

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

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: May 7, 2014 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 14-46, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 313, the Property Tax Assistance Ordinance.

Order No. 14-47, 7:00 p.m. Public hearing and action on the renewal requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Higgins Beach Inn, located at 34 Ocean Avenue; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located a 19 Spring Street; and Scarborough Downs, located at 90 Payne Road.

OLD BUSINESS:

Order No. 14-39. Act on the request to renew the Town Manager's contract. [Tabled from the April 2, 2014, Town Council meeting].

Order No. 14-48. Act to approval the appointment of Sharman Kivatsky to the Historical Preservation Ad Hoc Committee, as recommended by the Appointments Committee.

NEW BUSINESS:

Order No. 14-49. First reading on the proposed FY2015 School Budget and schedule a public hearing and second reading Wednesday, June 4, 2014.

Order No. 14-50. Act on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 10, 2014.

- Item 8.** Non Action Items.
- Item 9.** Standing and Special Committee Reports and Liaison Reports.
- Item 10.** Town Manager Report.
- Item 11.** Council Member Comments.
- Item 12.** Adjournment.

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

Order No. 14-46. Move approval of the second reading on the proposed amendments to Chapter 313, the Property Tax Assistance Ordinance.

CHAPTER 313
TOWN OF SCARBOROUGH
PROPERTY TAX ASSISTANCE ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 313 - the Town of Scarborough Property Tax Assistance Ordinance, be and hereby is amended, as follows (*additions are underlined; deletions are struck through*):

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough. Under this program, the Town of Scarborough will provide supplemental cash refund payments to those individuals who qualify as Scarborough resident beneficiaries of the State of Maine Residents Property Tax Fairness Credit Program pursuant to ~~Chapter 907 of~~ Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance. [Amended 09/01/2010]

Section 2. Definitions

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

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

Section 3. Criteria for Participation

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

- a. The applicant shall be 62 years of age or more at the time of application. [Amended 09/01/2010]
- b. The applicant has ~~received a refund~~ qualified to receive a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program Chapter 907 of 36 M.R.S.A.
- c. The applicant has been a resident of the Town of Scarborough for at least ten years immediately proceeding the date of application for participation in the Program.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Applicants shall submit with the application a signed copy of their Form 1040ME, including Schedule PTFC (Property Tax Fairness Credit) as proof and dollar amount of State Property Tax Fairness Credit eligibility Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program). The program is based on the State Property Tax Fairness Credit and relates to property taxes paid in the preceding calendar year. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to

participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final. [Amended 09/01/2010]

Section 5. Determination of eligibility and amount of eligibility

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

- a. ~~The amount of credit qualified for under the State Property Tax Fairness Credit Program. The amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program)~~ or;
- b. A pro-rata share of the available monies in the Program Fund based on the amount of one's State Property Tax Fairness Credit; or,
- c. \$500.00.

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

Section 6. Program Fund - Limitations upon payments

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

Section 7. Creation of the Program Fund

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

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

Section 8. Timing of Payments

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

Section 9. Limitations upon payments

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

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

Order No. 14-47. Move approval on the renewal requests for a Special Amusement Permit from: Black Point Inn, located at 510 Black Point Road; Bayley's Campground, located at 274 Pine Point Road; Higgins Beach Inn, located at 34 Ocean Avenue; Libby-Mitchell Post 76, located at 40 Manson Libby Road; Loyal Order of Moose, located at 19 Spring Street; and Scarborough Downs, located at 90 Payne Road.

TOWN OF SCARBOROUGH
Office of the Town Clerk
P.O. Box 360
Scarborough, Maine 04070-0360

www.scarborough.me.us

yjustice@ci.scarborough.me.us

TO: Town Council Members

FROM: Yolande P, Justice, Town Clerk

DATE: May 16, 2014

RE: Renewal of Special Amusement Permits

Pursuant to Title 28-A, Section 1053 of the Maine Revised Statutes, as amended, there must be a hearing on Special Amusement Permits. The following applicants are requesting approval of their Special Amusement Permits:

- Black Point Inn, located at 510 Black Point Road
- Bayley's Campground, located at 274 Pine Point Road
- Higgins Beach Inn, located at 34 Ocean Avenue
- Libby-Mitchell Post 76, located at 40 Manson Libby Road
- Loyal Order of Moose, located at 19 Spring Street
- Scarborough Downs, located at 90 Payne Road.

Applicants are in compliance with the requirements of the Town Clerk's Office and there are no outstanding issues.

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Order No. 14-39. Move approval on the request to renew the Town Manager's contract.
[Tabled from the April 2, 2014, Town Council meeting].

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 21, 2014
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Order No. 14-48. Move approval the appointment of Sharman Kivatisky to the Historical Preservation Ad Hoc Committee, as recommended by the Appointments Committee.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 21, 2014
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Order No. 14-49. Move approval of the first reading on the proposed FY2015 School Budget and schedule a public hearing and second reading Wednesday, June 4, 2014.

Order No. 14-49

Budget Order for Fiscal Year 2015 School Budget

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

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the sum of **\$\$42,314,624** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$ 36,238,654.**

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 21, 2014
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Order No. 14-50. Move approval on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 10, 2014.

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

Municipality: Scarborough

Voting District: Town Wide

Voting Place Name: Scarborough High School

Voting Location: 259 US Route One

Polls Open at 7:00 A.M.

Polls Close at 8:00 P.M.

Absentee Ballot Processing (check all that apply):

Processed by: Clerk (Centrally)

X Clerk (At Polls)

Date/Time of Processing:

X **During** Election Day (5/13) Processing Time(s): After 8:00 a.m.

Only after 8:00 p.m. on Election Day (5/13)

WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
Tuesday, May 13, 2014

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, A Resident of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Special Scholl Budget Validation Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

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

School Budget Validation Referendum Question No. 1:

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

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

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

- ☐ TOO HIGH
- ☐ ACCEPTABLE
- ☐ TOO LOW

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote, and to accept new enrollments.

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

Given under our hand this 16th day of April, 2014, at Scarborough, Maine.

A majority of the municipal officers of the Town of Scarborough.

A true copy of the Warrant, attest: _____