curious to know what would happen to the towers if the company goes out of business. She further voiced her concerns.
- A gentleman from Tenney Lane wanted to show his support against the towers.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the second reading on the proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance to create a Transmission Tower Overlay District and to update the Performance Standards thereto – for the purpose of discussion.

Motion by Councilor St. Clair, seconded by Councilor Benedict, to move approval to table this item to the Town Council meeting on Wednesday, September 17, 2014.

Vote: 6 Yeas.

NEW BUSINESS:

Order No. 14-72. First reading and schedule a public hearing on the proposed designation of Griffin Road Affordable Housing Development District and adopting the Development Program for such District and authoring a credit enhancement agreement for such District, pursuant to the attached Order No. 14-72 and the provisions of Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended and authorize the Town Manager to sign any and all documents pursuant to said District. Thomas J. Hall, Town Manager gave a brief overview on this Order and then introduced Rocky Risbara the Developer on the proposed development on Griffin Road. No public comments were made.

Rocky Risbara gave a brief over on the process that had been that had been followed for this development and what would have to be done to bring this application to the State. He then introduced Shana Cook Mueller from Bernstein Shur and the attorney for the town

Ms. Mueller gave a brief overview on what an Affordable TIF is and a regular TIF. This is a competitive process and to gain more points would be to have the support of the Town Council. The revenues from this TIF would be used by the Town for affordable housing projects. She then explained the process that would need to be followed. She responded to questions from the Town Council.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval of the first reading on the proposed designation of Griffin Road Affordable Housing Development District and adopting the Development Program for such District and authoring a credit enhancement agreement for such District**,** pursuant to the attached Order No. 14-72 and the provisions of Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended and authorize the Town Manager to sign any and all documents pursuant to said District and schedule a public hearing and second reading for Wednesday, September 3, 2014, as follows:

TOWN COUNCIL
ORDER #14-72

AN ORDER DESIGNATING THE GRIFFIN ROAD AFFORDABLE HOUSING DEVELOPMENT DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specified area or areas within the Town as an affordable housing development district and adopt a development program for such district; and

WHEREAS, there is a need for the development of affordable, livable housing and the containment of the costs of unplanned growth in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, the designation of the District and implementation of the Development Program will help to improve and broaden the tax base in the Town of Scarborough and improve the economy of the Town of Scarborough and the region by attracting business development to the Town; and

WHEREAS, the Town will hold a public hearing on the question of establishing the District, in accordance with the requirements of 30-A M.R.S.A. § 5250, upon at least ten (10) days prior notice published in the *Portland Press Herald*, a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate ***Griffin Road Affordable Housing Development District*** (the "District") and adopt a development program for the District (the "Development Program"); and

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority ("MaineHousing") approving the designation of the District and the adoption of the Development Program for the District;

NOW THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF SCARBOROUGH, MAINE:

Section 1. The designation of the District and pursuit of the Development Program will create affordable, livable housing within the Town of Scarborough, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates ***Griffin Road Affordable Housing Development District*** and hereby adopts the Development Program for the District described as more particularly set forth in the documents presented to the Town Council in conjunction with this Order.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in accordance with the Development program is hereby established as set forth in the Development Program.

Section 4. The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to

MaineHousing for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and further is authorized and directed to execute a Credit Enhancement Agreement consistent with the provisions of ***Griffin Road Affordable Housing Development District*** Development Program as presented and approved herein and to create the accounts and take all the actions described in such agreement, if and when the Town Manager is presented with a written copy of the MaineHousing "Notice to Proceed" with respect to the Project to be located in the District.

Section 5. The Town Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the District by MaineHousing, or for any other reason, so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program. The Town Manager is also hereby authorized and directed to submit any reports to MaineHousing regarding the District and Development Program throughout the term of the District.

Section 6. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the proposed District by MaineHousing without requirements of further action by the Town, Town Council or any other party.

Section 7. The Town hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for residential use, blighted area or is in need of rehabilitation or redevelopment; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town, and the total area of all development districts within the Town does not exceed five percent (5%) of the total acreage of the Town; and

c. The original assessed value of the District plus the original assessed value of all existing affordable housing development districts within the Town does not exceed five percent (5%) of the total acreage of the Town.

d. The District and pursuit of the Development Program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town has considered all evidence, if any, presented to it with regard to any substantial detriment to another party's existing property interests in the Town and has found and determined that such interested party's property interests in the Town are outweighed by the contribution made by the District or Development Program to the availability of affordable housing within the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 8. The Town Manager is authorized to file the yearly reports required by Title 30-A M.R.S.A. § 5250-E and otherwise to take all lawful actions required in the administration of the District and Development Program.

Dated First Reading: August 20, 2014
Dated Second Reading: September 3, 2014

APPLICATION
Affordable Housing Tax Increment Financing

All applications to MaineHousing for approval of an affordable housing development district and associated development program must use this form.

Before submitting the form the Applicant's municipal legislative body must approve the substantive contents of the form and its attachments.

Section 1 - Applicant Information

1-1. **Applicant:** Town of Scarborough

1-2. **Application submittal date:** _____

1-3. **Municipal official submitting this application:**

Thomas Hall
Printed name

Signature **Date**

The person signing above attests that the information contained in this application is true and correct to the best of his or her knowledge.

Title	**Town Manager**
Mailing address	**259 U.S. Route 1 / P.O. Box 360** **Scarborough, ME 04074-0360**
Phone number	**(207) 730-4031**
Email address	**thall@ci.scarborough.me.us**

1-4. **Name of Affordable Housing Development District and Development Program:**

Griffin Road Affordable Housing Development District

1-5. **Date of public notice:** 8/10/2014 *(Notice must be published at least 10 days prior to the public hearing. The actual newspaper page containing the notice and showing the newspaper name and date must be provided as Attachment 1.)*

1-6. **Date of public hearing:** 8/20/2014 *(A copy of the meeting record must be provided as Attachment 2.)*

1-7. **Municipal official with authority to submit annual reports on the status of the Affordable Housing Development District on behalf of the municipal legislative body:**

Name	**Thomas Hall**
Title	**Town Manager**
Phone number	**(207) 730-4031**
Email address	**thall@ci.scarborough.me.us**

1-8. **Did the municipal legislative body:**

a. **Specifically consider and approve the substantive contents of this form and attachments, after the required 10 day public notice and public hearing? (yes or no)** Yes

b. **Consider comments received at the public hearing? (yes or no)** Yes *(If an interested party claimed that the district or development program will be detrimental to that party's existing property interests, the legislative body must consider the evidence presented and whether any adverse economic effect is outweighed by the availability of affordable housing or health, welfare or safety improvements for the municipality's residents.)*

c. **Consider whether the district and development program will expand affordable housing opportunities or improve the health, welfare or safety of municipal residents? (yes or no)** Yes *(The municipal legislative body must take these factors into account.)*

1-9. **Date of municipal approval:** _____/14 **(A copy of the municipal resolution or order and vote must be included as Attachment 3.)**

Section 2 - Affordable Housing Development District Characteristics

2-1. **General description of District** *(such as existing residential and nonresidential land uses, adjacent streets, etc. A municipal map or photo showing District boundaries must be included as Attachment 4.)*

The proposed district is 5 Griffin Road in Scarborough. The site includes Griffin Road, which is private, but the buildable area is located at the end of Griffin Road, which is off Route 1 near the intersection with Route 9 (Dunstan's Corner). The site is currently vacant. The site is relatively flat to the north and west with an increasing slope to the east and south.

2-2. **Tax map and lot number (and block no. if applicable):** Map U33 Lot 51 *(A tax map with district boundaries shown must be provided as Attachment 5.)*

2-3. **Acreage of the District:** 3.55

2-4. **District duration:** 17 years *(Up to 30 full tax years maximum beginning on the April 1 following the date of MaineHousing approval.)*

2-5. **Municipal fiscal years during which tax increment will be used for approved project costs:**

First fiscal year start date: 7/1/2015
Last fiscal year end date: 6/30/2032

2-6. **Original assessed value (OAV) and OAV date:** $216,800 as of March 31, 2014. *(The OAV date must be the March 31 immediately preceding MaineHousing approval. A certified letter from the tax assessor with OAV and OAV date must be provided as Attachment 6. Please note that the OAV is based on the taxable value of the property in the district, so the OAV of a tax exempt property is zero.)*

2-7. **Zoning of District land and allowed uses:** *(Please provide a description of any contract zone, if applicable.)*

Town and Village Centers (TVC) District

The purpose of the TVC District is to provide for and encourage village and town centers within Scarborough that exhibit village style development and offer a mix of retail, office, service, civic, and residential uses in an environment conducive to both pedestrians and motorists. Senior housing is listed as a permitted use in the TVC District.

2-8. **Description showing that at least 25% of District area is suitable for residential use; blighted; or in need of rehabilitation/redevelopment:**

The site is well-located for housing, adjacent to both an existing residential area and less than 500' from Route 1 and its businesses. The site is a vacant lot surrounded by developed lots, and is serviced by municipal sewer and water services and overhead electric. The site is therefore 100% suitable for residential use.

2-9. **District area as a percentage of total municipal acreage:** *District acreage divided by total municipal acreage = 0.02% (Cannot exceed 2%)*

2-10. **Total area of all development districts as a percentage of total municipal acreage:** *Existing and proposed affordable housing + municipal development district acreage divided by total municipal acreage = 3.38% (Cannot exceed 5%)*

2-11. **OAV of all affordable housing development districts as a percentage of all taxable property value***: Aggregate OAV of existing and proposed affordable housing development districts divided by aggregate taxable property value at April 1 preceding MaineHousing approval date = 0.01% (Cannot exceed 5%)*

Section 3 - Affordable Housing Development Program

Development Characteristics

3-1. **General description of the intended development:** *(Overall character of uses in the District must be primarily residential, i.e., housing and related uses such as child care, recreational and small-scale commercial facilities serving District residents.)*

The proposed Griffin Road Senior Housing project will create 36 units of affordable elderly rental housing, with associated amenity and community spaces. All 36 units will be one-bedroom units, targeted to households with incomes at or below 60% of AMI.

3-2. **Number and type of housing units to be developed within the District:**

	Market rate units		Affordable units		
	Number of units	Unit size (# of BR)	Number of units	Unit size (# of BR)	Income Limit(s) (% of AMI)
New rental units			36	36 1 BR	50-60% AMI
Rehabilitated rental units					
New homes, including condos					
Rehabilitated homes, including condos					
Total units within the District:			36		

3-3. **Affordable housing units as a percentage of total housing units within the District:** 100% *(Minimum of 33%.)*

3-4. **Schedule for development:**

The project will be submitted for MaineHousing Low Income Housing Tax Credit (LIHTC) approval. It is anticipated that a Notice to Proceed will be issued in December 2014 and construction loan closing and construction start would occur in May 2015. The project will be placed in service in March 2016 with full occupancy by November 2016.

3-5. **Length of affordability period(s):** *(Minimum of 10 years for owner-occupied homes and condos and 30 years for rental units).* Length of the affordability period will be 45 years, pursuant to a Extended Use Agreement to be executed with MaineHousing.

3-6. **Mechanism(s) for ensuring ongoing affordability:** *(Copies of covenants or restrictions for ensuring affordability to households at or below 120% of area median income must be provided as Attachment 7.)*

The project will be developed with Low Income Housing Tax Credit equity and thus subject to an Extended Use Agreement with MaineHousing, which will be executed at loan closing and a copy filed at the registry of deeds.

3-7. **Name of affordable housing developer:** The developer is Griffin Road Development LLC. That entity is composed of Developers Collaborative principal Kevin Bunker, doing business as Developers Collaborative Predevelopment, LLC, and William Risbara and Rocco Risbara, doing business as Risbara Properties, LLC. Developers Collaborative has developed over 300 units of affordable, tax credit housing. The owner will be Griffin Road Housing LP.

3-8. **Description of how the housing and facilities to be funded with tax increment revenues will be operated, including responsible entity and funding:**

When completed, the project will be managed by an experienced manager of subsidized housing properties with extensive LIHTC training. The total annual cost of operations for the project is budgeted at $249,911. The breakdown by category is as follows: administrative 22%; utilities 16%; maintenance 33%; general expenses 22%; and reserves 7%. The financing for operating expenses is primarily through tenant rents (96%). TIF payments made to reimburse project costs (4%) make up the remainder. Resident Services will be available via an on site coordinator 8 hours per week. Griffin Road Senior Housing will be managed as a smoke free building. TIF income will be used to create greater affordability than standard MSHA underwriting. 40% of project will be affordable to seniors at 50% AMI with the balance at 60% AMI.

Related Requirements

3-9. **Description of local affordable housing need and how proposed Development Program meets the need:**

The proposed project seeks to address the shortage of decent and safe affordable housing for seniors in the Scarborough area. Scarborough is designated as a service center community with high need of elderly housing in the 2014 QAP. In addition, Scarborough's 2006 Update of the Comprehensive Plan identified a need for an additional 46 affordable rental units for low income elderly households, which would increase over the next ten years as the number of seniors continues to grow. The 2006 Update also establishes several relevant actions: 1) Action A.3.a: "Allow and encourage a range of senior housing opportunities within our growth areas;" 2) Action A.4.a: "Encourage affordable housing through density bonus provisions;" and 3) Action H.2.e: "The Town should use Affordable Housing Tax Increment Financing to facilitiate the construction of infrastructure needed to support new affordable housing."

3-10. **Date of comprehensive plan final adoption** July 19, 2006 **, whether the proposed development is consistent with the plan (yes or no)** Yes**, and whether the Development**

Program complies with Maine law limiting growth-related capital investments (see 30-A M.R.S.A. §4349-A), (yes or no): Yes

3-11. **Potential conflict with municipal charter (yes or no):** No

3-12. **Description of plan for relocation of persons displaced by development activities (or statement that no relocation is necessary):**

The existing site is currently vacant so no relocation is required.

3-13. **Description of environmental controls to be applied (or statement of commitment to appropriate environmental controls, such as permitting and licensing, adherence to laws and regulatory conditions, and use of qualified contractors):**

The project is committed to following all local and state laws and regulations. Locally, full planning board site plan approval was granted on _____, 2014. A Phase I environmental study will be conducted and any necessary corrective action taken. Any environmental issues will be fully remediated as part of the Project. A qualified general contractor will be chosen from a select bid list compiled with the approval of MaineHousing.

Financial Plan

3-14. **General explanation of how development within the District will be financed and accomplished, including cost estimates for the Development Program and all sources of anticipated funds:** *(An itemized development budget showing all sources and uses of funds for development in the District must be provided as Attachment 8.)*

The Total Development Cost is budgeted at $5,349,247. Griffin Road Senior Housing will be financed primarily through Low Income Housing Tax Credits. The project will seek an award of 2015 Low Income Housing Tax Credits in the amount of $434,214, which is projected to provide an equity yield to the project of $3,690,451. In addition, the project will seek a Rental Loan Program subsidy in the amount of $1,083,796. A RLP Loan of $575,000 is also contemplated.

3-15. **Captured assessed value (CAV):** *(List the percentage of increased assessed value of the District to be retained as CAV, or describe the method or formula for determining the percentage of CAV. Annual estimates of captured assessed value must be provided as Attachment 9.)*

100%

Estimated tax shifts from the designation of captured assessed value *(Annual estimates of tax shifts for each year the District is in effect must be provided as Attachment 10, using the formulas provided in Attachment 10-A.)*

$9,791 Total revenue sharing tax shift
$216,899 Total education subsidy tax shift
$19,575 Total county tax shift

3-16. **Estimated total tax increment revenues:** *(Must be consistent with amounts shown in Attachment 9.)*

$548,568

3-17. **Portion of total tax increment revenues to be allocated to the Developer** 50% **and Municipality** 50% *(May be defined in dollars, percentages, or by formula. A copy of the associated formal agreement such as a Credit Enhancement Agreement, if applicable, must be included as Attachment 11.)*

3-18. **Itemized description of specific project costs that may be funded in whole or in part with tax increment revenues (listed in order of priority for using tax increment revenues):** *(A general list of potential uses is not sufficient.)*

(Allowable uses within the District include the capital, financing, real property, professional services or ongoing operating costs associated with the affordable housing development; relocation costs; costs of recreational facilities; costs of child care facilities; costs associated with small scale non-residential uses that contribute to a specific, identified betterment of the health, welfare or safety of the inhabitants of the municipality, including specific benefit to the residents of the District; and administrative and organizational costs associated with establishing or implementing the District.)

(Allowable uses outside the District must be directly related to or made necessary by the District, including but not limited to: costs of infrastructure or public safety improvements, costs to mitigate any adverse impact of the District on the municipality and its constituents, including school costs; and costs to establish permanent housing development revolving loan funds or investment funds.)

Specific improvements or activities to be funded with tax increment revenues	Timing of each planned improvement	Amount ($) to be funded with tax increment revenues	Amount to be funded by other sources		Location within or outside District?	Resulting public benefit
			Amount ($)	Source		
Project Operating Costs (Administrative, Utilities, Maintenance, Insurance, Replacement Reserves)	semi-annual	estimated $274,284 ($12,404 in year two with annual increases over 16 years)	estimated $5,826,561 ($163,728 in year one, stabilized in year two at $327,456 with 2% annual increase over 16 years)	project rents	Inside	Provision of new senior affordable housing; greater affordability than standard MSHA underwriting
Contributions to Affordable Housing Initiative Fund	annual	up to estimated $274,284			Outside	Further the establishment of permanent affordable housing within Scarborough

Total costs:		$548,568	$5,826,561			

3-19. **Potential alternative uses of tax increment revenues and the circumstances under which these alternatives would be pursued:**

N/A

3-20. **Justification for any use of tax increment revenues outside of the District boundaries, if applicable:** *(Be specific about how improvements located outside of the District are directly related to or made necessary by the creation or operation of the District. Attach related studies, if applicable.)*

MaineHousing has determined that a direct relationship exists between the use of fund proceeds for affordable housing development outside the boundaries of the affordable housing development district and the creation of the district.

3-21. **If one of the intended uses of tax increment revenues is a housing development revolving loan or investment fund, provide the following information:**

a. **A description of the fund, including type, purpose, operation, and provisions for repayment or return of fund proceeds to the fund:**

The Affordable Housing Initiative Fund, segregated from the Town's general revenue, shall be used to further the establishment of affordable housing within Scarborough: These funds "may be used for the land acquisition, infrastructure, and/or building construction costs of an affordable housing project… A portion of these funds may also be used to establish a revolving loan program to provide direct financial assistance to qualified homebuyers with down payments and other financing needs for purchasing affordable housing units." See Section VIIC(B)(5) of Chapter 405, Zoning Ordinance, Town of Scarborough, as of March 19, 2014 (the "Ordinance").

The Affordable Housing Initiative Fund has been established but is not yet funded.

Section VI of the Ordinance provides the following definition of "affordable housing":

"Affordable Housing means decent, safe and sanitary living accomodations that are affordable to households, in accordance with the following provisions:
A. An Owner-Occupied Affordable Housing Unit is a unit which has an expected sales price that is reasonably anticipated to result in monthly housing costs (including mortgage principal, interest, and insurance; homeowners' insurance costs, real estate taxes and basic utility and energy costs) that do not exceed 30% of a household's gross monthly income. The qualified household gross income for an Affordable Housing Unit is 120% or less than the most recently published Portland, Maine, MSA Median Family income adjusted for family size and consistent with the income

thresholds published by the U.S. Department of Housing and Urban Development for the region.
B. Renter-Occupied Housing Unit is a unit which is leased to a household (inlcuding rent and basic utility and energy costs) for an amount that does not exceed 30% of the household's gross monthly income. The qualified household gross income for a Renter-Occupied Housing Unit is 80% or less than the most recently published Portland, Maine, MSA Median Family Income adjusted for family size and consistent with the income thresholds published by the U.S. Department of Housing and Urban Development for the region."

b. **Timing for establishing and using the fund:**

Contributions to the fund would occur annually. Use of the funds would occur as needed.

c. **The property to be purchased or the housing to be developed with fund proceeds:**

Fund proceeds will be used to support the creation of affordable housing (as defined in 3-21(a) above) in Scarborough.

3-22. **If municipal debt financing will be used to finance approved project costs:**

a. **Principal amount, maturity** ***(maximum 20 years)*** **and type of each municipal debt issuance** ***(i.e. general obligation bonds, revenue bonds, notes or other evidences of indebtedness*****):**

N/A

b. **Aggregate principal amount of municipal general obligation debt relating to affordable housing development districts (including proposed District) within county in which municipality is located:** *(Cannot exceed $50 million.)*

N/A

c. **List of improvements to be financed with municipal bonds:**

N/A

d. **Timing of improvements financed with municipal bonds:** *(Must be completed within 5 years from MaineHousing approval date.)* N/A

Section 4 - Attachments

Attachment 1 -- Public hearing notice (actual copy showing newspaper name and date)

Attachment 2 -- Copy of meeting record at which public hearing was held

Attachment 3 -- Copy of resolution or order and vote

Attachment 4 -- Municipal map or photo showing District boundaries

Attachment 5 -- Tax map, with District boundaries shown

Attachment 6 -- Certified letter from tax assessor with original assessed value for the District as of March 31 immediately preceding date of MaineHousing approval

Attachment 7 -- Language for covenants or restrictions for ensuring affordability to households at or below 120% of area median income (AMI)

Attachment 8 -- Itemized development budget showing all sources and uses of funds for development in the District

Attachment 9 -- Captured assessed value calculations for each year the District will be in effect

- Annual estimates of increased assessed value of the District ($)
- Annual portion of increased assessed value to be retained as captured assessed value
- Resulting tax increments

Attachment 10 -- Estimated tax shifts for each year the District will be in effect, using the tax shift formulas included in Attachment 10-A

Attachment 11 – Formal agreement such as a Credit Enhancement Agreement

Attachment 1
Public Hearing Notice

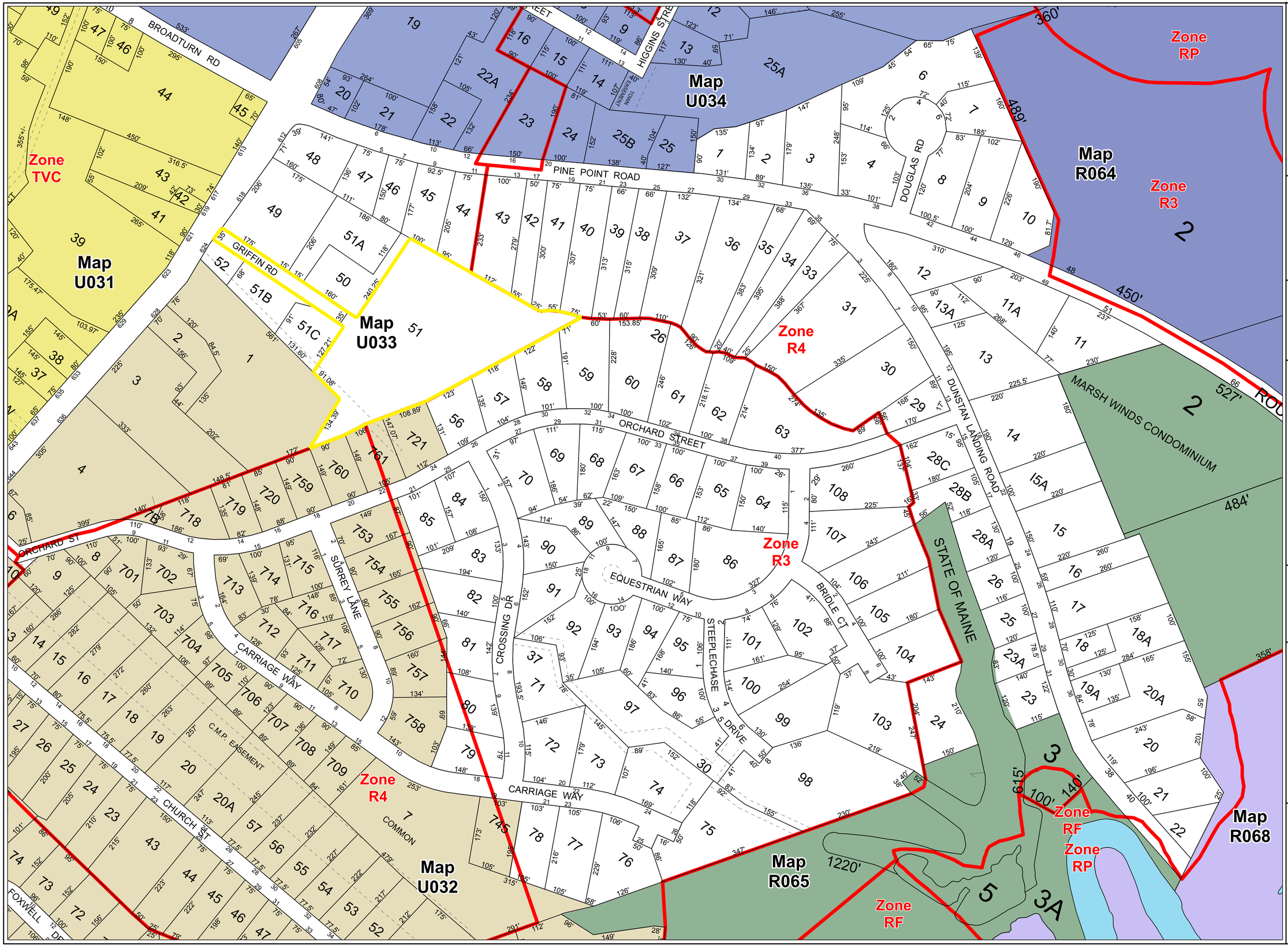
Attachment 2
Public Meeting Record

Attachment 3
Town Order

Attachment 4
TIF District Boundaries

BROAD TURN ROAD
MOBIL GAS STATION
THE DAIRY CORNER
PINE POINT ROAD
DUNSTAN PLAZA
MAINE SMOKE SHOP
THE BOOK CD & MOVIE EXCHANGE
DUNSTAN DENTAL CENTER
WING LEE
PLAN OF BUILDING LOTS
L.P. & E.C.SKILLIN
ROCK N ROLL DINER
U.S. ROUTE ONE
GRIFFIN ROAD
IANNETTA OSTEOPATHIC MANIPULATION
DUNSTAN COMMONS
MILLER ASSOCIATES
TUCKER & TUCKER
BLUE HORIZON REAL ESTATE
BLUE SKY MORTGAGE
THERAPY WORKS
GENEVA L. MESERVE LCPC
T.K. POWER EQUIPMENT
ACE HARDWARE
ORCHARD STREET
CROSSING DRIVE
SURREY LANE
CARRIAGE CROSSING SUBDIVISION
CARRIAGE CROSSING II SUBDIVISION

Attachment 5
Tax Map with TIF District Boundaries



Town of Scarborough Maine

For Assessing Purposes Only

Legend

- Railroad
- Easement & ROW Lines
- Parcels
- Water
- Townlines
- Surrounding Towns
- Zoning

April 1, 2014

Revised: 7/31/2014

1 inch = 100 feet

Map Number

U033

Attachment 6
Assessor's Certification

ASSESSOR'S CERTIFICATE OF ORIGINAL ASSSESSED VALUE

TOWN OF SCARBOROUGH

GRIFFIN ROAD AFFORDABLE HOUSING DEVELOPMENT DISTRICT

The undersigned Assessor for the Town of Scarborough, Maine, does hereby certify that the tax map showing the boundaries of the proposed Griffin Road Affordable Housing Development District, as shown in Attachment 5, is an accurate depiction of the proposed District. The Original Assessed Value of the proposed District as of March 31, 2014 (April 1, 2013) was Two Hundred and Sixteen Thousand and Eight Hundred Dollars ($216,800).

IN WITNESS WHEREOF, this Certificate has been executed as of this 31st day of July, 2014.

TOWN OF SCARBOROUGH ASSESSOR

By: _____

Printed name: WILLIAM HEALEY

Attachment 7
Affordability Covenants

(District to be subject to MaineHousing LIHTC Restrictions – Please see Section 3-6 of Application)

Attachment 8
Development Budget

SOURCES AND USES OF FUNDS

SOURCES OF FUNDS	Permanent	Construction Period	Terms/Comments		
Amortizing Debt			Rate	Term	Paymnt
MSHA RLP	575,000		6.00%	30	$34,500
FHLBB Debt	-		5.75%	30	$0
Subtotal Amortizing Debt	575,000				$34,500
Soft Debt					
City FedHome	1,098,246	1,098,246	-	NPV	
MSHA RLP		-	0.0%	30	$0
MSHA Part E	-	-			
		-			
Subtotal Soft Debt	1,098,246	1,098,246			
Construction Loan		2,835,610			
Total Debt Financing	1,673,246	3,933,856			
City Transportation Grant	-	-			
LIHTC Syndication Proceeds	3,679,491	735,898			
Federal Historic Credit Proceeds	-	0		Total Fed	3,679,491
State Historic Credit Proceeds	-	-	-	Total Hist	-
TOTAL SOURCES	5,352,737	4,669,754			

USES OF FUNDS	Total	Construction Period
Acquisition/Demo	540,000	540,000
Construction	3,267,354	3,267,354
Soft Costs	500,646	500,646
Financing Fees	133,500	122,000
Other Soft Costs	43,088	43,088
Development Fee	590,000	196,667
Reserves	278,300	-
TOTAL USES	5,352,888	4,669,754
DEVELOPMENT CONTINGENCY (GAP)	**(150)**	**-**

GRIFFIN RD SENIOR HOUSING

DEVELOPMENT BUDGET AND LOW INCOME HOUSING TAX CREDITS			
Development Budget	**Total**	**4% Basis**	**9% Basis**
ACQUISITION/DEMOLITION		-	
Land	540,000		
Buildings	-	-	-
Demolition	-	-	-
Subtotal Acquisition/Demo	540,000	-	-
CONSTRUCTION			
Site Work	275,000	-	275,000
Off site road improvements	133,000	-	-
Structures	2,689,480		2,689,480
Equipment/Appliances	-		-
Construction Contingency	154,874		154,874
Abatement	-		-
Furnishings (Includes Tenant Computers)	15,000		15,000
OJT Fund	-		-
Subtotal Construction	3,267,354	-	3,134,354
SOFT COSTS			
Permits & fees	159,696		159,696
Engineer/Survey	43,000	-	43,000
Architect	208,950	-	208,950
Real Estate Attorney	45,000		45,000
Title Insurance & Recording	12,000		12,000
Accounting/ Cost Certification	7,000	-	7,000
Const. Taxes & Insurance	25,000		25,000
Subtotal Soft Costs	500,646	-	500,646
FINANCING EXPENSES			
Constr. Loan Orig. Fee	12,000	-	12,000
Construction Legal & Inspection	35,000		35,000
Construction Interest	75,000	-	75,000
Other Financing Expenses	-		
Perm. Loan Orig. Fee	11,500	-	-
Subotal Financing	133,500	-	122,000
OTHER SOFT COSTS			
Market Study	5,000		5,000
Property Appraisals	5,000		5,000
Environmental Report & Testing	2,600	-	2,600
Construction Oversight	-		-
Historic Consultant	-		-
Tax Credit Fees	17,488		-
Soft Cost Contingency	5,000	-	5,000
Investor Due Diligence	-		-
TIF Consultant & Legal	-		-
Organizational Legal	8,000		
Subtotal Other	43,088		17,600
DEVELOPER'S FEES			
Developer's Ovhd. & Profit	590,000	-	590,000
Consultant		-	-
Subtotal development fees	590,000	-	590,000
PROJECT RESERVES			
Rent Up & Marketing Reserve	36,000	-	-
Operating Reserve	142,206	-	-
Replacement Reserve	26,895	-	-
Prepaid Taxes & Insurance	51,600	-	-
Prepaid Monitoring	21,600	-	
Subtotal Reserves	278,300	-	-
TOTAL PROJECT COST	5,352,888	-	4,364,600
ELIGIBLE BASIS		-	4,364,600
LESS FEDHOME			-
LIHTC ELIGIBLE BASIS			4,364,600
APPLICABLE FRACTION	100.00%		less fed HTC
QUALIFIED BASIS		-	4,364,600
QUALIFIED CT ADJUSTMENT	130%		5,673,979
CREDIT PERCENTAGE		3.24%	7.63%
ANNUAL LIHTC ELIGIBLE		-	432,925
			432,925
ANNUAL LIHTC ALLOCATED			432,925
NET PROCEEDS	85.00%	99.99%	3,679,491

Attachment 9
Captured Assessed Value Calculations

TIF Year	Tax Year-April 1	Total added Valuation	Captured Valuation	Non-Captured Valuation	Estimated Mill Rate	Tax Assessment on Valuation Increment	Total Captured Revenue	Captured Revenue to Developer Project Account	Captured Revenue to Municipal Project Account
1	2015	$0	$0	$0	15.21	$0	$0	$0	$0
2	2016	$1,583,200	$1,583,200	$0	15.67	$24,808	$24,808	$12,404	$12,404
3	2017	$1,601,200	$1,601,200	$0	16.14	$25,843	$25,843	$12,921	$12,921
4	2018	$1,619,380	$1,619,380	$0	16.62	$26,920	$26,920	$13,460	$13,460
5	2019	$1,637,742	$1,637,742	$0	17.12	$28,042	$28,042	$14,021	$14,021
6	2020	$1,656,287	$1,656,287	$0	17.64	$29,211	$29,211	$14,605	$14,605
7	2021	$1,675,018	$1,675,018	$0	18.17	$30,427	$30,427	$15,214	$15,214
8	2022	$1,693,936	$1,693,936	$0	18.71	$31,694	$31,694	$15,847	$15,847
9	2023	$1,713,044	$1,713,044	$0	19.27	$33,013	$33,013	$16,506	$16,506
10	2024	$1,732,342	$1,732,342	$0	19.85	$34,386	$34,386	$17,193	$17,193
11	2025	$1,751,833	$1,751,833	$0	20.45	$35,816	$35,816	$17,908	$17,908
12	2026	$1,771,520	$1,771,520	$0	21.06	$37,306	$37,306	$18,653	$18,653
13	2027	$1,791,403	$1,791,403	$0	21.69	$38,856	$38,856	$19,428	$19,428
14	2028	$1,811,485	$1,811,485	$0	22.34	$40,470	$40,470	$20,235	$20,235
15	2029	$1,831,768	$1,831,768	$0	23.01	$42,151	$42,151	$21,076	$21,076
16	2030	$1,852,254	$1,852,254	$0	23.70	$43,901	$43,901	$21,951	$21,951
17	2031	$1,872,944	$1,872,944	$0	24.41	$45,723	$45,723	$22,862	$22,862
17 Year TIF Total		**$27,595,356**	**$27,595,356**	**$0**		**$548,568**	**$548,568**	**$274,284**	**$274,284**

Attachment 10
Estimated Tax Shifts

TIF Year	Tax Year-April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts on Municipality from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2015	$0	$0	$0	$0	$0	$0
2	2016	$1,583,200	$1,583,200	$12,444	$562	$929	$13,935
3	2017	$1,601,200	$1,601,200	$12,585	$568	$962	$14,116
4	2018	$1,619,380	$1,619,380	$12,728	$575	$997	$14,300
5	2019	$1,637,742	$1,637,742	$12,873	$581	$1,032	$14,486
6	2020	$1,656,287	$1,656,287	$13,018	$588	$1,069	$14,675
7	2021	$1,675,018	$1,675,018	$13,166	$594	$1,107	$14,867
8	2022	$1,693,936	$1,693,936	$13,314	$601	$1,146	$15,062
9	2023	$1,713,044	$1,713,044	$13,465	$608	$1,187	$15,259
10	2024	$1,732,342	$1,732,342	$13,616	$615	$1,229	$15,460
11	2025	$1,751,833	$1,751,833	$13,769	$622	$1,273	$15,664
12	2026	$1,771,520	$1,771,520	$13,924	$629	$1,318	$15,871
13	2027	$1,791,403	$1,791,403	$14,080	$636	$1,365	$16,081
14	2028	$1,811,485	$1,811,485	$14,238	$643	$1,413	$16,294
15	2029	$1,831,768	$1,831,768	$14,398	$650	$1,463	$16,511
16	2030	$1,852,254	$1,852,254	$14,559	$657	$1,515	$16,731
17	2031	$1,872,944	$1,872,944	$14,721	$665	$1,569	$16,955
17 Year TIF Total		**$27,595,356**	**$27,595,356**	**$216,899**	**$9,791**	**$19,575**	**$246,265**

This model is based on 100% of incremental valuation captured within the TIF District and 50% of captured revenues are for the municipal development fund and 50% for the developer project fund.

Attachment 10-A -- Tax Shift Formulas

To calculate the state education subsidy tax shift: The current state education subsidy formula is adjusted each year that the District is in effect to include the increased valuation within the municipality based on the annual Captured Assessed Value. All other factors affecting the subsidy calculation are held constant. The difference in the actual education subsidy and the adjusted education subsidy represents the projected state education subsidy tax shift for that year.

To calculate the state revenue sharing tax shift: Collect the following information, available from the State Treasurer's office and at http://www.maine.gov/treasurer/revenue_sharing/index.html:

- Projected total municipal revenue sharing pool for the current fiscal year.
- Municipality's "current factor".
- Municipality's "computed number," and the three figures used to calculate the current computed number: Municipality's population, local assessment, and State valuation.

1. Calculate the *Aggregate Computed Number:*

$$\frac{\text{Computed Number}}{\text{Current Factor}}$$

2. Calculate the *Adjusted Local Computed Number*:

$$\frac{\text{Municipal Population x Local Assessment}}{\text{State Local Valuation + Projected Annual CAV}}$$

3. Calculate the *Adjusted Aggregate Computed Number*:

   Aggregate Computed Number – Computed Number + Adjusted Local Computed Number

4. Calculate the *State's Adjusted Current Factor:*

$$\frac{\text{Adjusted Local Computed Number}}{\text{Adjusted Aggregate Computed Number}}$$

5. Calculate *Municipality's Current Projected Revenue Sharing:*

Projected Total Municipal Revenue Sharing Pool x Municipality's Adjusted Current Factor

6. *Calculate the Projected Municipal Revenue Sharing for each year:*

Step 5 in given TIF District year – Step 5 in the Base Year

Note that the Projected Municipal Revenue Sharing calculation for the base year should be the same as the Municipality's Current Projected Revenue Sharing.

To calculate the County tax shift: Collect the following information

- From Maine Revenue Services, obtain the most recent State County Valuation and the State Local Valuation.
- From the County office obtain the County Tax Levy and the County budget for the current year and for five or more years past.

1. *Calculate the Current Municipal Percent of County Value:*

$$\frac{\text{Current State Local Valuation}}{\text{Current State County Valuation}}$$

2. *Calculate the Projected County Budget:* Using the current County budget and historic County budgets, calculate the average annual increase in the county budget. Using the average annual increase, project the annual budget for each year of the TIF District.

3. *Calculate the Municipal Share of County Tax without CAV:*

Current Percentage of County Value x Projected County Budget

4. *Adjust the projected State County Valuation and the State Municipal Valuation to include the projected CAV.*

5. *Using values from Step Four, calculate the Adjusted Municipal Percent of County Value.*

6. *Calculate the average Municipal Share of County Tax with the CAV:*

Adjusted Municipal Percent of County Value x Projected County Budget

7. *Calculate the County Tax Shift:*

Municipal Share of County Tax with CAV – Municipal Share of County Tax without CAV

Repeat for each year's Projected Annual CAV.

Attachment 11
Agreement for Reimbursement of Operating Expenses

Vote: 6 Yeas

Order No. 14-73. Act on the request to approve the Dispatch Agreement between the Town of Old Orchard Beach and the Town of Scarborough and authorize the Town Manager to sign any and all documents relating to this agreement. Thomas J. Hall, Town Manager, gave a brief overview on this Order. No public comments were made.

Motion by Councilor Holbrook, seconded by Councilor Benedict, to move approval on the request to approve the Dispatch Agreement between the Town of Old Orchard Beach and the Town of Scarborough and authorize the Town Manager to sign any and all documents relating to this agreement, as follows:

Vote: 6 Yeas.

Order No. 14-74. Act on the request to accept the following street, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Fairway Drive, located in the Pleasant Hill Woods Subdivision. Thomas J. Hall, Town Manager, gave a brief overview on this item. No public comments were made.

Motion by Councilor Holbrook, seconded by Councilor Benedict, to move approval on the request to accept the following street, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance: Fairway Drive, located in the Pleasant Hill Woods Subdivision.

Vote: 6 Yeas.

Order No. 14-75. Act to authorize the Town Manager to accept a donation from the Portland Water District for a parcel of property, located 6 Gorham Road [Map U043 Lot 008] and to sign an Easement Deed between the Town of Scarborough and the Portland Water District. Thomas J. Hall, Town Manager, gave a brief overview on this Order and responded to questions from the Town Council. No public comments were made.

Motion by Councilor Holbrook, seconded by Councilor Benedict, to move approval to authorize the Town Manager to accept a donation from the Portland Water District for a parcel of property, located 6 Gorham Road [Map U043 Lot 008] and to sign an Easement Deed between the Town of Scarborough and the Portland Water District.

Vote: 6 Yeas.

Order No. 14-76. Act to authorize the Town Manager to sign a Memorandum of Understanding with Friends of Scarborough Hockey. Thomas J. Hall, Town Manager, gave a brief overview on this item and the process that had been followed. The following individuals spoke on this

Jeff Murray of Couthard Farms and a Board Member of the Friends of Scarborough Hockey gave a brief presentation as to why this issue has come forward – the one major factor was the lack of availability of ice time for practice, home games and storage. This facility would be run as a non-profit and privately funded. The cost of the whole process would be $5.5 million. No Taxpayer burden, build on town land and extending the town ‘s infrastructure with private funding.

Martin Tripp of Oceanwood Avenue spoke against the proposal. He did not understand why this had to be built on town land; who gets stuck with it if it fails; why are other municipalities involved; what about teacher parking; why build in a congested area; what about the traffic; who carries the insurance and what about the expense of coaching and the $30,000 paid for the bussing.

Motion by Councilor Holbrook, seconded by Councilor Caterina, to move approval to authorize the Town Manager to sign a Memorandum of Understanding with Friends of Scarborough Hockey, for the purposes of discuss.

Motion by Councilor Caterina, seconded by Councilor St. Clair, to move approval to table this Order to the Town Council meeting scheduled for Wednesday, October 15, 2014, with a workshop scheduled for Wednesday, October 1, 2014.

Vote to table: 6 Yeas.

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

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

- Councilor St. Clair gave a brief update on the Ordinance.
- Councilor Benedict gave a brief update on the Shellfish Committee.
- Councilor Donovan gave a brief update on the Housing Alliance and also on the Broadturn Road Affordable Housing Project. She then gave an update on the Historic Preservation Committee and the Finance Committee [Joint meeting with the School Department]. Appointments Committee will meet prior to the September 3rd Council meeting.

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

- The tax rate had been set at $15.10 per thousand, an increase of 2.23% .
- The Benjamin Farm project is moving forward and the fund raising has already reached the half way mark. The Group has also re-kindled discussions with IFW about the cotton tail habitat project.
- Update on the new process of for road maintenance treatment that was used on Longmeadow Road. He went on to explain what the new treatment was.
- The Town received a dividend check from the MMA Risk Management Services: Workers Compensation was $29,434 and the Property and Casualty dividend was $10,660.

Item 11. Council Member Comments.

- Councilor Holbrook sent condolences to the families of the following individuals who have passed: Walter Ballou, William Boccaleri, Doris Burt, Beverly A. LaPlante Crawford, Sara Elizabeth Parker Denton, H. Ruston Harwood, Jr., Betty Hersom, William Leo, Kenneth Libby, Walter McKertich, Irvin Merrithew, Condict Moore, Alta, Reeves, Agatha Cummings Rogers, Lenora-Jean Sandberg, Helen Sylvester, Pauline Sylvester, Normand Beliveau, Mary Voorhees, Merlin White and Roberta Miaetta. She then reminded residents that Clynk Bags were still available in the Town Clerk's Office. Have a happy and safe Labor weekend.
- Councilor Caterina noted that she is working with the Town Manager on a Communications Policy so that all Committee/Board information is on the Town's Homepage. She would like to see the Town Council and the School Board to work together more during the next budget season.
- Councilor Benedict commended Chief Moulton for participating in the ALS Challenge - Leading by doing.
- Chairman Sullivan also sent his condolences to all families who had been mention by Councilor Holbrook.
- The Town Clerk reminded residents that nomination papers were available for the Town Council, Board of Education and the Sanitary District Trustee. The deadline for turning them in would be Wednesday, September 3, 2014.

Order No. 14-77. Act on the request for an executive session pursuant to Title 1, of the M.R.S.A. §405(6)(C) regarding a real estate matter. Motion by Councilor Caterina, seconded by Councilor , 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 real estate matter to come back to public session to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting recessed to executive session at 9:00 p.m.

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

Vote: 6 Yeas.

Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk