

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 18, 2015
TOWN COUNCIL WORKSHOP – 6:00 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.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: February 4, 2015 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.
- Item 8.** Non Action Items.

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

Order No. 15-012, 7:00 p.m. Public Hearing and action new request for a liquor license from Columbia/Wegman Scarborough, LLC, d/b/a Bellavita of Scarborough, located at 18 Black Point Road.

Resolution 15-001. Resolve Urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-013. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance pertaining to conservation time

Order No. 15-014. Act on the request to appoint Ms. Susan Russo, Assistant Assessor, as the Interim Town Assessor to take effect upon the departure of Mr. William Healey and to end upon the Town Council's appointment of a successor; and to appoint Mr. William Healey as Special Deputy Assessor for purposes of overseeing, attending to and representing the Town of Scarborough in current tax abatement proceedings; and to authorize the Town Manager to enter into a letter of agreement for compensation and terms of services provided by Mr. Healey.

Order No. 15-015. Act to authorize the Town Manager to sign the necessary paperwork to sell property located at 75 Broadturn Road to Habitat for Humanity/Greater Portland, upon review of the Town Attorney, and as authorized by the Town Council on February 19, 2014 and reflected in the 2014 Amended and Restated Purchase Option Agreement, including authorization for the Town Manager (i) to execute and deliver all documents necessary for the transfer of the [Property] described in the [Agreement], including without limitation a deed to approximately 5.5 acres of land on Broad Turn Road, including without limitation a deed to Habitat for Humanity of Greater Portland, Inc. and (ii) to take delivery of a note and third-position mortgage on the Property securing the obligation of Habitat for Humanity of Greater Portland, Inc. to develop affordable housing on the Property as contemplated by the Agreement.

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 – FEBRUARY 18, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-012. Move approval of the new request for a liquor license from Columbia/Wegman Scarborough, LLC, d/b/a Bellavita of Scarborough, located at 18 Black Point Road.

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: February 13, 2015

RE: **Liquor License Request**

The following applicant is seeking approval on a new Liquor License Application:

Columbia/Wegman Scarborough, LLC, d/b/a Bellavita of Scarborough, located at
18 Black Point Road.

The completed application is on file with Town Clerk's Office and there are no
outstanding issues. It is recommended that this license be approved.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 18, 2015
REGULAR MEETING – 7:00 P.M.

Resolution 15-001. Move approval of Resolution 15-001, urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes.

Town of Scarborough, Maine

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S C A R B O R O U G H , M A I N E • 0 4 0 7 0 - 0 3 6 0

RESOLUTION 15-001

Urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, the Governor's unprecedented biennial budget proposal places municipalities in an untenable and uncertain fiscal position during their budget planning and threatens to significantly increase property tax burden; and,

WHEREAS, the proposed biennial budget includes revisions to the tax code, some elements of which benefit the municipal budget; however, the modification to the Homestead exemption and the elimination of Municipal Revenue Sharing, resulting in approximately \$725,000 in lost revenue to the Town of Scarborough, will have direct and deleterious effect on property taxpayers; and,

WHEREAS, services are best provided at the level of government closest to the people and municipalities are willing and able to provide essential services on behalf of the State but we need financial support from the state to do so without having undo impact on property taxpayers; and,

WHEREAS, the budget proposal undercuts the historic partnership between state and local governments of sharing in the responsibility and cost of providing essential services, the cornerstone of this partnership being Municipal Revenue Sharing, which is proposed for elimination; and,

WHEREAS, these proposed changes in state policy would shift a significant financial burden onto the municipalities tax revenue, which would result in an estimated \$230 or 5%, increase in property taxes for the average Scarborough household (under 65 years of age); and,

WHEREAS, any cuts to the current level of municipal services would have a far-reaching and detrimental impact on essential municipal services.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled, hereby urges the Maine State Legislature to craft a biennial budget compromise that recognizes and strengthens the partnership between state and local government; considers the already high property tax burden; seeks balance, progressivity and a comprehensive approach with respect to tax policy; and, identifies alternative cost savings and tax reforms that would prevent a significant increase in property taxes and protect essential municipal services from detrimental cuts.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT, should some, or all of the proposed tax shift take place, the Maine State Legislature should authorize legislation to enable municipalities to consider the adoption of a local option sales tax in an effort to move away from total reliance on the regressive property tax and consider a more progressive tax structure.

Signed and sealed this the 18th day of February, 2015 on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by: _____
Jessica Holbrook
Town Council Chair

Attested by: _____
Yolande P. Justice
Town Clerk

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 18, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-013. Move approval of the first reading on the proposed amendments to Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance pertaining to conservation time and schedule a public hearing and second reading for Tuesday, March 4, 2014.

**CHAPTER 1002
TOWN OF SCARBOROUGH
SHELLFISH CONSERVATION ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 1002, the Town of Scarborough Shellfish Conservation Ordinance, is hereby amended [with strikethroughs and underlines], as shown below:

1. **Amend section 5. D. Limitation of Diggers:** *This changes allows for all diggers to complete the required conservation time.*

...The conservation year will run from May 1 to ~~October 31~~ November 30.

2. **Amend section 5.D.(c) Limitation of Diggers:**

(c) ~~Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and Over 60 Resident Commercial Bushel Licenses.~~

Shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.D.4(a), except that required conservation times shall be:

~~Resident & Non-Resident Student Commercial Licenses~~	~~4 hours~~
Over 60 Resident Commercial Bushel Licenses	Eight (8) Hours [03/16/2005] [11/02/2005]
All Commercial License Holders 70 or Older	Four (4) hours [03/16/2005] [11/02/2005]

Applications for ~~new (non-renewal) Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and~~ Over 60 Resident Commercial Bushel License shall be processed in the same manner as applications for non-renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses under Section 5.D.4(b),

(d) Resident Student Commercial Licenses and Non-Resident Student Commercial Licenses.

Shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.D.4(a), except the clerk shall continue drawing names after all licenses have been awarded and until all applicants have been placed on a list in the order their names have been drawn. Any Student Commercial License which is surrendered after issuance shall be made available to the remaining applicants on that list in the order their names were drawn, and then to other applicants on a first-come, first-served basis.

Required Conservation Times shall be:

<u>Resident & Non-Resident Student Commercial License Holders under the age of 18.</u>	<u>No conservation time required.</u> <u>[Voluntary participation is encouraged.]</u>
<u>Resident & Non-Resident Student Commercial License Holders over the age of 18 at the time applicant's license is issued.</u>	<u>twelve (12) Hours</u>

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