

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 19, 2018
REGULAR MEETING – 5:30 P.M.

Item 1. Call to Order. Chairman Hayes called the regular meeting of the Scarborough Town Council at 5:30 p.m.

Item 2. Pledge of Allegiance.

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

Councilor Shawn A. Babine	Councilor Jean-Marie Caterina
Councilor Paul M. Johnson	Councilor William J. Donovan
Councilor Kathleen M. Foley	Councilor Donald R. Hamill
Chairman Peter F. Hayes	

Prior to Order No. 18-084, Chairman Hayes introduced a Mr. Dan Glover of Westbrook and a member of the Archangel Committee of Greater Portland. He was here on behalf of the Bridges of Friendship Exhibit/Exchange, recognize the Town of Scarborough for its participation in Bridges of Friendship Exhibit and presented the Town with a Certificate of Appreciation and Plaque. These will be hung in Town Hall.

Order No. 18-084. Act on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating a Hardship/Poverty Tax Abatement Case #2019-01. [Town Manager] Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating a Hardship/Poverty Tax Abatement Case #2019-01; to return to public session.

Vote: 7 Yeas.

The Town Council recessed to executive session at 5:36 p.m. Chairman Hayes reconvened meeting at 6:13 p.m. and the then Town Council recessed to a workshop on land use.

Item 4. Town Council Workshop on Land Use. Jay Chace, Town Planner, reviewed a power-point presentation on Land Use that included Contract Zoning. He responded to questions from the Town Council.

Chairman Hayes reconvened the regular meeting at 7:06 p.m.

Item 5. General Public Comments.

- Chris Caiazzo of Maple Avenue and the new State Representative in Augusta, gave a quick update on the 129th Legislature. He noted that members were sworn in on December 5th and went on note that Committee assignments had yet to be assigned. Mr. Caiazzo noted that the Scarborough Delegation would be holding regular office hours one day a month for the public here at Town Hall – dates would be announced.

Item 6. Minutes: November 28, 2018 - Regular Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the minutes of the November 28, 2018, regular Town Council meeting.

Vote: 7 Yeas.

Item 7. Adjustment to the Agenda. None at this time.

Item 8. Items to be signed: a. Treasurer's Warrants. Treasurer's warrants were signed during the meeting.

Order No. 18-085, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License: [Town Clerk] The Town Clerk gave a brief overview on this Order. Chairman Hayes opened the public hearing, as there were no comments either for or against, the hearing was closed at 7:11 p.m.

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Crystal Spring MHP, LLC	U.S. Route 22
2. Pinecrest Manufactured Housing Community One Theresa Desfosses	126 U.S. Route
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the following applicants who have applied for renewal of their Manufactured Housing Communities License: [Town Clerk]

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Crystal Spring MHP, LLC	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Vote: 7 Yeas.

Order No. 18-086, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Peter Zinn, d/b/a Choomi Cookies, located at 5 Lincoln Avenue. [Town Clerk] The Town Clerk gave a brief overview on this Order. Chairman Hayes 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 Babine, seconded by Councilor Caterina, to move approval of the new request for a Food Handlers License from Peter Zinn, d/b/a Choomi Cookies, located at 5 Lincoln Avenue.

Vote: 7 Yeas.

Order No. 18-087, 7:00 p.m. Public Hearing and action on the new request for a Special Amusement permit from Nonesuch River Brewing, located at 201 Gorham Road. [Town Clerk] The Town Clerk gave a brief overview on this Order. Chairman Hayes opened the public hearing. The following individuals spoke on this Order:

- Tim Boardman, one of the owners of the Nonesuch River Brewery stated this event would allow a string quartet, there would be not electronic equipment. The Town Clerk responded to a questions from Councilors relating to the exemption of time.

- Thaian Vu of 205 Gorham Road lives right next door to the building and asked the Council to consider the level of noise that comes out of the building. If the noise goes higher, what happens?

There being no further comments, the hearing was closed at 7:21 p.m.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the new request for a Special Amusement permit from Nonesuch River Brewing, located at 201 Gorham Road to a one-time exemption to go past the 9:00 p.m. requirement to end at 12:30 a.m.

Vote: 6 Yeas. 1 Nays [Councilor Hamill]

OLD BUSINESS:

Order No. 18-068. Second reading on the proposed amendments to Chapter 1401, Coastal Waters and Harbor Ordinance, Article V- Regulations Concerning Anchoring, Mooring and Security of Vessels, Section 1a. Placement of Private Moorings. [Ordinance Committee] Angelo Mazzone, Harbor Master/Shellfish Warden reviewed the recommendations from the Coastal Waters and Harbor Committee.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval of the second reading on the proposed amendments to Chapter 1401, Coastal Waters and Harbor Ordinance, Article V- Regulations Concerning Anchoring, Mooring and Security of Vessels, Section 1a. Placement of Private Moorings.

Motion by Councilor Caterina, seconded by Councilor Donovan, to move approval to amend the main motion to accept the amendments presented this evening, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1401 - the Coastal Waters and Harbor Ordinance of the Town of Scarborough, Maine, is amended as follows:

Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels

Amendments, in green, proposed by the Coastal Waters and Harbors committee

Section 1a. Placement of Private Moorings.

It shall be a violation of this Ordinance to place any mooring in the harbor without a permit from the Harbormaster issued in accordance with 38 M.R.S.A. Sections 3, 7-A and 8. Proof of boat registration and insurance, in the same name as the mooring applicant, must be shown prior to a mooring permit being issued. No more than two (2) moorings will be issued to the same household. No more than three (3) moorings will be issued to the same commercial entity. A person whose application for a mooring permit is denied may appeal as provided in Article X of this Ordinance. There shall be no appeal from the issuance of a permit.

The sale of a recreational boat does not include the sale of the mooring location. The mooring permit holder must notify the Harbormaster immediately upon the sale of their boat. Commercial moorings may be transferrable with the approval of the Harbormaster.

Section 1b. Minimum Mooring Requirements. [amended 02-20-13]

All moorings shall conform to the following specifications. [amended 04/04/2007]

Size of Boat	Up to 16'	from 16' up to 25'	from 25' up to 30'	from 30' up to 36'	36' and above
Weight of Block	Up to 500# (open boat)	Up to 750#	Up to 1,000#	Up to 1,250#	1500# minimum
Size of Chain Shackle	1/2"	1/2"	5/8"	3/4"	3/4" to match minimum
Size of Nylon Pennant	1/2"	1/2"	3/4"	1"	1"
Length of Mooring maximum	25'	25'	30'	35'	35'
Set date to moor	July 1 of the permit year	July 1 of the permit year	July 1 of the permit year	July 1 of the permit year	July 1 of the permit year

All mooring gear shall be inspected and/or serviced by a mooring service company, or by the owner with Harbor Master approval, at least once bi-annually to determine the condition of gear and to ensure compliance with minimum standards set forth by this ordinance.

All mooring owners or mooring service companies shall notify the Harbormaster's office in writing of all inspections and service completed to mooring gear.

The Town of Scarborough recommends a 2.5 to 1 ratio for permanent moorings with the following minimum specifications:

Mushroom, Granite Block, or Pyramid (of ample size/weight) - see chart below

Heavy Chain 1.0 times maximum water depth plus one foot

Light chain or Nylon line (not floating line) 1.0 times maximum water depth

Pennant 1.5 times the distance from chock to waterline

Buoy (white poly ball preferred)

Must have assigned number and blue band painted 3" (or larger) on buoy

Total scope = Heavy chain + light chain and/or nylon line + Pennant

Example: 25 ft. cruiser;

20 ft. maximum water depth;

Distance from chock to waterline = 3 ft.

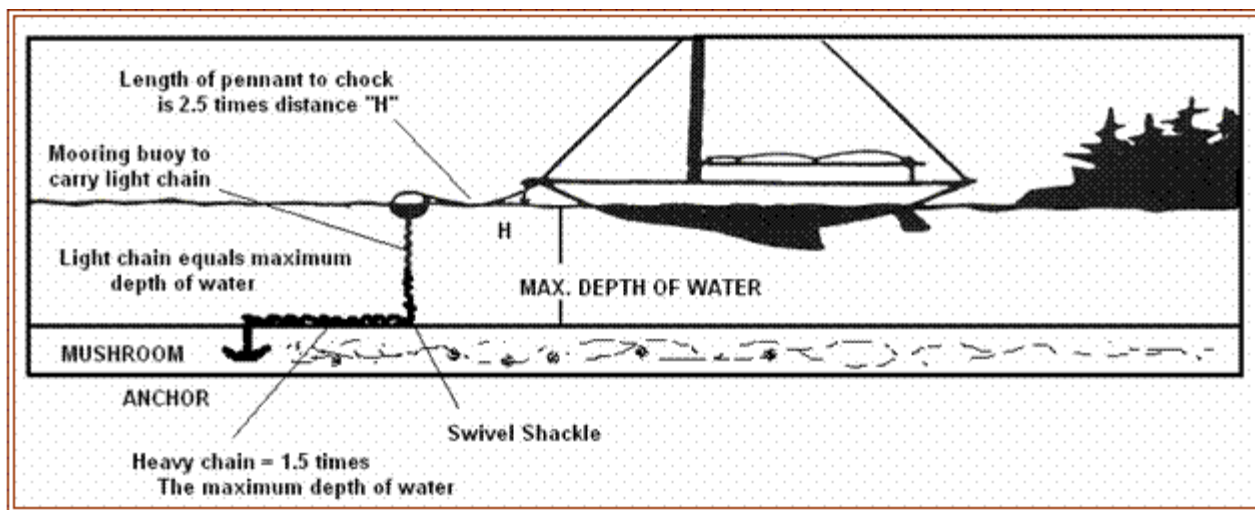
Requires: 1.05 x 20 = 30 ft. of heavy chain plus one foot
1.0 x 20 = 20 ft. of light chain or equivalent nylon line
1.5 x 3 = 4.5 ft. pennant

The following chart contains the minimum requirements for seasonal moorings in sheltered waters. Vessels moored year-round and/or in open areas should upgrade 1-3 steps.

Boat Length Size (Bottom)	Boat Weight Size (Top)	Mushroom Weight	Block Weight	Chain	Chain
22'	1,500 lbs	75 lbs	300 lbs	1/2"	3/8"
26'	5,000 lbs	150 lbs	500 lbs	3/8"	3/8"
30'	8,000 lbs	200 lbs	1,000 lbs	5/8"	3/8"
35'	12, 000 lbs	250 lbs	2,000 lbs	3/4"	1/2"
40'		500 lbs	3'000 lbs	3/4"	1/2"
50'+ over	Reviewed on an individual basis				

For the safety of his/her boat and that of adjacent boats, mooring permit holders are responsible for having their mooring set and making any required adjustments or repairs.

Boats must have been moored by July 1 of the permitted year or the mooring permit shall be revoked subject to the Harbormaster's discretion. The denied applicant may appeal the Harbormaster's decision to the Coastal Waters and Harbor Committee.



The Harbormaster may permit variations from these specifications, if in his or her judgment, the proposed mooring has holding power equivalent to that which would be provided by a mooring meeting these specifications.

All moorings that are to be placed up river from the day marker in Scarborough must be built using granite block only and cannot be any higher than 24 inches in overall height.

Marker Buoys to show at all tides. All chains to be at least one foot above high water mark. All moorings to be inspected every two years - no later than July 1st.

The Harbormaster shall maintain a plot plan of the anchorage area indicating locations of moorings, size of boats, and areas to be used as waterways. A copy of this map will be kept on file at the Town Office.

Subletting of Mooring Space:

The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or boat owner; however another boat owner may use the mooring, provided the original owner pays the fee or fees and has requested permission from the Harbormaster to moor such vessel through a completed notice of intent form that can be found on the Town of Scarborough website, scarborougmaine.org.

Section 1c. Creation and Maintenance of a Mooring Waitlist

Two mooring waitlists shall be maintained by the Town Clerk and available for inspection in the Town Clerk’s office. The first shall be for commercial applicants and the second for recreational applicants. Commercial applicants will be verified by the Harbormaster and shall provide proof of a commercial State license or a Federal permit. Commercial applicants will, if requested by the Harbormaster, provide proof of commercial waterfront activity equaling 20% of their annual household income. Applicants seeking a mooring shall be placed on the waitlist in order of date and time of application. No one household shall be allowed to hold more than two (2) spots on the waitlist at any one time. When a mooring becomes available the Town Clerk will first consult the commercial waitlist which will be given priority. If the next name on either waitlist is unable to accept the mooring they may request to stay on their respective waitlist until the next mooring becomes available. If, at the time of the second mooring becoming available, the applicant again is unable to accept the mooring their name shall be removed from the waitlist and the applicant would need to reapply if they wished to again be listed. If an applicant on the waitlist has died their spot may be reassigned to a legal heir providing the Town of Scarborough has been notified within six (6) months of the applicant’s death.

Vote on amendments: 7 Yeas.

Main Motion as Amended:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1401 - the Coastal Waters and Harbor Ordinance of the Town of Scarborough, Maine, is amended as follows:

Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels

Section 1a. Placement of Private Moorings.

It shall be a violation of this Ordinance to place any mooring in the harbor without a permit from the Harbormaster issued in accordance with 38 M.R.S.A. Sections 3, 7-A and 8. Proof of boat registration and insurance, in the same name as the mooring applicant, must be shown prior to a mooring permit being issued. No more than two (2) moorings will be issued to the same household. No more than three (3) moorings will be issued to the same commercial entity. A person whose application for a mooring permit is denied may appeal as provided in Article X of this Ordinance There shall be no appeal from the issuance of a permit. [Amended 12-19-18]

The sale of a recreational boat does not included the sale of the mooring locations. The mooring permit holder must notify the Harbormaster immediately upon the sale of their boat. Commercial moorings may be transferrable with the approval of the Harbormaster.

Section 1b. Minimum Mooring Requirements. [amended 02-20-13]

All mooring gear shall be inspected and/or serviced by a mooring service company, or by the owner with Harbor Master approval, at least once bi-annually to determine the condition of gear and to ensure compliance with minimum standards set forth by this ordinance.

All mooring owners or mooring service companies shall notify the Harbormaster's office in writing of all inspections and service completed to mooring gear.

The Town of Scarborough recommends a 2.5 to 1 ratio for permanent moorings with the following minimum specifications:

Mushroom, Granite Block, or Pyramid (of ample size/weight) - see chart below

Heavy Chain	1.0 times maximum water depth plus one foot
Light chain or Nylon line (not floating line)	1.0 times maximum water depth
Pennant waterline	1.5 times the distance from chock to

Buoy (white poly ball preferred)

Must have assigned number and blue band painted 3" (or larger) on buoy

Total scope = Heavy chain + light chain and/or nylon line + Pennant

Example: 25 ft. cruiser;

20 ft. maximum water depth;

Distance from chock to waterline = 3 ft.

Requires: 1.05 x 20 = 30 ft. of heavy chain plus one foot

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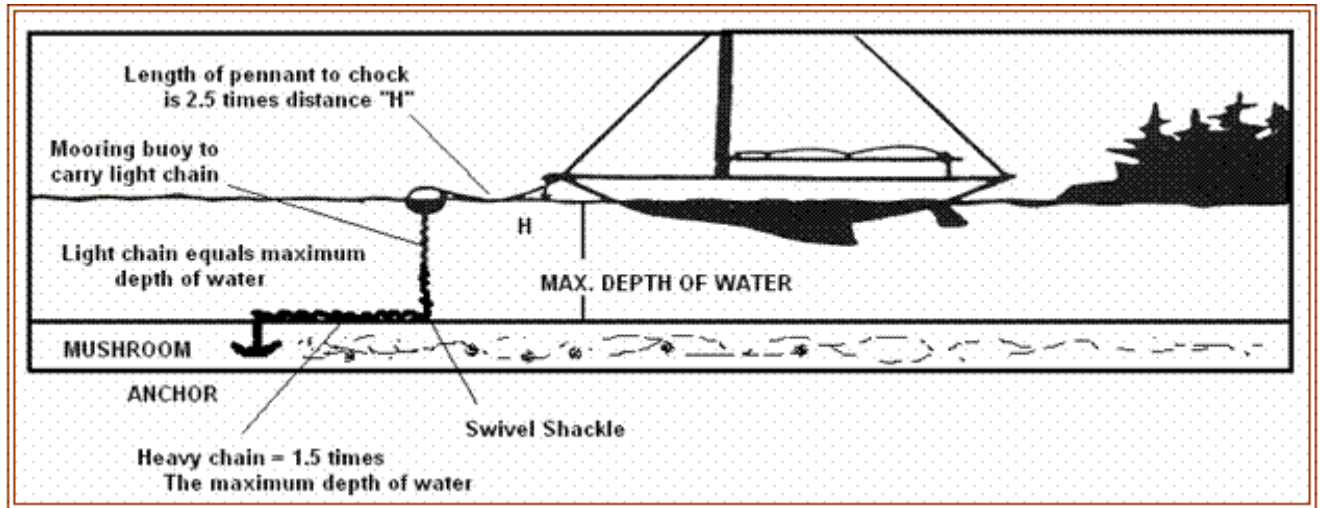
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The following chart contains the minimum requirements for seasonal moorings in sheltered waters. Vessels moored year-round and/or in open areas should upgrade 1-3 steps.

Boat Length	Boat Weight	Mushroom Weight	Block Weight	Chain Size (Bottom)	Chain Size (Top)
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For the safety of his/her boat and that of adjacent boats, mooring permit holders are responsible for having their mooring set and making any required adjustments or repairs.

Boats must have been moored by July 1 of the permitted year or the mooring permit shall be revoked subject to the Harbormaster's discretion. The denied applicant may appeal the Harbormaster's decision to the Coastal Waters and Harbor Committee.



The Harbormaster may permit variations from these specifications, if in his or her judgment, the proposed mooring has holding power equivalent to that which would be provided by a mooring meeting these specifications.

All moorings that are to be placed up river from the day marker in Scarborough must be built using granite block only and cannot be any higher than 24 inches in overall height.

Marker Buoys to show at all tides. All chains to be at least one foot above high water mark. All moorings to be inspected every two years - no later than July 1st.

The Harbormaster shall maintain a plot plan of the anchorage area indicating locations of moorings, size of boats, and areas to be used as waterways. A copy of this map will be kept on file at the Town Office.

Subletting of Mooring Space:

The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or boat owner; however another boat owner may use the mooring, provided the original owner pays the fee or fees and has requested permission from the Harbormaster to moor such vessel through a completed notice of intent form that can be found on the Town of Scarborough website, scarborougmaine.org.

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their spot may be reassigned to a legal heir providing the Town of Scarborough has been notified within six (6) months of the applicant's death.

Vote on main motion as amended: 7 Yeas.

Order No. 18-070. Second reading on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance, Section VI. Definitions – Affordable Housing. [Housing Alliance Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the second reading on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance, Section VI. Definitions – Affordable Housing.

Motion by Councilor Donovan, seconded by Caterina, to move approval to amend the main motion to accept the amendments presented this evening, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 – the Scarborough Zoning Ordinance of the Town of Scarborough, Maine, is amended as follows:

Section VI., Definitions:

Affordable Housing: [Adopted 11/03/2004] [Amended 05/03/2006][Amended 12/03/2014] [proposed amendment 2018]

Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

A. An Owner-Occupied Affordable Housing Unit is a unit which (i) is occupied by its owner, (ii) is owned by a Qualifying Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed Income Limitation applicable to the unit. ~~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 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.~~

- I. A Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSAMetropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard").
- II. Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.

- III. The total annual payments of principal and mortgage interest referred to in A(I)(i) may, in the absence of other reasonable estimates, be estimated maximum sale price is to be based on the assumed interest rate and loan term established by the U.S. Department of Housing and Urban Development for housing affordability limits, plus Imputed Income Limitations. In the case of a unit which has two or fewer bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than two bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI standard for a household of four (4) people.

B. A Renter-Occupied Affordable Housing Unit is a unit which is leased by a Qualifying Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed Income Limitation applicable to the unit. ~~to a household for an amount (including rent and basic utility and energy costs) 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.~~

- I. A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.
- II. Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

SECTION VIIC. RESIDENTIAL DENSITY AND AFFORDABLE HOUSING PROVISIONS [06/06/2007][amended 11/06/2013][amended 03-09/18][proposed amendments 09/27/2018]

C. AFFORDABLE HOUSING CERTAINTY

1. Prior to the sale of an Owner-Occupied Affordable Housing Unit, the owner of the unit shall obtain approval from the Town Manager to transfer the unit to a new buyer. In determining whether to approve the transfer, the Town shall determine whether the proposed buyer will be a Qualifying Household and that the sale price does not exceed the maximum sale price as defined in this Ordinance. The proposed buyer shall provide documentation, as reasonably requested by the Town, to support the transfer request. In granting the request, the

Town shall be entitled to impose conditions upon the transfer to ensure that physical deficiencies and code violations are addressed and that delinquent property tax, water and sewer bills are paid.

2. Owners of Renter-Occupied Affordable Housing Units shall be required to certify that the units continue to be occupied by Qualifying Households on an annual basis to the Town Manager and in so certifying shall be entitled to rely upon the household certifications described in the following sentence. Households shall certify to Owners of Renter-Occupied Affordable Housing Units that they continue to qualify based on the standards in this Ordinance and shall provide documentation to support their certification upon the reasonable request of the Town through the Town Manager.

Vote on Amendments: 7 Yeas.

Main Motion as Amended:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 – the Scarborough Zoning Ordinance of the Town of Scarborough, Maine, is amended as follows:

Section VI., Definitions:

Affordable Housing: [Adopted 11/03/2004] [Amended 05/03/2006][Amended 12/03/2014] [proposed amendment 2018]

Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

A. An Owner-Occupied Affordable Housing Unit is a unit which (i) is occupied by its owner, (ii) is owned by a Qualifying Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

II. A Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA – Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the “MFI Standard”).

III. Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.

IV. The total annual payments of principal and mortgage interest referred to in A(I)(i) may, in the absence of other reasonable estimates, be estimated maximum sale price is to be based on the assumed interest rate and loan term established by the U.S. Department of Housing and Urban Development for housing affordability limits, plus Imputed Income Limitations. In the case of a unit which has two or fewer bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI Standard for a household of two (2) people. In the case of a unit which

has more than two bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI standard for a household of four (4) people.

B. A Renter-Occupied Affordable Housing Unit is a unit which is leased by a Qualifying Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

- II. A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.
- III. Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

SECTION VIIC. RESIDENTIAL DENSITY AND AFFORDABLE HOUSING PROVISIONS [06/06/2007][amended 11/06/2013][amended 03-09/18][proposed amendments 09/27/2018]

C. AFFORDABLE HOUSING CERTAINTY

1. Prior to the sale of an Owner-Occupied Affordable Housing Unit, the owner of the unit shall obtain approval from the Town Manager to transfer the unit to a new buyer. In determining whether to approve the transfer, the Town shall determine whether the proposed buyer will be a Qualifying Household and that the sale price does not exceed the maximum sale price as defined in this Ordinance. The proposed buyer shall provide documentation, as reasonably requested by the Town, to support the transfer request. In granting the request, the Town shall be entitled to impose conditions upon the transfer to ensure that physical deficiencies and code violations are addressed and that delinquent property tax, water and sewer bills are paid.

2. Owners of Renter-Occupied Affordable Housing Units shall be required to certify that the units continue to be occupied by Qualifying Households on an annual basis to the Town Manager and in so certifying shall be entitled to rely upon the household certifications described in the following sentence. Households shall certify to Owners of Renter-Occupied Affordable Housing Units that they continue to qualify based on the standards in this Ordinance and shall provide documentation to support their certification upon the reasonable request of the Town through the Town Manager.

Vote on main motion: 7 Yeas.

NEW BUSINESS:

Order No. 18-088. Act on the request, pursuant to Title 36, of the M.R.S.A. §3841(2), for action on Hardship/Poverty Tax Abatement Case #2019-01. [Town Manager] Motion by Councilor Babine, seconded by Councilor Caterina, to move approval to grant an abatement on the amount of \$9,012.56, pursuant to Title 36, of the M.R.S.A. §3841(2), for action on Hardship/Poverty Tax Abatement Case #2019-01.

Vote: 7 Yeas.

Order No. 18-089. Act to authorize the Town Manager to sign documents authorizing acceptance of \$750.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases]. [Police Chief]

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval to authorize the Town Manager to sign documents authorizing acceptance of \$750.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department's equitable share for its contribution to the investigation of criminal cases].

Vote: 7 Yeas.

Order No. 18-090. Act on the request to re-appoint the Town Clerk as Registrar of Voters, pursuant to Title 21-A M.R.S.A. §101.2.[Town Clerk] The Town Clerk gave a brief overview on this Order.

Motion by Councilor Donovan, seconded by Councilor Caterina, to move approval to re-appoint the Town Clerk as Registrar of Voters, pursuant to Title 21-A M.R.S.A. §101.2.

Vote: 7 Yeas.

Order No. 18-091. Act on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 2 David Drive – Map T003/Lot 002, 8 David Drive – Map T003/Lot 008, 10 David Drive – Map T003/Lot010, 11 David Drive – Map T003/Lot011, 13 Crystal Lane – Map T003/Lot 013, 18 Crystal Lane – Map T0003/Lot 018, 19 Crystal Lane – Map T003/Lot 019 and authorize the Town Manager to sign the necessary documentation. [Deputy Tax Collector] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Foley, seconded by Councilor Caterina, to move approval on the request from the Deputy Tax Collector for a waiver of foreclosure on the following properties: 4 David Drive – Map T003/Lot 004, 29 Matthews Way – Map T003/Lot 029, 13 Crystal Lane – Map T003/Lot 013, 19 Crystal Lane – Map T0003/Lot 019, 20 Crystal Lane – Map T003/Lot 020, 10 David Drive- Map T003/Lot 010 and 407 Topaz Drive – Map T002/Lot 407,, and authorize the Town Manager to sign the necessary documentation.

Vote: 7 Yeas.

Order No. 18-092. Act on the request from the Shellfish Commission to approve the Allocations of Shellfish Licenses for 2019. [Shellfish Conservation Commission] Tim Downs of Jones Creek Drive gave an update on this Order.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request from the Shellfish commission to approve the Allocations of the Shellfish Licenses for 2018; as follows:

	<u>2018 Allocations</u>	<u>2019 Proposed Allocations</u>
• Resident Commercial License:	31	31
• Non – Resident Commercial Licenses:	4	4
• Over 60 Commercial Bushel Licenses:	2	2
• Resident Student Commercial License:	10	10
• Non- Resident Student Commercial License:	1	1
• Resident Recreational Licenses:	200	200
• Non- Resident Recreational License:	20	20
• Day Permits:	10 per day	10 per day

Vote: 7 Yeas.

Order No. 18-093. Act on the request from the Council Chair for the appointments to the Council Standing Committee and Committee Liaisons Appointments-Standing Committees. [Council Chair] Motion by Chairman Hayes, seconded by Councilor , to move approval on the request from the Council Chair for the appointments to the Council Standing Committee and Committee Liaisons Appointments-Standing Committees; as follows:

COUNCIL COMMITTEES:

Finance Committee – 3 Members

Chair - Councilor Babine
Councilor Hayes
Councilor Hamill

Ordinance Committee – 3 Members

Chair – Councilor Caterina
Councilor Foley
Councilor Hamill

Rules & Policies Committee – 3 Members

Chair – Councilor Donovan
Councilor Foley
Councilor Johnson

Communication Committee – 3 Members

Chair – Councilor Johnson
Councilor Foley
Councilor Hamill

Appointments and Negotiations Committee – 3 Members

Chair – Councilor Hamill
Councilor Hayes
Councilor Caterina

Fair Hearing Committee – 3 Members

Chair – Councilor Donovan
Councilor Caterina
Councilor Babine

COUNCIL LIAISON APPOINTMENTS – STANDING COMMITTEES:

ADA Advisory Committee: Councilor Foley
Cable Television Committee: Councilor Foley
Chamber of Commerce: Councilor Johnson
Coastal Waters and Harbor Advisory Committee: Councilor Hayes
Community Services and Recreation Advisory Board: Councilor Hayes
Conservation Commission: Councilor Foley
Eastern Trail Alliance: Councilor Johnson
Energy Committee: Councilor Donovan
Firing Range Committee: Councilor Caterina
Historic Preservation Implementation Committee: Councilor Caterina
Housing Alliance: Councilor Donovan
Library Trustees: Councilor Hayes
Long Range Planning Committee: Councilor Caterina and Alternate – Councilor Hamill
Pest Management Advisory Committee: Councilor Donovan
Planning Board: Councilor Hamill
SEDCO: Councilor Caterina
School Board: Councilor Johnson
Seniors Program Advisory Board: Councilor Caterina
Shellfish Committee: Councilor Hayes
Transportation Committee: Councilor Donovan

OUTSIDE COMMITTEES/BOARDS:

ecomaine Board of Directors: Councilor Hamill
Mike Shaw

GPCOG/PACTS: Councilor Donovan

MMA Legislative Policy Committee: Councilor Caterina
Larissa Crockett – Alternate

Vote: 7 Yeas.

Item 9. Non Action Items. None at this time.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Babine gave an update on the Finance Committee and that the meetings would held the second Monday of the month – January 14th at 5:30 p.m. He thanked Mr. Caiazzo for giving the Legislative update and looks forward to hosting a monthly meeting with the public. The deadline for submitting a bill by December 28th. The delegation wants to

represent everyone – not just those in our districts. He noted that he would not be making the January 2nd meeting.

- Councilor Johnson gave an update on the Schools Finance Committee noting that they were already working with teachers on budget concerns
- Councilor Caterina gave updates on the MMA Legislative Policy Committee; the Senior Advisory Board; the Ordinance Committee would be meeting the third Thursday of every month at 4:00 p.m. She went on to comment on a memo that had been handed earlier relating to a Downs Request for Administrative Review; she stated this would apply to only industrial or light industrial development.
- Councilor Donovan gave an update on the Pest Management Committee.
- Councilor Hamill stated he is anxious to get working on meetings. He noted that a couple of key meetings had been held this past week and there were a number of comments that felt that the Downs should be represented at this meeting.

Item 11. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- He had attended the One community, One Voice Forum along with Councilors, School Board members and residents. He went on to thank Ms. Cohen and Ms. Jones for their work on this project.
- He and staff are ready to assist with the Committees.
- The Town Hall would be closed on Monday, December 24th and Tuesday, December 25th and Tuesday, January 1st.
- The next Town Council meeting is on January 2nd and then a workshop on January 9th at 6:00 p.m. regarding Piper Shores Contract Zone.

Item 12. Council Member Comments.

- Councilor Hamill was very excited and encouraged on the work that is ahead of us and commented on the positive tone set by the Town Manager and Councilor Donovan.
- Councilor Donovan noted that the Planning Board meeting was very long and the second phase of the Downs of light industrial the Master Plan was approved.
- Councilor Caterina wished everyone a Happy Holiday season and would see everyone next year.
- Councilor Foley also commented on the Community Dialogue and felt that it was fantastic. She would not be available on January 2nd to the 9th. She asked everyone to look out for each other and wished everyone a Merry Christmas and Happy Holiday.
- Councilor Johnson also commented on the Community Dialogue.
- Councilor Babine thanked the Chair for the committee assignments. Happy Holidays and Merry Christmas. He congratulated Jean Lambrew of Scarborough who would be the next Commissioner of DHHS
- Chairman Hayes Happy Holidays to all. He too spoke on the Community Dialogue.

Item 13. Adjournment. Motion by Councilor Babine, seconded by Councilor Donovan, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Yolande P. Justice - Town Clerk