

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – NOVEMBER 5, 2014**  
**APPOINTMENTS COMMITTEE MEETING – 6:30 P.M.**  
**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.

**Order No. 14-93.** 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.

**Item 4.** General Public Comments.\*

**Item 5.** Minutes: October 15, 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.]

**OLD BUSINESS:**

**Order No. 14-92.** Act on the proposal from the Scarborough Land Trust and Friends of the Scarborough Marsh to pay back taxes [with interest] and cost for cleanup of property located at 11 Bradford Lane, Map U25, Lot 16A, in an amount of \$38,846.74 and authorize the Town Manager to sign any and all documents relating to the transfer of ownership of this parcel to the Scarborough Land Trust. [Tabled from the October 15<sup>th</sup> Town Council Meeting.]

**NEW BUSINESS:**

**Order No. 14-94.** Act to authorize the Town Manager to sign the necessary paperwork to purchase property located at 271 U.S. Route One [Map U041 – Lot 10] in the amount of \$313,000 plus closing cost, for a total amount not to exceed \$316,000 – funds to be used from the Public Safety Building Capital Improvement Account, as authorized by the Town Council on June 17, 2009.

**Order No. 14-95.** Act on the request to certify the result of the Municipal Elections that were held on Tuesday, November 4, 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.

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**Order No. 14-93.** 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.

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## Whitten Property Overview

### Description:

The 6.4 acre Whitten property on Bradford Lane, off Pine Point Road, abuts the Scarborough Marsh and is a key upland parcel that provides views of, and access to, the marsh and is adjacent to other parcels that might be available for preservation. There is a poorly maintained home on the property and access is by an unimproved gravel drive down a moderate slope.

### History:

In 2004 the Scarborough Land Trust (SLT), with support from the Town Land Bond fund and the Friends of Scarborough Marsh (FOSM), purchased the property, allowing a life estate to Mr. Whitten. The existing house was to be demolished after Mr. Whitten relinquished the life estate. The intent at the time of the purchase was to ultimately deed the parcel the Maine Dept. of Inland Fisheries and Wildlife to add to the Scarborough Marsh Wildlife Management Area. As Mr. Whitten did not pay overdue property taxes, the Town filed a tax lien against the property in 2006 and 18 months later the ownership of the property automatically transferred to the Town. Mr. Whitten died in Dec. 2013.

### Resolution:

SLT and FOSM would like to resolve the tax issue and retain the parcel for conservation as originally intended. We now believe that the parcel would be best held and managed locally by SLT and open to the public, providing an exceptional recreation and marsh viewing site, and provide valuable shrub habitat for wildlife.

### Proposal:

SLT and FOSM propose to pay the back taxes and interest from 2005 through 2008, and the taxes from 2008 when the Town acquired the property through 2012 when Mr. Whitten died. We will also reimburse the Town for direct costs of \$544.08 incurred in cleanup of the property for a total of \$38,846.74.

**We request that the Town Council consider and approve this proposal to return the Whitten property to public use.**

See attached:

Map

Tax sheet

10/3/14pa

| YEAR | BILL NAME           | CUSTOMER NAME  | PRINCIPAL DUE NOW | INTEREST DUE NOW | TOTAL DUE NOW |
|------|---------------------|----------------|-------------------|------------------|---------------|
| 2014 | TOWN OF SCARBOROUGH | PO BOX 360     | EXEMPT            |                  | EXEMPT        |
| 2013 | TOWN OF SCARBOROUGH | PO BOX 360     | ABATED \$4,591.99 |                  | \$0.00        |
| 2012 | WHITTEN, DONALD     | 11 BRADFORD LN | \$4,476.65        |                  | \$4,476.65    |
| 2011 | WHITTEN, DONALD     | 11 BRADFORD LN | \$4,238.52        |                  | \$4,238.52    |
| 2010 | WHITTEN, DONALD     | 11 BRADFORD LN | \$4,110.51        |                  | \$4,110.51    |
| 2009 | WHITTEN, DONALD     | 11 BRADFORD LN | \$3,948.63        |                  | \$3,948.63    |
| 2008 | WHITTEN, DONALD     | 11 BRADFORD LN | \$3,984.61        | \$2,154.50       | \$6,139.11    |
| 2007 | WHITTEN, DONALD     | 11 BRADFORD LN | \$3,859.42        | \$2,705.42       | \$6,564.84    |
| 2006 | WHITTEN, DONALD     | 11 BRADFORD LN | \$3,756.88        | \$2,801.74       | \$6,558.62    |
| 2005 | WHITTEN, DONALD     | 11 BRADFORD LN | \$1,603.06        | \$602.72         | \$2,265.78    |
|      |                     |                | \$29,978.28       | \$8,264.38       | \$38,302.66   |

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