

**AMENDED
AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:30 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. 17-033. Act on the request for an executive session pursuant to Title 1, M.S.R.A. §405(6)(D) relating to the Town Manager's Evaluation. *[Council Chair]*

Item 4. General Public Comments.*

Item 5. Minutes: April 5, 2017 – 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. 17-034, 7:00 p.m. Public hearing and action on the new requests for a Food Handlers License and a Liquor License from Point Senior Care, LLC, d/b/a Atria Scarborough, located at 18 Black Point Road. *[Town Clerk]*

OLD BUSINESS:

Order No. 17-035. Act on the names posted to the various committees/boards as recommended by the Appointments Committee at the April 5, 2017, Town Council meeting. *[Appointments Committee]*

NEW BUSINESS:

Order No. 17-036. First reading and schedule a public hearing on the proposed new ordinance entitled Town of Scarborough - Good Neighbor Ordinance. *[Ordinance Committee]*

Order No. 17-037. First reading and schedule a second reading on the Bond Order for the 2017 Municipal and School Capital Improvement Projects of the Town of Scarborough. *[Finance Director]*

Order No. 17-038. Act to authorize the Town Manager to sign documents authorizing acceptance of \$1,420.00 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]*

Order No. 17-039. Act on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 13, 2017. *[Town Clerk]*

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 – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-033. Move approval on the request for an executive session pursuant to Title 1, M.S.R.A. §405(6)(D) relating to the Town Manager’s Evaluation. [*Council Chair*]

Council Chair

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-034. Move approval on the new requests for a Food Handlers License and a Liquor License from Point Senior Care, LLC, d/b/a Atria Scarborough, located at 18 Black Point Road. *[Town Clerk]*

Town Clerk

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

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: April 14, 2017

RE: **Requests for a Food Handlers License and a Liquor License**

The following applicant is seeking approval on a new request for a Food Handlers License and a Liquor License:

- Point Senior Care, LLC, d/b/a Atria Scarborough, located at 18 Black Point Road.

The completed applications are on file with Clerk's Office and there are no outstanding issues. It is recommended that these licenses be approved. Licenses will be issued when applicant receives their Occupancy Permits.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-035. Move approval on the names posted to the various committees/boards as recommended by the Appointments Committee at the April 5, 2017, Town Council meeting. *[Appointments Committee]*

Board of Assessment Review:

Appoint Hugh O'Shea as 1st Alternate with a term to expire in 2019 and Marg DeSanctis as 2nd Alternate with a term to expire in 2018.

Coastal Waters & Harbor Advisory Committee:

Move Moria Erickson from 1st Alternate to a full voting member with a term to expire in 2019 and move Travis Turner from to a full voting member with a term to expire in 2019 and appoint Michael Lynch as the 1st Alternate with a term to expire in 2018.

Parks and Conservation Land Board:

Appoint Jane Palmer as a full voting member with a term to expire in 2017.

Senior Advisory Board: 1st and 2nd Alternate Positions Vacant

Appoint Jane Palmer as the 1st Alternate position with a term to expire in 2019.

Shellfish Conservation Commission:

Move Dwayne O'Roak from 1st Alternate to a full voting member with a term to expire in 2018; appoint Travis Turner to a full voting member with a term to expire in 2018 and appoint Will Hamill as 1st Alternate with a term to expire in 2017.

Zoning Board of Appeals:

Appoint Rick Loisel as a full voting member with a term to expire in 2017.

Appointments Committee

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-036. Move approval of the first reading on the proposed new ordinance entitled Town of Scarborough - Good Neighbor Ordinance and schedule a public hearing for Wednesday, May 3, 2017. [*Ordinance Committee*]

Ordinance Committee

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

Schedule Public Hearing for May 3, 2107

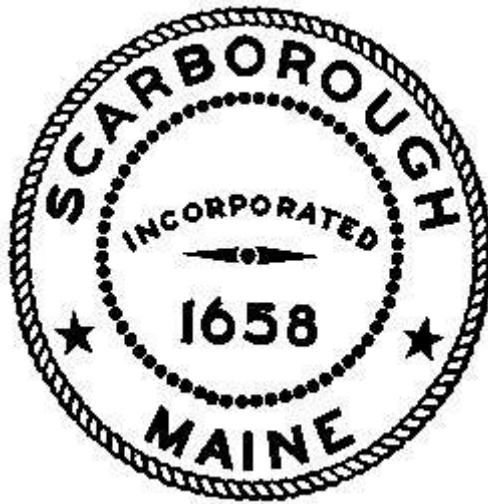
Second Reading/Final Approval/Vote

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine,
in Town Council assembled, that the new Chapter 611 Good Neighbor Ordinance of the Town of
Scarborough, Maine is hereby adopted, as follows:

CHAPTER 611

TOWN OF SCARBOROUGH

GOOD NEIGHBOR ORDINANCE



ADOPTED ??????

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TOWN OF SCARBOROUGH GOOD NEIGHBOR ORDINANCE

1. PURPOSE.

The Scarborough Town Council recognizes certain basic standards that allow residents to enjoy their homes and property, preserve peace and quiet in our neighborhoods, help maintain property values and prevent disputes among neighbors. The purpose of this ordinance is to promote these standards and allow for enforcement of violations.

2. CREATION OF NOISE NUISANCES

(a.) **Purpose.** The Scarborough Town Council finds that excessive noise on the public ways may cause distraction to other drivers and preclude the safe operation of motor vehicles to the detriment of the health, welfare and safety of Scarborough's citizens. Accordingly, it is the policy of the Town of Scarborough to prohibit unnecessary, excessive, annoying and distracting noise on the public right-of-way within the Town of Scarborough. The Town Council also finds that people have a right to the peaceful enjoyment of their property and that excessive or continuous noise may limit that enjoyment. Accordingly, it is the policy of the Town of Scarborough to discourage the creation of unnecessary and unpleasant noise when such noise negatively affects surrounding residents.

(b.) **Definitions.** For the purpose of this article, the following words and phrases shall have the following meanings:

Town means the Town of Scarborough, Maine.

Noise-creating devices means any electrical, mechanical or chemical device or instrument, or combination thereof that creates noise during its operation by a person.

Motorcycle means an unenclosed motor vehicle, having a saddle for the use of the operator, with two or three wheels in contact with the ground, including, but not limited to, motor-scooters and mini-bikes.

Operation means actual control by a person.

Public right-of-way means any street, roadway, alley, sidewalk, or other area deeded or dedicated for public travel or transportation purposes.

Straight pipe exhaust system means any straight through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs and straight pipes.

A. Noise Upon Public Right-of-Way.

(1.) **Creation of Certain Noises upon Public Right-of-Way Prohibited.**

(a.) No person, while occupying any public right-of-way in the Town, shall operate any noise-creating device in such a manner that the public's attention is drawn to the source of the noise.

(b.) The prohibition of this section shall include, but not be limited to, the following activity or conduct:

- i. Discharging fireworks or any exploding device,
- ii. Firing a starter pistol, air gun, BB gun or a firearm,
- iii. Sounding a bell or whistle for so extended a period of time as to cause annoyance to others,
- iv. Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine,
- v. Operations of a motor vehicle, as defined in 29-A M.R.S.A. §101 (42), including but not limited to a motorcycle, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of Maine law, including, but not limited to, 29-A M.R.S.A §1912.

(2.) Exceptions. The provisions of this section shall not apply to the following activity or conduct:

- (a.) Expression or communication protected by the United State’s Constitution, including the First Amendment, or the Maine Constitution.
- (b.) Any activity or conduct the regulation of which has been preempted by Maine Statute.
- (c.) Any noise created by a governmental entity in the performance of an official duty.
- (d.) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
- (e.) The sounding of any signaling device permitted by law.

(3.) Engine Brake. A person operating a motor vehicle in the Town of Scarborough shall not use an unmuffled engine brake to slow the vehicle except in an emergency situation for the purpose of avoiding a collision with a vehicle, object, person or animal. As used in this section, “engine brake” means a device that retards the motion of a motor vehicle by using the compression of the engine of the motor vehicle and “unmuffled” means that the engine brake is not equipped with a muffler which complies with the requirements of 29-A M.R.S.A. section 1912. This section does not apply to emergency response vehicles operated by a governmental entity or licensed provider of emergency medical services.

B. Noise Abatement.

(1.) Loud, offensive noises prohibited.

No person shall make, continue, or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

(2.) Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

Daytime hours means the hours between 7:00 a.m. and 9:00 p.m. Monday through Thursday; between 7:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday.

Domestic power equipment means but is not limited to power saws, drills, grinders, lawn and garden tools, and other domestic power equipment intended for use in residential areas by a homeowner.

Nighttime hours means the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Friday morning; between 10:00 p.m. and 7:00 a.m. Friday evening through Saturday morning; and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Property line means that line along the ground surface and its vertical extension which:

- (1.) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; or
- (2.) Separates real property from the public right-of-way.

(3.) Exclusions.

This ordinance shall not apply to noise emitted by or related to:

- (1.) Any bell or chime from any building clock, school, or church.
- (2.) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms or car alarms not terminating within 30 minutes after being activated shall be unlawful.
- (3.) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
- (4.) Farming equipment or farming activity.
- (5.) Noise from domestic power equipment, such as but not limited to power saws, sanders, grinders, lawn and garden tools, or similar devices operated during daytime hours.
- (6.) Timber harvesting (felling trees and removing logs from the woods).
- (7.) Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities shall also be exempted. The police department may allow construction during nighttime hours if it is demonstrated that the extenuating circumstances disallow construction during the daytime hours.
- (8.) Noise created by refuse and solid waste collection.
- (9.) Municipal, public works, or utility projects.
- (10.) Using, displaying, firing, or exploding consumer fireworks within the Town of Scarborough in accordance with the Consumer Fireworks Ordinance, Chapter 608A and any other applicable law or regulation.

(4.) Specific prohibitions.

The following acts, among others, are declared to be loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

- (a.) Owning, possessing, or harboring a barking dog or any animal or bird which, frequently and repeatedly or for continued duration, makes sounds which create a noise disturbance across a property line onto residential property. For the purpose of this ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon

private property in or upon which the dog is situated. Frequent and repeated sounds by any animal which are reasonable in response to the use of consumer fireworks shall not be considered a violation of this ordinance. [Amended 03/07/2012]

- (b.) The using or operating or the permitting to be played, used, or operated of any radio, receiver, electronically amplified musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of music or sound which is audible outside of any structure during the nighttime hours or which broadcasts the sound in a loud and unreasonable manner during day-time hours which is audible a minimum of 200 feet from the source of the noise except as otherwise permitted, licensed or sponsored by the Town.
- (c.) The use of any automobile, motorcycle or other vehicle, nonessential to safe and reasonable operation, in one or more of the following ways:
 - i. Revving of motor vehicle engines.
 - ii. Squealing of tires.
 - iii. Accelerating or braking unnecessarily so as to cause a harsh, objectionable or unreasonable noise.
 - iv. Operating audio equipment clearly audible beyond the confines of a motor vehicle.

C. Enforcement.

This section of the ordinance may be enforced by any officer of the Scarborough Police Department. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty.

Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice shall be given to the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice. If the cause of the violation is not removed or the condition abated or fully corrected within the time period specified in the written notice, or if the same person commits a subsequent violation of the same provision or provisions, of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation.

If the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at her/his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

3. CREATION OF LIGHTING NUISANCES.

- A. Purpose.** The purpose of this ordinance is to provide reasonable restrictions on the use of lighting in or near the residential zones of the Town so as to prevent lighting from creating a nuisance to residents within residential zones. It is recognized that lighting is essential to the conduct of many commercial and industrial enterprises for advertising and security. It is further recognized that protective security lighting in residential zones constitutes a deterrent to crime and contributes to the safety of residents. Further, properly controlled lighting in residential areas for landscaping and

highlighting architectural features of buildings and structures enhances the aesthetics of properties and neighborhoods. However, it is equally recognized that lighting, by virtue of its intensity, brightness, direction, duration, and hours of operation, can constitute a nuisance to adjacent residential dwellers. It is hereby the intent of the Town in adopting this ordinance to encourage the appropriate use of lighting as set forth herein, but to regulate it in a manner to avoid any public nuisance in residential areas.

B. Exceptions. All properties covered by the Town of Scarborough Site Plan Review Ordinance, 405b, are exempt from this ordinance.

C. Outdoor light restrictions

- (1.) **Light confinement.** All outdoor lights shall, to the greatest extent possible, be allowed for safety, security, operational needs, and decorative purposes but must confine emitted light to the property on which the light is located, by means of shielded or hooded lighting elements and shall not be directed upwards except where the light is directed away from neighboring properties and limited to the greatest extent possible to avoid urban sky glow.
- (2.) **Spillover light.** Spillover light on to residential property shall not exceed one-tenth (0.1) of one (1) foot-candle at the residential property line.

D. Outdoor light prohibitions

- (1.) Any unhoused light source.
- (2.) Any light that creates glare observable within the normal range of vision of any public right-of-way or glare that creates a safety hazard.
- (3.) Any light that resembles an authorized traffic sign, signal or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Chief of Police or designee.

E. Enforcement

- (1.) This section of the ordinance may be enforced by any Code Enforcement or Law Enforcement officer.
- (2.) No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty.
- (3.) Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice of violation may be given to the alleged violating homeowner/responsible party which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice of violation. If the cause of the violation is not removed nor the condition abated or fully corrected within the time period specified in the written notice of violation, or if the same homeowner/responsible party commits a subsequent violation of the same provision or provisions, of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation. If the alleged violating homeowner/responsible party cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violating homeowner/responsible party at her/his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

4. PENALTIES.

A. Noise Violations

Violation of the noise sections of this ordinance are a civil violation punishable by the following civil penalties:

(1) First Offense:	\$50.00
(2) Second Offense:	\$100.00
(3) Third Offense:	\$200.00
(4) Fourth and Subsequent Offenses:	\$500.00

B. Lighting Violations

Any person found to be in violation of the lighting section of this ordinance or who fails to obey any lawful order of any officer charged with the enforcement of the provisions contained therein commits a civil violation and shall be fined between \$100 to \$2,500 for each day such violation continues after the time for correction of the violation specified in the written notice of violation under Section E (3) has expired.

5. SEVERABILITY.

Should any section or provision of this ordinance be determined in a court of law to be unconstitutional, invalid or unenforceable, such determination shall not affect the validity of any other portion of the ordinance or of the remainder of the ordinance as a whole.

6. EFFECTIVE DATE AND REPEAL OF PRIOR ORDINANCE

This ordinance repeals Chapter 614, Noise Abatement Ordinance, adopted on November 7, 2007 and amended March 7, 2012 and repeals and replaces Chapter 611, Noise Ordinance, adopted August 20, 2003.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-037. Move approval of the first reading on the Bond Order for the 2017 Municipal and School Capital Improvement Projects of the Town of Scarborough and schedule the second reading for Wednesday, May 3, 2017. [*Finance Director*]

Finance Director

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

Schedule second reading for May 3, 2017

Second Reading/Final Approval/Vote



Town of Scarborough, Maine

P.O. BOX 360 • SCARBOROUGH, MAINE 04070-0360

TO: Thomas J. Hall, Town Manager

FROM: Ruth D. Porter, Finance Director



SUBJECT: 2017 General Obligation Bonds

DATE: April 14, 2017

Attached please find the 2017 Bond Order for Town Council approval. The total amount of the Bond Order is \$4,220,000. We plan on financing a portion of Scarborough's Capital Equipment/Improvement Projects in May, 2017. All of the capital projects were approved in the current or prior year budgets and this is the annual request to fund said projects.

Each year, our Financial Advisor, Joe Cuetara from Moors & Cabot, "tests" prior outstanding bonds to ascertain if/how much savings can be achieved by refinancing callable prior bonds. After a review of the prior year bonds, Joe has determined that we do not have any prior bonds that would be favorable for refunding at this time.

While we are asking for funding for the attached projects totaling \$4,220,000, we intend to bond most of these projects as well as some projects previously authorized. The total amount we will be bonding in 2017 is \$4,000,000.

The tentative time frame for the bond issue is as follows:

Wednesday, April 19 – First Reading

Wednesday, May 3 – Second Reading

Tuesday, May 23 – Section 901.5, 20-day Override Period expires

I am available should you have any questions and I Thank you for your consideration.

Town of Scarborough, Maine

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

**BOND ORDER FOR
2017 MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS**

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Municipal and School Capital Improvement Projects are hereby approved for funding:

<u>Municipal - Capital Equipment/Projects</u>	<u>Bond Order Amount</u>
<u>2016-2017 Municipal</u>	
Plow Truck # 4025	169,286
Loader/ Backhoe #4042	92,198
Snow Blower for Loader	95,370
PW Floor Sweeper #4157	55,580
PW HVAC Replacement /Efficiency Upgrades	82,000
CS Senior Recreation Area	100,000
PL Eastern Trail Improvements (Local Match)	216,700
PW Mid-Level Road Rehabilitation	543,000
PW Subsurface Drainage Assessment Project	118,750
PW Gorham Rd Reconstruction Final Plans	70,000
PW Pine Point Road Master Planning	150,000
PW Fuel Station Replacement	687,482
Subtotal	<u>2,380,366</u>
<u>Prior Municipal Capital Budget Authorizations</u>	
F.D. Extrication Tool Upgrade Project	13,803
F.D. Tank 3 Re-chassis	33,925
F.D. Municipal Holding Tank	25,000
SWAT Equipment Replacement	39,800
Gorham Rd Engineering	35,000
Cummings Rd Reconstruction	250,000
Fuel Station Replacement Engineering & Permitting	25,000
Planning Gorham Rd Pedestrian Improvements	110,000
PL D Town-Wide Direction Signage Program Phase 2	22,000
Subtotal	<u>554,528</u>
Total Municipal Bond Order Request	<u><u>2,934,894</u></u>

School - Capital Equipment/Projects

2016-2017 School

School Bus Replacement Schedule	310,830
Furnishings Replace & Renew	50,000
HS Athletics Equipment	50,000
K-2 Tech Refresh	194,275
Building Envelope Maintenance	125,000
Energy Efficiency Upgrades	60,000
HVAC Repairs MS & K2	100,000
Roof Restoration	237,500
Subtotal	1,127,605

Prior School Capital Budget Authorizations

DW Technology Equip Replacement	135,000
CIP Bus Purchase	22,501
Subtotal	157,501

Total School Bond Order Request

1,285,106

Total Bond Order April 19, 2017

4,220,000

BE IT FURTHER ORDERED, That a sum, not to exceed \$4,220,000, is hereby appropriated to provide for the costs of said projects; and

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$4,220,000 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-038. Move approval to authorize the Town Manager to sign documents authorizing acceptance of \$1,420.00 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*]

Police Chief

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

Scarborough Police Department

Memorandum

To: Thomas Hall, Town Manager
From: Robert Moulton, Chief of Police *RM*
Date: Friday, April 14, 2017
Ref: Forfeiture
CC: File

During the summer of 2016, Maine Drug Enforcement Agents, including our assigned officer, arrested a suspected drug dealer in an East Deering neighborhood.

Agents received an anonymous tip of possible drug sales at an East Kidder Street apartment near Presumpscot Elementary School. Agents conducted a two-month investigation of Craig Carrigan, age 47, for allegedly distributing cocaine and oxycodone pills throughout Greater Portland.

A confidential informant was used to make 2 controlled purchases of cocaine and oxycodone pills. Agents determined that Carrigan stored and repackaged illegal drugs from his apartment. More than 7 ounces of cocaine, 246 oxycodone pills, cutting agents, drug packaging materials and \$19,250.00 in suspected drug proceeds were seized during a search of Carrigan's apartment. The estimated street value of the seized drugs is \$25,000.

As a result, the Cumberland County District Attorney's office is now preparing to transfer ownership of a portion of the money (\$1,420) to the Town of Scarborough. Accordingly, I have attached a copy of the cover letter as well as the original approval form which needs to be signed by a municipal officer of the town in order to secure the court order for transfer of ownership.

I would respectfully request that the Scarborough Town Council approve the acceptance of these funds.



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine, 04101
101 Meadows Road, West Bath, Maine, 04530-9704

Portland
(207) 871-8384

March 21, 2017

Bath
(207) 443-5104

Chief Robert Moulton
Scarborough Police Department
246 US Route 1
Scarborough, ME 04074

RE: State v. Craig Carrigan, CR-16-4344
City of Scarborough Approval

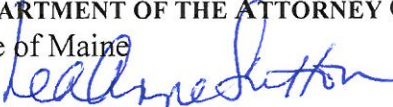
Dear Chief:

Enclosed please find a City of Scarborough Approval form for the forfeiture of a portion of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer a portion of the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL
State of Maine

By: 
Lea-Anne Sutton
Assistant Attorney General

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-16-4344

State of Maine

}

}

}

City/Town Of Scarborough

}

Approval Of Transfer

}

15 M.R.S.A. §5824(3)

}

and §5826(6)

}

}

v.

Craig Carrigan,
Defendant

AND

\$14,200.00 US CURRENCY
DEFENDANT IN REM

NOW COMES the City/Town of Scarborough, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of any portion of the above captioned Defendant(s) *In Rem*, **namely \$1,420.00 US Currency**, on grounds that the City/Town of Scarborough Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City/Town of Scarborough Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of Scarborough, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-039. Move approval on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, June 13, 2017. [*Town Clerk*]

Town Clerk

Sponsor

04/19/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
Tuesday, June 13, 2017

Municipality: Scarborough

Voting District: Town Wide

Voting Place Name: Scarborough Municipal Building

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 Warden (At Polls)

Date/Time of Processing:

X **Monday, June 12, 2017** Early Processing of Absentee Ballots:

1-Hour Inspection Time: 9:00 A.M. IF NO INSPECTION IS REQUESTED OR

Time Processing Begins: 10:00 A.M. IF INSPECTION HAS BEEN REQUESTED.

X **During** Election Day (6/13) Processing Time(s): 8:00 a.m. 11:00 a.m. 3:00 p.m. AND AFTER
Only after 8:00 p.m. on Election Day (6/13)

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, the Chief of Police for the Town 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 School 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 Municipal Building, located at 259 U.S. Route One, in the Town of Scarborough on Tuesday, June 13, 2017, 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 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 19th day of April, 2017, at Scarborough, Maine.

Councilor William Donovan

Councilor Christopher Caiazzo

Councilor Robert Rowan

Councilor Peter Hayes

Councilor Katherine Foley

Councilor Katherine St. Clair

Chairman Shawn Babine

A True Copy Attested:_____

Date:_____