

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
TOWN COUNCIL WORKSHOP RE AVENUE TWO - 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: April 19, 2017 – Regular Meeting.

Item 6. Adjustment to the Agenda.

Item 7. Items to be signed: a. Treasurer's Warrants.

Item 8. Non Action Items

a. Presentation on the Food Waste Recycling Program by Kerry Strout Grantham.

Resolution 17-002. Act on the request to support Resolution 17-002, Supporting Community approach to expanding distributed power generation options for municipalities, businesses and homeowners. *[Energy Committee]*

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

Order No. 17-030, 7:00 p.m. Public Hearing and schedule a second reading on the proposed FY2018 Municipal/School Budget. *[Town Manager]*

Order No. 17-036, 7:00 p.m. Public hearing and second reading on the proposed new ordinance entitled Town of Scarborough - Good Neighbor Ordinance. *[Ordinance Committee]*

Order No. 17-040, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Karl and Sarah Sutton, d/b/d Bite Into Maine, located at 185 US Route One, #2. *[Town Clerk]*

Order No. 17-041, 7:00 p.m. Public Hearing and action on the new request for a Combined Massage Establishment/Massage Therapist license from Stefanie M. Averill, d/b/d Stefanie Averill Massage Therapy, located at 51 US Route One, Suite R2. *[Town Clerk]*

OLD BUSINESS:

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

NEW BUSINESS:

Order No. 17-042. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 302 – Town Council Rules & Policies Manual. *[Rules & Policies Committee]*

Order No. 17-043. First reading and schedule a public hearing and second reading on the proposed amendment to Chapter 302A – Town Committees/Boards Manual, Article I, Appointments/Re-Appointment. *[Rules & Policies Committee]*

Order No. 17-044. Act on the request to accept, pursuant to Title 23 MRSA §3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance, from New England Expedition – Scarborough LLC, the following public infrastructure associated with the development of the Gateway Shoppes on Payne Road at Exit 42 and authorize the Town Manager to sign any necessary documents:

- a) Fee Parcel, a strip of land associated with the widening of Payne Road and within land of the Grantor, as described in Book 24960, Page 99.
- b) Slope and Drainage Easement, as depicted on Planning Board approved plans for the purpose of granting rights, but not obligation, to the Town of Scarborough to enter upon the easement area to provide maintenance in order to continue operation of the stormwater facility.

[Town Engineer]

Order No. 17-045. Act on the request, pursuant to Title 23 MRSA §3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance to the drainage easement associated with the Burnham Heights Subdivision as depicted in Planning Board approval documents dated, January 26, 2015 and to authorize the Town Manager to sign any necessary document. *[Town Engineer]*

Order No. 17-039. Act on the request to set the date, time and location of the School Budget Validation Referendum Tuesday, June 13, 2017. *[Town Clerk –Tabled from the April 19th Town Council meeting]*

Order No. 17-046. Act on the request to hold a Special Municipal Election to place a referendum question to construct/replace a Fueling Station located on Manson Libby [as mandated by State and Federal D.E.P.] on a local Ballot and set the date, time and location of the Special Municipal Referendum for Tuesday, June 13, 2017. *[Town Clerk]*

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 3, 2017
REGULAR MEETING – 7:00 P.M.

Resolution 17-002. Move approval on the request to support Resolution 17-002, Supporting Community approach to expanding distributed power generation options for municipalities, businesses and homeowners. *[Energy Committee]*

Energy Committee

Sponsor

05/03/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

TOWN OF SCARBOROUGH, MAINE

RESOLUTION 17-002

**SUPPORTING COMMUNITY APPROACH TO EXPANDING
DISTRIBUTED POWER GENERATION OPTIONS FOR
MUNICIPALITIES, BUSINESSES AND HOMEOWNERS**

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

WHEREAS, historically the generation of power locally was a major factor driving community and economic development in towns and cities across Maine and New England; and,

WHEREAS, the ability of a municipality to offer locally generated power at stable long term rates would be important tool for supporting sustainable community and economic development; and,

WHEREAS, advances in technology and declines in installed system prices now make a variety of community scale options viable; and,

WHEREAS, at the end of 2016 the cost of power generated by community based renewable energy systems was in the range of \$0.049 to \$0.078/kWh and thus competitive with other sources; and

WHEREAS, there are currently over 1,800 acres of closed and capped municipal landfills in Maine for which there are few, if any, common reuse or redevelopment options; and,

WHEREAS, U.S. EPA has determined that developing solar power projects on capped landfills and other brownfield sites often represents the best reuse option; and,

WHEREAS, generating power at or near the location where the power is used can be a cost effective option both to minimize stress on the transmission grid and to minimize the cost to all ratepayers of grid expansion projects; and,

WHEREAS, Maine's current regulations governing distributed power generation, which limit system size and the number of users or locations that can subscribe to power from a local source, create significant barriers to developing cost effective projects in Maine communities; and,

WHEREAS, in 2015 and 2016 many parties participated in a stakeholder process at the Public Utilities Commission and in a subsequent legislative process in support of statutory changes that would have created a framework for, and removed barriers to, community distributed generation projects; and,

WHEREAS, last year a comprehensive and collaboratively supported solar bill (LD 1649) won broad bipartisan support in both the House and Senate but fell short of enactment, after which the Maine Public Utilities Commission voted to phase out net metering even in the absence of any new policy; and,

WHEREAS, there are four (4) bills pending in the current legislative session that in one way or another intend to advance reforms to solar policy in Maine; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town of Scarborough generally supports reforms to solar policy that enable the development of cost-effective municipal, small business and community solar projects in Maine and urges the First Regular Session of the 128th Maine Legislature to adopt these changes; and,

BE IT FURTHER RESOLVED, that the Town Manager as well as the Sustainability Coordinator are authorized to communicate the Council's support of the same to the Legislature's Energy and Utilities Committee, to State Representatives and Senators, to the Public Utilities Commission and to other municipalities.

Signed and sealed this the 3rd day of May 2017, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by:

Shawn A. Babine
Council Chair

Attested by:

Yolande P. Justice
Town Clerk



To: Town Council Members and Tom Hall, Town Manager

From: Kerry Strout, Sustainability Coordinator

Subject: Resolve: Supporting Community Approach to Expanding Distributed Power Generation Options for Municipalities, Businesses and Homeowners

Date: April 20, 2017

As summarized below and as noted in the resolve, this Council action would express the Town's support for regulatory reforms that should greatly expand opportunities for small and medium size businesses, schools, municipalities, specialty manufacturing facilities, and others to install solar arrays to offset some or most of the electricity these users consume. Current regulation in Maine allows the power from only nine meters to be offset by a solar array and restricts a single system size to 660 kW. This creates artificial hurdles to developing solar arrays that maximize the potential return on investment.

Solar arrays currently are installed in Maine under the state's regulations for distributed generation. Distributed generation means electricity generated to offset the power used at the site where the generation source is located (i.e., solar panels on the roof of a home) or located in the general area where the power is used (i.e., a solar array located on a town's capped landfill to generate electricity to offset the power used at municipal buildings around the town).

Locally generated power can lower electricity costs by reducing the demand on the transmission grid and also improve the resiliency of the system. Maine's regulatory framework for distributed generation dates to 1998 and has only undergone limited revisions. In contrast cost effective options for local small and medium scale power generation like solar have changed dramatically in 28 years.

Last year, a comprehensive and innovative solar bill (LD 1469) won broad bipartisan support in both the House and Senate but fell short of enactment. Since then, the Public Utilities Commission initiated a process aimed at weakening Maine's limited existing solar policies. There are four (4) different bills in this legislative session that intend to advance reforms of one sort or another to solar policy in Maine. This resolution intends to provide general support to reforms of solar policy and more specifically supports a revision to the distributed generation regulations to allow municipalities to maximize the options for developing solar arrays and to move beyond the State's current limited net energy billing system to a more sustainable and more broadly beneficial solar energy policy.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-030. The second reading on the proposed FY2018 Municipal/School Budget will be scheduled for Wednesday, May 17, 2017. *[Town Manager]*

Town Manager

Sponsor

04/05/17 7 Yeas.

First Reading/Vote

N/A

Recommendation

05/17/17

Second Reading/Final Approval/Vote

Budget Order for Fiscal Year 2018

Be it ordered that the Scarborough Town Council will hold the second reading on the Fiscal Year 2018 Budget **Wednesday, May 17, 2017**, on the line item appropriations and expenditures for all offices, agencies and departments of the Town as follows, and approves other additional operating expenditures which may result from the receipt of Federal or State funds or other grants and subsidies not requiring local taxation:

SUMMARY MUNICIPAL OPERATING BUDGET 2018	
TOTAL ADMINISTRATION	\$ 1,780,905
TOTAL TOWN CLERK/ELECTIONS	198,618
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	328,821
TOTAL FINANCE ALL DIVISIONS	1,036,208
TOTAL MUNICIPAL INFORMATION SYSTEMS	1,215,522
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	1,039,846
TOTAL COMMUNITY SERVICES ALL DIVISIONS	2,752,506
TOTAL LIBRARY NET – TOWN APPROPRIATION	1,139,724
TOTAL SEDCO	232,723
TOTAL FIRE ALL DIVISIONS	5,065,019
TOTAL POLICE ALL DIVISIONS	6,451,476
TOTAL PUBLIC WORKS ALL DIVISIONS	6,867,042
TOTAL DEBT (Town Only)	<u>4,775,198</u>
MUNICIPAL TOTALS	\$32,883,608

Be it further ordered, that the Scarborough Town Council hereby appropriates the sum of **\$120,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of **\$48,128,940** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$43,340,789** and,

Be it further ordered, that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of **\$1,716,324** and the Town of Scarborough raises as the local share for the Education Adult Education and Food Services Budgets, the sum of **\$299,000** and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council and;

Be it further ordered, that the Town of Scarborough hereby adopts the **Schedule of License, Permit and Application Fees** as presented and attached hereto – Chapter 311 – Town of Scarborough, Schedule of License, Permit and Application Fees, for Budget Presentation FY 2018; and,

Be it further ordered, that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of **\$2,709,666** for the period July 1, 2017 through June 30, 2018; and,

Be it further ordered, that the Scarborough Town Council hereby appropriates for capital purposes, the sum of **\$1,306,200** for school capital programs and **\$1,040,617** for town capital equipment and **\$3,868,750** for town capital improvements; for a total Capital Budget of **\$6,215,567** to be funded from property taxes, lease and bond arrangements and other local, state and federal sources; and,

Be it further ordered, that the Total Gross Budget of **\$92,855,509** this total less estimated revenues and other credits of **\$27,947,722** result in a Net Appropriation of **\$64,907,787**, which shall be raised from taxation. The

Scarborough Town Council further fixes **Monday, October 16, 2017**, and **Thursday, March 15, 2018**, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of **7.00%** per annum.

Be it further ordered, that in accordance with 36 M.R.S.A. Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer that pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **3.00%**.

Be it further ordered, that the Town Council hereby authorizes the Finance Director-Tax Collector/Treasurer or Deputy Tax Collector/Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905; to sign on behalf of the Town, the necessary deeds and liens and tax settlements; and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; in accordance with 36 M.R.S.A. Section 906, the Tax Collector/Treasurer is authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector/Treasurer is authorized to discharge any obligation to collect unpaid property taxes in the amount of \$5.00 or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

Be it further ordered, that in the event that that the 2018 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2018, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**



Adopted September 6, 1995
Amended February 28, 1996
Amended March 21, 1996
Amended March 5, 1997
Amended June 18, 1997
Amended October 1, 1997
Amended March 18, 1998
Amended January 20, 1999
Amended May 16, 2001
Amended December 5, 2001
Amended May 1, 2002
Amended October 2, 2002
Amended November 20, 2002
Amended February 5, 2003
Amended May 7, 2003
Amended June 18, 2003
Amended November 5, 2003
Amended May 5, 2004
Amended June 2, 2004
Amended September 2, 2004
Amended October 6, 2004
Amended November 3, 2004
Amended February 2, 2005
Amended April 6, 2005
Amended May 3, 2005
Amended June 15, 2005
Amended February 1, 2006
Amended February 16, 2006
Amended March 15, 2006
Amended May 3, 2006

Amended June 21, 2006
Amended September 6, 2006
Amended March 7, 2007
Amended May 2, 2007
Amended July 18, 2007
Amended May 21, 2008
Amended August 20, 2008
Amended May 6, 2009
Amended September 16, 2009
Amended February 17, 2010
Amended May 5, 2010
Amended May 19, 2010
Amended February 16, 2011
Amended May 4, 2011
Amended May 18, 2011
Amended December 7, 2011
Amended January 18, 2012
Amended May 2, 2012
Amended June 6, 2012
Amended February 20, 2013
Amended May 1, 2013
Amended November 6, 2013
Amended May 7, 2014
Amended May 20, 2015
Amended May 18, 2016
Amended March 15, 2017

<u>Chapter 402a – Electrical Permit Fees</u>	<u>Fee</u>
Administrative Fee [for each application] (adopted 05/06/09)	\$30.00
<u>RESIDENTIAL</u>	
Minimum Fee (amended 05/06/09)	\$30.00
Square footage of any structure (adopted 05/06/09)	\$0.05
Service Inspection (adopted 05/06/09)	\$30.00
Each Garage – Under, Attached, Unattached (amended 05/06/09)	\$30.00
<u>RENOVATIONS</u>	
Rewiring Complete Existing Home – Same as New	
Each Room (amended 05/05/04)	\$15.00
Meter and Panel Upgrade (amended 05/06/09)	\$30.00
Alarm/Low Voltage (adopted 05/06/09)	\$30.00
Pools, In-Ground or Above (amended 05/06/09)	\$30.00
Storage or Utility Buildings (amended 05/06/09)	\$30.00
<u>COMMERCIAL</u>	
Minimum Fee	\$30.00
Square Footage of Any Structure (adopted 05/06/09)	\$0.05
All Signs – Each (amended 05/05/04) (amended 05/06/09)	\$30.00
Yard Lights – Up to 6 (amended 05/05/04) (amended 05/06/09)	\$40.00
Each Additional over 6 Yard Lights (amended 05/06/09)	\$10.00

<u>Chapter 404a – Local Plumbing Permit Fees Internal Permit Fee Schedule</u>	<u>Fee</u>
Administrative Fee [for internal permit applications](adopted 05/07/2014)	\$20.00
1. The minimum permit fee is: (amended 05/06/09)(amended 02/16/2011)	\$40.00
2. The fixture fee for all fixtures is per fixture and is: The fixture fees are no longer on a sliding scale. (amended 05/06/09)(amended 02/16/2011)	\$10.00 ea.
<u>EXTERNAL PERMIT FEE SCHEDULE COMPLETE SYSTEM</u>	
Non-engineered System (amended 05/06/09)(amended 02/16/2011)	\$250.00
Primitive Disposal System (includes alternative toilet) (amended 05/06/09)	\$130.00
Engineered System (amended 05/06/09)	\$250.00
<u>SYSTEM COMPONENTS (INSTALLED SEPARATELY)</u>	
Treatment Tank (amended 05/06/09)(amended 02/16/2011)	\$150.00
Holding Tank (amended 05/06/09)	\$130.00
Alternative Toilet (amended 05/06/09)	\$65.00
Disposal Area (amended 05/06/09)(amended 02/16/2011)	\$150.00
Engineered Disposal Area (amended 05/06/09)	\$200.00
Separated Laundry Disposal Area (amended 05/06/09)	\$50.00
<u>OTHER</u>	
External Permit Amendments (adopted 05/07/2014)	\$75.00
Seasonal Conversion Permit (amended 05/06/09)	\$65.00

<u>Chapter 405 – Zoning</u>	<u>Fee</u>
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00
Contract Zoning – Non-Refundable Application Fee (11/20/02)(amended 05/05/04)	\$500.00
Zoning Determination Letter (adopted 05/07/2014)	\$35.00

Planning Administrative Review Fee (adopted 05/07/2014)	\$75.00
Review Fee for Private Way Registration (amended 06/02/04)	\$100.00
One (1) Dwelling Unit Credit (<i>as per Section VIID(E)1, Development Transfer Provisions</i>) (July 18, 2007)	
Affordable Housing In-Lieu Fee Per Dwelling Unit [Adopted 11/06/2013]	\$20,000
CODE ENFORCEMENT -	
Building Permit Fees [-a minimum of] (amended 05/06/09)	\$35.00
Residential / Commercial Unfinished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.20
Residential / Commercial Finished, per square foot (amended 05/05/04) (amended 05/03/06)	\$0.40
Renovations/Remodels/Alterations/Minor Additions, Residential/Commercial (adopted 05/07/2014)	\$10.00 per \$1,000 of est. cost of construction
Sheds less than 250 SF(adopted 05/07/2014)	\$35.00
Minimum Application Fee - Will be applied toward the building permit when issued. Applies to new construction and renovations over 1,000 square feet.	\$110.00
First Offense Double the Permit Fee	
Each Offense Thereafter Triple the Permit Fee	
Demolition Permit Fees (amended 05/05/04) (amended 05/06/09)(amended 05/02/2012)	\$50.00
Zoning Board Of Appeals - Per Appeal (amended 05/05/04)	\$250.00
Certificate of Occupancy/Change of Use Fee [no charge if in conjunction with other active permits) (adopted 05/06/09) (amended 05/07/2014)	\$50.00
Sign Permit Fees	
Permanent Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Temporary Signs – each (amended 05/05/04) (amended 05/06/09)	\$35.00
Plus Deposit Required (refundable deposit for removal of sign) (10/02/02)	\$300.00
Temporary Storage Containers - Per Application (10/01/97) (amended 05/05/04)	\$25.00
Heating Appliance Permit (adopted 05/07/2014)	\$35.00
The fees for electrical permits, plumbing permits and building permits shall include one inspection of the work covered by each permit. Typically permits include the following inspections: A) Foundation; B) Bed bottom for leech fields; C) Leech bed; D) Electrical; E) Plumbing; F) Framing; and, G) Certificate of Occupancy. For each re-inspection thereafter, per-permit, a fee of \$50 shall be charged. If a re-inspection is required because the permit holder called for an inspection before the work was ready for inspection, such re-inspection shall not occur for at least two (2) weeks, unless the permit holder pays a surcharge of \$200 in addition to the \$50 re-inspection fee. For after the fact Certification of Occupancy/Change of Use Permits and Inspections, the fee is doubled (amended 10/06/04) (amended 05/07/2014)	
<u>Chapter 405A - Floodplain Management</u>	<u>Fee</u>
Non-Refundable Permit Application Fee	\$50.00
<u>Chapter 405B - Site Plan Review</u>	<u>Fee</u>
Site Plan Application Fee (plus fee per Square Feet)(adopted 05/07/2014)	\$500.00
Site Plan Amendment Fee (plus fee per Square Feet)(adopted 05/07/2014)	\$250.00

Under 1,000 Square Feet (amended 05/07/2014)	\$0.00
1,000 to 2,000 Square Feet (amended 05/07/2014)	\$250.00
>2,000 to 5,000 Square Feet (amended 05/07/2014)	\$500.00
>5,000 to 10,000 Square Feet (amended 05/07/2014)	\$1,000.00
>10,000 Square feet and over, plus \$25.00 per 1,000 above 10,000 square feet (amended 05/07/2014)	\$1,000.00

<u>Chapter 405C – Shoreland Zoning</u>	<u>Fee</u>
Planning Board Review (adopted 05/07/2014)	\$250.00
<u>Chapter 406 - Subdivision Review</u>	<u>Fee</u>
Subdivision Application Fee (plus fee per lot) (adopted 05/07/2014)	\$750.00
Subdivision Amendment Application Fee (plus fee per lot) (adopted 05/07/2014)	\$250.00
Charge Per Lot (amended 05/05/04)	\$175.00

<u>Chapter 407 - Septic Tank Sludge Disposal Fees</u>	<u>Fee</u>
Field Spread - per gal. (amended 05/05/04)	\$0.04
Holding Tank - per gal. (amended 05/05/04)	\$0.08
Disposal Of Treatment Plant Sludge S.S.D. Only - per gal. (amended 05/05/04)	\$0.08
Disposal Of Industrial Sludge & Wastes - per gal. (amended 05/05/04)	\$0.08
Grey Water 2,000 Gallons, Maximum Load - per load (amended 05/05/04)	\$4.00

<u>Chapter 408 - Extractive Industry, Waste Control, Landfill, And Land Reclamation</u>	<u>Fee</u>
Plan Review Fee - Minimum fee (amended 05/05/04) (amended 05/07/2014)	\$250.00
Additional Fee Per Acre In Excess Of 10 Acres - Per additional acre over 10 acres (amended 05/05/04)	\$15.00

<u>Chapter 410 - Road Impact Fee Ordinance And Designating Approved Projects</u>			
The following fees and charges are established for development and the following projects are designated as eligible for funding from the Highway Impact Fee Trust Fund:			
Fees	Peak Hour Trips		Cost of Trip
A. District 1	N	X	\$149.43
B. District 2	N	X	\$292.42
C. District 3	N	X	\$499.05
D. District 5	N	X	\$1,024.52
Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in the 1987 Institute of Transportation Engineers (ITE) “ <u>Trip Generation</u> ” handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only “new” trips to the system roadways should be assessed a development fee.			
The total Impact Fee for a project shall be the sum of the fees for each district affected.			
Projects eligible for funding from the Road Impact Fee Trust Funds are those projects depicted on the			

100 scale aerial photographs titled “Long Range Transportation Improvement Program” (April 1989), prepared by Vanasse Hangen Brustling, Inc. as part of the 1988 Maine Mall/Jetport Area Traffic Study conducted for the Portland Area Comprehensive Transportation Study (PACTS) and the Maine Department of Transportation.

<u>Chapter 413 – Growth Ordinance</u>	<u>Fee</u>
Application Fee (amended 11/03/04)	\$1,500.00

<u>Chapter 500 - Trailer & Trailer Camp</u>	<u>Fee</u>
Application Fee, minimum	\$27.50
Each unit in excess of 10 (amended 05/21/2008)	\$3.75
Maximum Fee (amended 05/21/2008)	\$200.00

<u>Chapter 501 - Tenting & Camping Ordinance</u>	<u>Fee</u>
Annual Fee For Tenting/Camping Season License, per lot (amended 05/05/04; 05/21/2008)	\$2.25

<u>Chapter 601 – Traffic Ordinance [amended 05/02/2012]</u>	<u>Fee</u>
Section 26 – Penalties General (05/03-2006)	
Fine for any violation of this ordinance is:	\$80.00
If paid within 30-days of issuance of the ticket the fine is reduced to:	\$40.00
Section 27 – Illegally Parked Vehicles (05/03-2006)	
Fine for illegally parked vehicle, except handicapped parking violation is:	\$80.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$40.00
Fine for parked vehicle violating handicapped parking is:	\$120.00
If paid within 30-days of issuance of the ticket parking fine is reduced to:	\$60.00
Section 30 – Towing Rate Schedule -	
Service Call - Gas, Jumpstarts, lockouts, tire change, etc. Range	\$25.00 to \$40.00
Vehicle Storage, per day, INCLUDING non-business days (amended 05/07/2014)	\$40.00 per day
Call out fee, to come to shop during non-business hours (amended 05/07/2014)	\$40.00
Vehicle Tow	
Day (amended 05/07/2014)	\$80.00
Night (amended 05/07/2014)	\$90.00
Snow Tow – Range	
Day (amended 05/07/2014)	\$90.00
Night (amended 05/07/2014)	\$100.00
Vehicle Tow w/dollies – Range (amended 05/07/2014)	\$80 to \$100
Motorcycle Tow – Same as vehicle due to special equipment	
Pull out – Range	\$40 to \$85
Recovery – Same as tow, depending on time of day. After first hour \$70 per additional hour plus any special equipment, i.e., bulldozer, etc.	
Definition of Hours – Daytime Hours = 0700 to 1800 hours; Night Time Hours = 1800 to 0700 hours	

<u>Chapter 602A – Mass Gathering</u>	<u>Fee</u>
Application Fee, each event; 1,000 – 2,500 (Number of anticipate patrons) [amended 05/05/04; 05/21/2008; 06/06/2012]	\$175.00
Application Fee, each event; 2,501 – 5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$350.00
Application Fee, each event; >5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$500.00
<u>Chapter 607 - Alarm Systems</u>	<u>Fee</u>
False Alarm Fee - per occurrence after third false alarm within one year (amended 05/05/04)	\$250.00
<u>Chapter 608 – Fireworks Ordinance</u>	<u>Fee</u>
Non-Refundable Local Fireworks Display Permit Application Fee (amended 06/15/05)	\$50.00
<u>Chapter 612 – Rules & Regulations for Use of Parks & Recreation Facilities</u>	<u>Fee</u>
Application Fee	\$100.00
Application Fee for Non-Profit or Service Groups	\$50.00
<u>Chapter 702 - Street Opening, Fees</u>	<u>Fee</u>
Excavator License Fee Annual (amended 05/07/2014)	\$125.00
Excavation Permit Fee - Each Excavation (amended 05/05/04)	\$50.00
Renewal Of Excavation Permit (amended 05/05/04)	\$50.00
<u>Other Charges</u>	
1. Removing and replacing regulatory signs	\$50.00 each
2. Removing and replacing street name and stop signs	\$50.00 each
3. Reinstalling street and right of way granite monuments	\$800.00 each
4. Long-term maintenance reserve for bituminous street openings	\$25.00 per sq. yd.
<u>Chapter 901 – Refuse collection Fee</u>	<u>Fee</u>
1. Commercial Hauler	\$500.00 each
2. Residential Hauler	\$500.00 each
Applications for license renewal received after March 1 st shall pay a late fee in the amount of \$100.00 in addition to the regular application fee. (05/03/2006)	
<u>Chapter 1002 - Shellfish Ordinance, Fees</u>	<u>Fee</u>
Resident Commercial	\$200.00
Non-resident Non-reciprocating Commercial	\$400.00
Resident Student Commercial	\$100.00
Non-resident Student Commercial	\$200.00
Over - 60 Years Resident Commercial (Bushel)	\$100.00
Resident Recreational - (Over 65 Free)	\$25.00
All Day Licenses – Resident and Non-resident (amended 04/06/05)	\$10.00
<u>Chapter 1003 – Hawkers & Peddlers</u>	<u>Fee</u>
License Fee for Hawkers & Peddlers License (05/21/2008)	\$110.00

Chapter 1004 - Taxicab Licenses	Fee
Annual License - Each Taxicab (amended 05/05/04) (amended 05/06/09)	\$150.00
Annual License - Each Operator (amended 05/05/04) (amended 05/06/09)	\$50.00
Chapter 1005 - Innkeepers Licenses (06/21/2006)	Fee
Application Fee	\$50.00
Per Room Fee	\$3.00 per room
Maximum Fee Not to Exceed	\$350.00
Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes	Fee
Resident And/Or Taxpayer Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park) (amended 05/05/04; 05/18/11)(amended 05/02/2012) (amended 05/07/2014)	\$40.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Season Beach Pass - (includes Ferry Beach Higgins Beach and Hurd Park) (amended 05/05/04) (amended 05/02/2012) (amended 05/07/2014)	\$75.00
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Season Pass - (includes both Ferry Beach, Higgins Beach and Hurd Park)	FREE
Resident Veteran Lifetime Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Season Pass.) (Adopted 05/19/2010)	FREE
DAILY PARKING RATES (WITHOUT PASS)	
Daily Parking: Ferry Beach, Higgins Beach And Hurd Park (amended 05/05/04) [amended 05/02/2012]	\$10.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 5 PM (amended 05/03/05)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)	\$35.00
BOAT LAUNCHING FEE	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	
Resident – Daily Boat Launching Fee (amended 05/05/04)	\$10.00
Resident – Seasonal Boat Launching Fee	\$25.00
Resident – Additional Boat Launching Fee Registered to the Same Address [Amended 05/18/16]	\$5.00
Resident Commercial Fisherman Seasonal Boat Launch Pass	Free
Non-Resident – Daily Boat Launching Fee (amended 05/05/04)	\$20.00
Non-Resident – Seasonal Boat Launching Fee	\$50.00

<u>Chapter 1007 - C.A.T.V. (Cable T.V.) Operators Fees</u>	<u>Fee</u>
Franchise Filing Fee (Amended 05/04/2011)	\$1,000.00
<u>Chapter 1008 - Special Amusement Operator License Fees</u>	<u>Fee</u>
Annual License Fee	\$110.00
<u>Chapter 1009 – Coin Operated Game License Fees</u>	<u>Fee</u>
Annual License Fee - Per Machine (B-2 Zone)	\$110.00
Annual Video Arcade License Campgrounds (R-F Zone) Maximum of 25 machines (amended 05/03/06)	\$1,500.00
<u>Chapter 1010 - Massage Establishment Annual License Fees</u>	<u>Fee</u>
Massage Establishment	\$55.00
Combined Massage Establishment/Massage Therapist	\$35.00
Massage Therapist	\$30.00
<u>Chapter 1011 - Para-Massage Establishment Annual License Fees</u>	<u>Fee</u>
Para-Massage Establishment License	\$55.00
Para-Massager License	\$30.00
Combined Para-Massager Est./Para-Massager License	\$35.00
<u>Chapter 1012 - Adult Business - Viewing Booth Annual License Fees</u>	<u>Fee</u>
Annual License For Each Viewing Booth	\$110.00
<u>Chapter 1013 - Ice Cream Trucks (06/18/97)</u>	<u>Fee</u>
Application Fee	\$110.00
Each Additional Truck	\$30.00
<u>Chapter 1017 – Pawnbroker Fees/Secondhand Dealer Fees (02/17/2010; amended 05/18/16)</u>	<u>Fee</u>
Application Fee	\$100.00
SBI Check	\$25.00
<u>Chapter 1201 - Cemetery Fees</u>	<u>Fee</u>
Sale Of Lots -	
Scarborough Memorial Cemetery Per Grave (amended 05/05/04)	\$400.00
Scarborough Memorial Cemetery – Section D, Lots for Cremations Only (adopted 02/16/2011)	\$220.00
Grave Opening Charges	
Regular Burial (amended 05/05/04 – 05/04/2011)	\$450.00
Cremations/Other (Weekends) (amended 05/05/04 – 05/04/2011)	\$125.00
<u>Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]</u>	<u>Fee</u>
Annual Mooring Fee	
Resident And/Or Taxpayer (amended 05/05/04)	\$50.00
Non-Resident (amended 05/05/04)	\$100.00
Annual Pier Maintenance Fee	

Commercial User	\$100.00
Non-Commercial User	\$50.00

<u>Assessing Office Charges</u>	<u>Fee</u>
<u>Printouts</u>	
Name/Location/Map & Lot	\$25.00
Name/Address/Location/Map & Lot	\$50.00
Name/Location/Map & Lot/Assessment	\$75.00
Name/Address/Location/Map/Lot/Assess	\$75.00
Name/Address/Location/Map/Lot/Assess/Ref.	\$100.00
Valuation Report – Printout per page	\$2.00
Mailing Labels - Each	~~\$0.05~~ .10
Copy of Property Card	\$2.00
Large Map	\$5.00
Reduced Map	\$2.50
Reduced Set of Maps	\$200.00

<u>Fire Department Fees</u>	
<u>Fire Department Construction Permit & Plans Review Fees</u>	<u>Fee</u>
A Fire Department construction permit is required for any new construction, or remodeling of existing commercial space, or erection of any temporary structures for commercial purposes. The permit allows us to review important information concerning life safety issues, the buildings alarm & suppression systems, utility connections, heating system information, water supply, hazardous materials, fire lanes, and a variety of other items prior to the start of construction. (amended 11/05/03)	
Minimum Construction Permit Fee [amended 05/18/16]	\$35.00
Construction permit fees for all commercial buildings shall be	\$0.150 per sq. ft.
Commercial structures include any building that is non-residential, or any residential complex that has three or more living units.	
Construction permit fees cover the following services:	
Initial conference and fact finding discussion	
Concept plans review for compliance with local ordinances	
Site Plan review	
Construction plans review	
Follow-up meetings with contractors, architects, and building owners	
Structural building inspections as necessary during construction	
One (1) comprehensive alarm system and fire suppression system test to be scheduled after coordination of reporting information with the Fire Department, and after all components have been installed to the applicable codes and pre-tested through to the monitoring company.	
One (1) final Certificate of Occupancy inspection to be scheduled when all Federal State and Local codes have been met and the building is ready for occupancy.	
<u>Additional Fire Dept. Construction Permits & Plans Review Fees</u>	
<u>Commercial Renovations/Remodels/Alterations/Minor Additions</u>	<u>\$5.00 per \$1,000 of</u>

	<u>estimated cost of construction</u>
Re-inspection of alarm & fire suppression system testing required due to improper pre-testing, installation, or lack of coordination with the Fire Department concerning appropriate reporting requirements. (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Re-inspection fee for Certificate of Occupancy (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Commercial Fire Alarm Plan Review & Permit Fees (adopted 05/06/09; amended 05/18/16)	
Minimum Permit [amended 05/18/16]	\$35.00
New Fire Alarm Control panel [amended 05/18/16]	\$100.00
Replacement of Fire Alarm panel with Exiting Devices [amended 05/18/16]	\$100.00
New Initiation or Notification Devices [amended 05/18/16]	\$50.00
Commercial Sprinkler System Plan Review & Permit Fees (adopted 05/06/09; amended 05/18/16)	
Minimum Permit Fee [amended 05/18/16]	\$35.00
New Sprinkler Heads [amended 05/18/16]	\$1.00/Head
Relocation of Sprinkler Head [amended 05/18/16]	\$0.50/Head
Fire Pump Installations [amended 05/18/16]	\$100.00 Each
Fuel Canopy Installation [amended 05/18/16]	\$100.00 Each
Kitchen Suppression System Installation [amended 05/18/16]	\$100.00 Each
Blasting Permit Fee (adopted 05/06/09)	\$50.00
<u>Fire Department Fees</u>	<u>Fee Per Hour</u>
Aerial / Ladder Truck	\$150.00
Pumper Truck	\$125.00
Squad Truck	\$125.00
Command Van	\$100.00
Rescue Unit	\$100.00
Tank Truck 4 x 4/Marine Rescue Boat (amended 05/07/2014)	\$75.00
Utility Truck/Chief or Duty Officers SUV (amended 05/07/2014)	\$50.00
All-Terrain Vehicles (amended 05/07/2014)	\$25.00
Personnel Labor [amended 05/01/2013]	\$45.00
<u>Fire Department Rescue Charges</u>	<u>Fee</u>
Base Rescue Charges:	
Based on bundled rate plan adopted May 1, 2013, these rates shall automatically adjust when and by the same % as those established and approved by the Centers for Medicare & Medicaid Services (CMS).	
Basic Life Support Non-Emergency (adopted 05/01/2013) (amended 05/07/2014)(05/20/15; amended 05/18/16; amended 03/15/17)	\$535.49
Basic Life Support Emergency (adopted 05/01/2013)(amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17)	\$535.49
Advance Life Support Level 1 Emergency (adopted 05/01/2013)	\$826.13

(amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17)	
Advance Life Support Level 2 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17)	\$1,172.15
Additional Rescue Charges:	
Mileage (adopted 05/07/2014) (05/20/1; amended 05/18/165)	\$9.00
No Transport (amended 05/05/04)(amended 05/06/09)(amended 01/18/12)	\$125.00
Paramedic Intercept Fee (05/21/2008)	\$300.00
Fees are set by State Statutes – pursuant to Title 22, Health and Welfare, subtitle 2, §1711, pertaining to <i>Fees charges</i> , and as amended from time to time. (adopted 05/07/2014)	
<u>Chapter 1015 -Food Handlers Registration Fee</u> <u>(adopted 05/03/06)(amended 05/21/08)(amended 05/05/2010)</u>	
Food handlers Registration Fee – Year Round Business	\$220.00
Seasonal, catering and in-home food handlers [Seasonal - 6 months or less]	\$110.00
<u>Chapter 1016 - Garage/Yard Sale (adopted 03/07/2007)</u>	<u>Fee</u>
Garage/Yard Sale Permit	\$5.00 per sale
<u>Horse Beach Permit (per rider) (adopted 10/02/02)</u>	<u>Fee</u>
All Permits (amended 05/06/09; amended 09/16/09)	\$20.00
<u>Interest Penalties (adopted 05/02/2007)</u>	<u>Penalty</u>
Interest on fees, charges or payments owed to the Town which are more than 30-days past due	1.5% per month
<u>Miscellaneous Fees (adopted 05/03/05) (amended 02/15/06)</u>	<u>Fee</u>
Marriage Ceremonies Performed (amended 02/15/06)	\$50.00
Miscellaneous Administrative Fees – Town Clerk’s Office (amended 05/06/09)	\$15.00
Replacement Fee for all Applications and Licenses/Permits (adopted 05/04/2011)	\$5.00
Genealogy / Research – \$3.00 per name, whether or not a record is found, this includes a photocopy. For an attested copy, the fee is as set by the State of Maine Office of Vital Records.	
Dog License Late Fee – Upon receipt of the rabies certificate(s) from the State of Maine the Town Clerk’s Office will notify owner(s) they need to register their dog(s) within 10-days. If a resident fails to license their dog(s) within 10-days of notification from the Town Clerk’s Office a late fee will be charged for each dog. (05/21/2008) (amended 05/07/2014)	\$25.00 per dog
Non-sufficient Funds (adopted 05/07/2014)	\$30.00
<u>Notary Fee (amended 3/6/96; 05/05/04; 05/21/2008)</u>	<u>Fee</u>
First 3-pages	\$10.00
Any Documents more than 3-pages	15.00
<u>Photocopies</u>	<u>Fee</u>
Single Sheets - Their Original	
8 ½ x 11 Regular, each copy	\$0.25

8 ½ x 14 Legal, each copy	\$1.00
11 x 17 Ledger, each copy	\$1.50
<u>Photocopies (amended 3/6/96)</u>	<u>Fee</u>
Single Sheets - Our Document	
8 ½ x 11 or 14 or 17, first page	\$2.00
Each Additional Page	\$0.50
Maps, each copy	\$5.00
Meeting DVD [Copying]	\$25.00
Electronic Responses to Requests (adopted 05/07/2014)	\$15.00 per hour [or any part thereof]

<u>Police Department Charges</u>	<u>Fee</u>
Special Police Charge, Per Hour (amended 05/05/04; 05/02/07; 05/21/2008; 05/04/2011)	\$43.90
Police Cruiser Charge (adopted 05/07/2014)	\$46.35 per every four hours
Notice of minimum charge if event is canceled without proper notice	
Police Reports	
First Page (amended 05/05/04)	\$12.00
Each Additional Page (amended 05/05/04)	\$1.50
Fingerprinting	
For Civilians' Personal Use (not criminal), each set	\$3.00
Copy Of Video Tape	
Blank Tape Provided (amended 05/05/04)	\$12.00
No Tape Provided (amended 05/05/04)	\$15.00

<u>Public Works Department Charges</u>	<u>Fee</u>
Fee for Building Coordination Form (05/05/04)	\$25.00

<u>Voter Registration Fees (amended 09/06/2006)</u>	<u>Fee</u>
Fees are as set by the Secretary of State's Office pursuant to Title 21-A, Section 2, §4, <i>Fees</i> , and as amended from time to time.	

<u>Vehicle Registration Fee</u>	<u>Fee</u>
Fees are set by the Secretary of State's Office, Department of Motor Vehicles pursuant to Title 29-A, Subchapter 2 §, <i>Fees</i> , and as amended from time to time. [amended 05/02/2012]	

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-036. Move approval of the second reading on the proposed new ordinance entitled Town of Scarborough - Good Neighbor Ordinance. [*Ordinance Committee*]

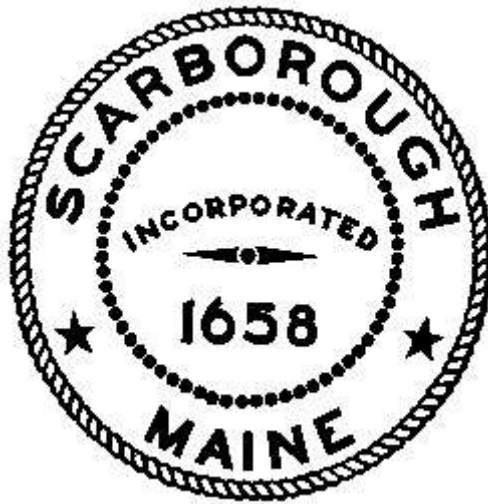
<i>Ordinance Committee</i>	<i>Ought to Pass</i>
Sponsor	Recommendation
<i>04/19/17 5 Yeas [Councilors St. Clair & Hayes Absent]</i>	<i>N/A</i>
First Reading/Vote	Second Reading/Final Approval/Vote

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 – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-040. Move approval on the new request for a Food Handlers License from Karl and Sarah Sutton, d/b/d Bite Into Maine, located at 185 US Route One, #2.
[Town Clerk]

Town Clerk

Sponsor

05/03/17

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 28, 2017

RE: Requests for a Food Handlers License

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

- Karl & Sarah Sutton, d/b/a Bite Into Maine, located at 185 US Route One, #2

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-041. Move approval on the new request for a Combined Massage Establishment/Massage Therapist license from Stefanie M. Averill, d/b/d Stefanie Averill Massage Therapy, located at 51 US Route One, Suite R2. *[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 28, 2017

RE: New Request for a Combined Massage Establishment/Massage Therapist License

The following applicant is requesting approval on the Combined Massage Establishment/Massage Therapist License:

- Stefanie M. Averill, d/b/d Stefanie Averill Massage Therapy, located at 51 US Route One, Suite R2.

Applicant is in compliance with the requirements of the Town Clerk's Office and there are no outstanding issues. The completed application is on file with Clerk's Office.

It is recommended that this license be granted.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

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

Finance Director

Ought to Pass

Sponsor

Recommendation

04/19/17 5 Yeas [Councilors St. Clair & Hayes Absent] N/A

First Reading/Vote

Second Reading/Final Approval/Vote

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

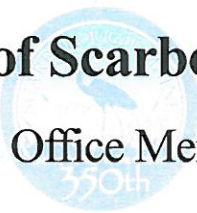
DW Technology Equip Replacement	135,000
CIP Bus Purchase	22,501
Subtotal	157,501

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.



Town of Scarborough

Manager's Office Memorandum

To: Scarborough Town Council

From: Thomas J. Hall,  Town Manager

Re: Order No. 17-037 – 2017 Bond Order

Date: April 28, 2017

The Town Council passed Order No. 17-037 in first reading at the meeting of April 19, 2017. At that time, there was a question regarding the inclusion of Fuel Station Replacement, in the amount of \$687,482, in particular whether the project required voter approval and therefore should not be included in this bond issue. In the end, the Town Council decided to include the item and I was directed to consult with the Town Attorney regarding this matter and advise the Town Council accordingly.

Such review focused on Section 907 of the Town Charter, and in particular the qualified exclusions from the voter approval requirement under Section 907.1.1. Generally, it appears that the Town Council could consider an emergency order to comply with the regulatory mandate, which would have authorized the Town Council to secure such funding to address the emergency. However, all bond issues require a separate legal opinion of Bond Counsel, and when viewed through this lense, the legal opinion would disclose and discuss this matter and result in a "qualified opinion". The practical effect of a qualified legal opinion from Bond Counsel is that potential investors may be uninterested in buying the bonds, the interest rates may be higher, and/or it may have a negative effect on our bond rating.

Given the potential negative effects, I do not recommend considering an emergency order as it may jepordize the Town's credit rating or negatively affecting the bond sale; therefore I recommend that this item be removed from the Bond Order (by amendment) and this item be included as a referendum question on the June 13, 2017 ballot. To this end, I have prepared Order No. 17-046 that authorizes the placement of this item on the ballot.

I accept ultimate responsibility for this oversight, but it was overlooked by multiple individuals and consultants. I appreciate the keen eye of a Town resident that raised this issue and thankfully we have an opportunity to seek proper approval. It is important that we take the necessary steps to rectify the situation and I believe the proposed approach honors the spirit and intent of the Town Charter by seeking voter approval. However, given the nature of this project it is imperative that we comply with the DEP mandate, so in the event that the voter do not approve the referendum question, our only choice will be to fund the project with existing reserves.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-042. Move approval of the first reading on the proposed amendments to Chapter 302 – Town Council Rules & Policies Manual and schedule a public hearing and second reading for Wednesday, May 17, 2017. *[Rules & Policies Committee]*

Rules & Policies Committee

Sponsor

05/03/17

First Reading/Vote

Ought to Pass

Recommendation

05/17/17

Second Reading/Final Approval/Vote

**CHAPTER 302
SCARBOROUGH TOWN COUNCIL
RULES & PROCEDURES**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302, the Town Committees/Boards Manual of the Town of Scarborough, Maine is amended, as follows:

1. Amend Section 201.0 by adding the underlined text, as shown below.

Section 201.0: Appointments To Town Committees/Boards.

Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments and Negotiations Committee and certified by the Council. The term for new appointees will be for one year unless otherwise determined by the Town Council. [amended 09/04/02; amended 04/01/15]

2. Amend Section 203.0.b. by adding the underlined text, as shown below.

203.0.b: 3 Members to the Appointments and Negotiations Committee:

The Appointments Committee shall meet from time to time and review applications for vacancies on the various Town committees/boards and make their recommendations in accordance with Section 201.0 of the Rules and Policies Manual. The Committee will provide analysis and recommendations about the Town's collective bargaining strategy, and compensation planning.

3. Amend Section 203.1 by adding the underlined text, as shown below.

203.1: The Council Chair shall select committee members after seeking input from Councilors on committee preference. Committee appointments are subject to confirmation by a majority of the Council. The Council Chair Shall serves as an ex-officio member of all Council Standing Committees and may vote only in the absence of any regular meeting member.

4. Amend Section 201.0 by adding the new definition relating to the Communications Committee, as shown below.

203.0.d.: 3 Members to the Communications Committee:

The members of the Communications Committee will provide direction, policy oversight and business decision support for all communication efforts of the Town Council. The Committee will from time to time review and offer feedback on the Town's current mechanisms for promoting Town Council and community engagement. The Committee may identify new strategies and resources that will foster and promote a positive and productive dialogue with community members; help facilitate improvements to existing and new communications mediums; and they will provide the Council with an annual report summarizing the committee's activities from the previous year and recommendation for the year to come.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-043. Move approval of the First reading on the proposed amendment to Chapter 302A – Town Committees/Boards Manual, Article I, Appointments/Re-Appointment and schedule a public hearing and second reading for Wednesday, May 17, 2017. *[Rules & Policies Committee]*

Rules & Policies Committee

Sponsor

05/03/17

First Reading/Vote

Ought to Pass

Recommendation

05/17/17

Second Reading/Final Approval/Vote

**CHAPTER 302A
TOWN OF SCARBOROUGH
TOWN COMMITTEES/BOARDS MANUAL**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302A, the Town Committees/Boards Manual of the Town of Scarborough, Maine is amended by adding the text, as shown below:

Article I - Appointment/Re-Appointment

Once an application for a committee/board is received in the Town Clerk's Office, it is then copied and sent to the Appointments and Negotiations Committee for review. The Appointments Committee will then refer its recommendation(s) to the Council. Pursuant to Section 201.00 of Chapter 302 – the Rules and Policies Manual for the Scarborough Town Council: "Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments and Negotiations Committee and certified by the Council."

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-044. Move approval on the request to accept, pursuant to Title 23 MRSA §3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance, from New England Expedition – Scarborough LLC, the following public infrastructure associated with the development of the Gateway Shoppes on Payne Road at Exit 42 and authorize the Town Manager to sign any necessary documents:

- a) Fee Parcel, a strip of land associated with the widening of Payne Road and within land of the Grantor, as described in Book 24960, Page 99.
- b) Slope and Drainage Easement, as depicted on Planning Board approved plans for the purpose of granting rights, but not obligation, to the Town of Scarborough to enter upon the easement area to provide maintenance in order to continue operation of the stormwater facility.

[Town Engineer]

Town Engineer

Sponsor

05/03/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

Planning and Code Enforcement

MEMORANDUM

TO: Town Council

FROM: Angela Blanchette, PE, Town Engineer

COPY: Thomas Hall, Town Manager
Michael Shaw, Public Works Director

DATE: May 3, 2017

RE: Right-of-way and Easement Acceptance
New England Expedition - Scarborough

Pursuant to 23 MRSA 3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance, New England Expedition – Scarborough LLC petitions the Scarborough Town Council to accept the following public infrastructure associated with the development of the Gateway Shoppes on Payne Road at Exit 42:

- a) Fee Parcel, a strip of land associated with the widening of Payne Road and within land of the Grantor, as described in Book 24960, Page 99.
- b) Slope and Drainage Easement, as depicted on Planning Board approved plans for the purpose of granting rights, but not obligation, to the Town of Scarborough to enter upon the easement area to provide maintenance in order to continue operation of the stormwater facility.

Town Staff has reviewed the submitted materials and has concluded that New England Expedition – Scarborough, LLC has met the requirements under the Town of Scarborough Ordinance and recommends that the Town Council accept the parcel of land and easement as indicated in the Maine Department of Transportation Development Agreement, dated September 14, 2007, and the Town of Scarborough Planning Board approval documents, dated March 12, 2007.

QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

THE NEW ENGLAND EXPEDITION – SCARBOROUGH, LLC, a Maine limited liability company whose mailing address is c/o Feldco Development Corp., 222 Newbury Street, 4th Floor, Boston, Massachusetts 02116 (the “Grantor”), for consideration paid, grants to the TOWN OF SCARBOROUGH, a body corporate and politic located in the County of Cumberland and State of Maine, whose mailing address is U.S. Route One, P.O. 360, Scarborough, Maine 04070 (the “Grantee”), WITH QUITCLAIM COVENANT, a certain parcel of land and related appurtenant rights and easements adjacent to the northwesterly side of Payne Road in the Town of Scarborough, County of Cumberland, and State of Maine, for highway and highway related purposes and without claim for damages, more particularly bounded and described as follows:

A. “Fee Parcel”

A certain parcel of land in the Town of Scarborough, Cumberland County, Maine, located northwesterly of Payne Road and within land of the Grantor, as described in Book 24960, Page 99, described as follows:

Beginning at a 5/8-inch rebar capped PLS 2244 on the northwesterly sideline of Payne Road and marking the northeast corner of land now or formerly of Richard C. & Ellen J. Nielson as described in Book 3466, Page 113;

Thence, N 32°-33'-39"W, along the northeasterly sideline of said Nielson, 32.40 feet to a point;

Thence, northeasterly, and southeasterly, through land of the Grantor, the following courses:

N 29°-35'-06"E, 343.65 feet to a point;

Thence, N 28°-45'-13" E, 575.39 feet to a point;

Thence, S 46°-42'-07"E, 29.60 feet to the apparent northwesterly sideline of Payne Road;

Thence, southwesterly, along the apparent northwesterly sideline of Payne Road, the following courses:

S 28°-45'-13"W, 568.16 feet to a point;

Thence, S 29°-35'-06"W, 359.00 feet to the point of beginning.

The above-described parcel contains 26,451 square feet, more or less.

Bearings are based on Maine State Grid Coordinate System, West Zone, (NAD 83).

The Fee Parcel shall hereinafter become part of the Payne Road public right-of-way over which the Grantor shall have the right of pedestrian and vehicular access to and from the Grantor's adjacent property commonly referred to as "The Gateway Shoppes".

The Fee Parcel is subject to utility rights and easements of record serving The Gateway Shoppes.

Reserving to the Grantor, its successors and assigns, the right to maintain, repair and replace any fencing, signage and the like relating to The Gateway Shoppes that may extend into said Fee Parcel so long as such improvements do not do not adversely affect the area comprising the Fee Parcel for highway and highway related purposes in the reasonable judgement of the Grantee.

Reference is made to plan entitled, "The New England Expedition-Scarborough, LLC - The Gateway at Scarborough – Overall Site & Subdivision Plan", dated August, 2006, by OEST Associates, Inc., and recorded in Cumberland County Registry of Deeds in Plan Book 207 Page 173.

Further reference is made to a plan entitled "The New England Expedition – Scarborough, LLC, The Gateway Shoppes" by Amec Foster Wheeler, dated _____, 2017 (the "2017 Plan") on which the Fee Parcel is designated as "Proposed Conveyance to the Town of Scarborough, 26,451 Sq. Ft.".

B. "Easement Area"

The right and easement within that portion of the Grantor's property designated as "Proposed Location of Slope and Drainage Easement" on the 2017 Plan for the purpose of stormwater drainage from Payne Road over and through the Easement Area and through any culverts or other drainage facilities located therein, which right and easement shall include the right, but not the obligation, to enter upon the Easement Area with men and machinery at all times for the purpose of maintaining the Easement Area to allow for its continued use for such purposes, which maintenance shall include but not be limited to the right to trim, cut down and remove trees, bushes and other vegetation of all kinds, to remove debris and deposits of any kind, and to alter and regrade the contours of the Easement Area, together with the right but not the obligation to maintain, repair, and replace any culverts and related facilities within the Easement Area. Grantee, for itself and its successors and assigns, agrees to restore the surface of the Easement Area to the condition it was in immediately prior to each exercise of such right and easement, as soon as reasonably practicable thereafter.

Reserving to the Grantor, its successors and assigns, the use and enjoyment of the Easement Area for all purposes as are not inconsistent with and shall not interfere with the right and easement granted herein, which use shall include the right to place improvements therein such as fencing, signage and the like, so long as such improvements do not adversely affect the Grantee's right and easement to utilize the Easement Area for the above-described purposes in the reasonable judgement of the Grantee.

Further reference is made to the 2017 Plan on which the Easement Area is designated as "Proposed Location of Slope and Drainage Easement".

Attached hereto as Exhibit A is a portion of the 2017 Plan showing the Fee Parcel and the Easement Area.

Except to the extent specifically granted herein, no other appurtenant rights and easements are intended to be included in this conveyance.

IN WITNESS WHEREOF, THE NEW ENGLAND EXPEDITION – SCARBOROUGH, LLC has caused this instrument to be executed by its Manager, Feldco Scarborough, LLC, by Barry E. Feldman, its Managing Member, thereunto duly authorized, as of the ____ day of _____, 2017.

WITNESS:

THE NEW ENGLAND EXPEDITION-
SCARBOROUGH, LLC

By FELDCO SCARBOROUGH, LLC, its
Manager

By: _____
Barry E. Feldman
Its Managing Member

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF SUFFOLK, ss.

_____, 2017

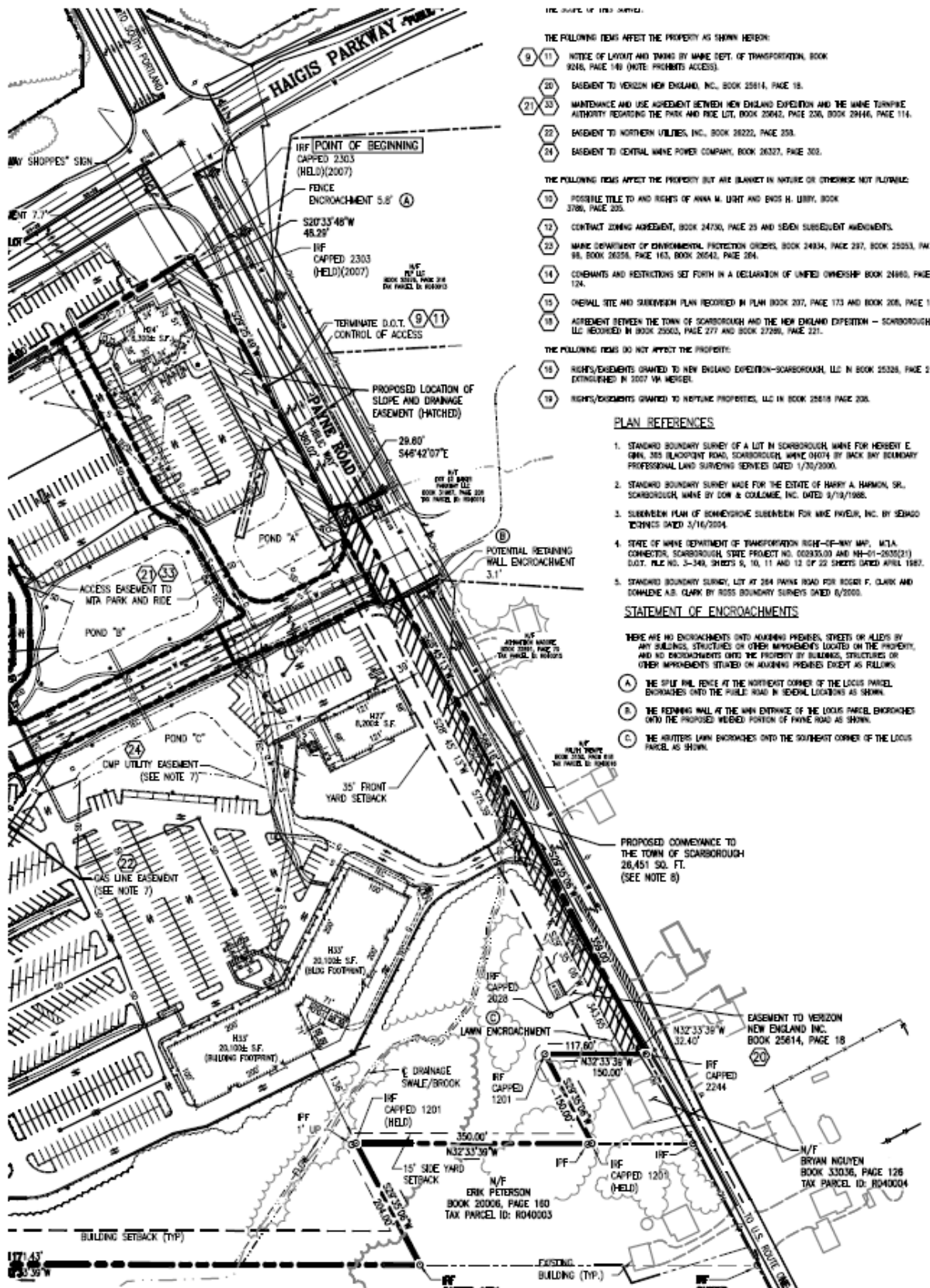
Personally appeared the above named Barry E. Feldman, in his capacity as the Managing Member of Feldco Scarborough, LLC, the Manager of The New England Expedition - Scarborough, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity, the free act and deed of said Feldco Scarborough, LLC in its said capacity, and the free act and deed of said The New England Expedition - Scarborough, LLC.

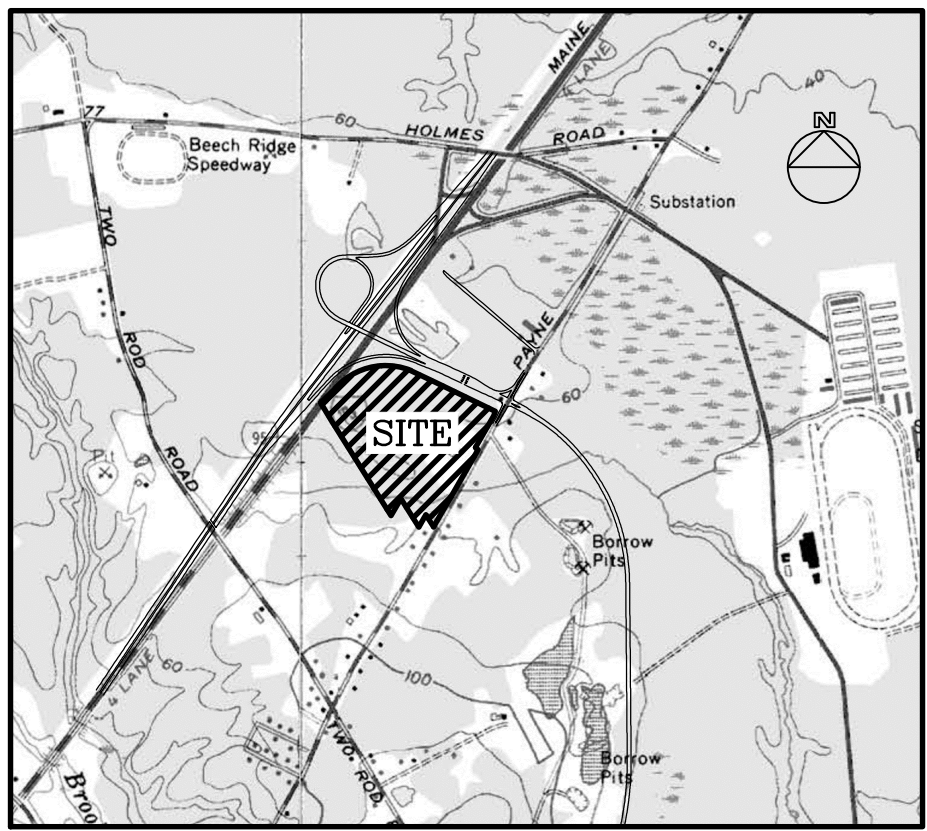
Before me,

Notary Public

Print name

My Commission Expires _____

Exhibit A



LOCATION MAP
SCALE: 1" = 2,000'

- PROPERTY LINE
IPF IRON PIPE FOUND
IRF IRON ROD OR REBAR FOUND
5 SCHEDULE B ITEM
---TEC--- TELEPHONE, ELECTRIC AND CABLE (UNDERGROUND)
---G--- GAS SERVICE
---W--- WATER SERVICE
---S--- SANITARY SEWER SERVICE
---OH--- OVERHEAD UTILITIES
* LIGHT POLE
---SD--- STORM DRAIN
295' BUILDING DIMENSIONS
H27' BUILDING HEIGHT (MEASURED PER ZONING ORDINANCE)
--- PROPERTY LINE

SCHEDULE B TITLE EXCEPTION NOTES

THIS SURVEY IS BASED ON A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 3020-803837 WITH AN EFFECTIVE DATE OF JULY 20, 2016.

ITEMS NOT LISTED BELOW ARE STANDARD TITLE EXCEPTIONS AND/OR ARE NOT MATTERS OR ISSUES THAT PERTAIN TO THE SCOPE OF THIS SURVEY.

THE FOLLOWING ITEMS AFFECT THE PROPERTY AS SHOWN HEREON:

- 9 11 NOTICE OF LAYOUT AND TAKING BY MAINE DEPT. OF TRANSPORTATION, BOOK 9248, PAGE 149 (NOTE: PROHIBITS ACCESS).
20 EASEMENT TO VERIZON NEW ENGLAND, INC., BOOK 25614, PAGE 18.
21 33 MAINTENANCE AND USE AGREEMENT BETWEEN NEW ENGLAND EXPEDITION AND THE MAINE TURNPIKE AUTHORITY REGARDING THE PARK AND RIDE LOT, BOOK 25842, PAGE 238, BOOK 29446, PAGE 114.
22 EASEMENT TO NORTHERN UTILITIES, INC., BOOK 26222, PAGE 258.
24 EASEMENT TO CENTRAL MAINE POWER COMPANY, BOOK 26327, PAGE 302.

THE FOLLOWING ITEMS AFFECT THE PROPERTY BUT ARE BLANKET IN NATURE OR OTHERWISE NOT PLOTTABLE:

- 10 POSSIBLE TITLE TO AND RIGHTS OF ANNA M. LIGHT AND ENOS H. LIBBY, BOOK 3789, PAGE 205.
12 CONTRACT ZONING AGREEMENT, BOOK 24730, PAGE 25 AND SEVEN SUBSEQUENT AMENDMENTS.
23 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION ORDERS, BOOK 24934, PAGE 297, BOOK 25053, PAGE 98, BOOK 26256, PAGE 163, BOOK 26542, PAGE 284.
14 COVENANTS AND RESTRICTIONS SET FORTH IN A DECLARATION OF UNIFIED OWNERSHIP BOOK 24960, PAGE 124.
15 OVERALL SITE AND SUBDIVISION PLAN RECORDED IN PLAN BOOK 207, PAGE 173 AND BOOK 208, PAGE 166.
18 AGREEMENT BETWEEN THE TOWN OF SCARBOROUGH AND THE NEW ENGLAND EXPEDITION - SCARBOROUGH, LLC RECORDED IN BOOK 25503, PAGE 277 AND BOOK 27269, PAGE 221.

THE FOLLOWING ITEMS DO NOT AFFECT THE PROPERTY:

- 16 RIGHTS/EASEMENTS GRANTED TO NEW ENGLAND EXPEDITION-SCARBOROUGH, LLC IN BOOK 25326, PAGE 203, EXTINGUISHED IN 2007 VIA MERGER.
19 RIGHTS/EASEMENTS GRANTED TO NEPTUNE PROPERTIES, LLC IN BOOK 25618 PAGE 208.

PLAN REFERENCES

1. STANDARD BOUNDARY SURVEY OF A LOT IN SCARBOROUGH, MAINE FOR HERBERT E. GINN, 365 BLACKPOINT ROAD, SCARBOROUGH, MAINE 04074 BY BACK BAY BOUNDARY PROFESSIONAL LAND SURVEYING SERVICES, DATED 1/30/2000.
2. STANDARD BOUNDARY SURVEY MADE FOR THE ESTATE OF HARRY A. HARMON, SR., SCARBOROUGH, MAINE BY DOW & COULOMBE, INC., DATED 9/19/1988.
3. SUBDIVISION PLAN OF BONNEYGROVE SUBDIVISION FOR MIKE PAYEUR, INC. BY SEBAGO TECHINCS DATED 3/16/2004.
4. STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, M.T.A. CONNECTOR, SCARBOROUGH, STATE PROJECT NO. 002935.00 AND NH-01-2935(21) D.O.T. FILE NO. 3-349, SHEETS 9, 10, 11 AND 12 OF 22 SHEETS DATED APRIL 1987.
5. STANDARD BOUNDARY SURVEY, LOT AT 264 PAYNE ROAD FOR ROGER F. CLARK AND DONALDENE A.B. CLARK BY ROSS BOUNDARY SURVEYS DATED 8/2000.

STATEMENT OF ENCROACHMENTS

THERE ARE NO ENCROACHMENTS ONTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS LOCATED ON THE PROPERTY, AND NO ENCROACHMENTS ONTO THE PROPERTY BY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON ADJOINING PREMISES EXCEPT AS FOLLOWS:

- A THE SPLIT RAIL FENCE AT THE NORTHEAST CORNER OF THE LOCUS PARCEL ENCROACHES ONTO THE PUBLIC ROAD IN SEVERAL LOCATIONS AS SHOWN.
B THE RETAINING WALL AT THE MAIN ENTRANCE OF THE LOCUS PARCEL ENCROACHES ONTO THE PROPOSED WIDENED PORTION OF PAYNE ROAD AS SHOWN.
C THE ABUTTERS LAWN ENCROACHES ONTO THE SOUTHEAST CORNER OF THE LOCUS PARCEL AS SHOWN.

PROPOSED CONVEYANCE TO THE TOWN OF SCARBOROUGH 26,451 SQ. FT. (SEE NOTE 8)

EASEMENT TO VERIZON NEW ENGLAND INC. BOOK 25614, PAGE 18

N/F BRYAN NGUYEN BOOK 33036, PAGE 126 TAX PARCEL ID: R040004

GENERAL NOTES:

1. PROPERTY IS LOCATED IN THE TOWN OF SCARBOROUGH, TAX PARCEL ID: R040005. RECORD OWNER OF PROPERTY IS THE NEW ENGLAND EXPEDITION - SCARBOROUGH, LLC ACQUIRED IN THE FOLLOWING DEEDS:
A. DEED FROM TO BANKNORTH, N.A., DATED MARCH 6, 2007, AND RECORDED IN BOOK 24960, PAGE 99;
B. DEED FROM 23 SPRING STREET, LLC, DATED MARCH 14, 2007, AND RECORDED IN BOOK 24960, PAGE 107;
C. DEED FROM ELLEN E. FONTANE TRUSTEE, ET AL., DATED MARCH 14, 2007, AND RECORDED IN BOOK 24960, PAGE 110;
D. DEED FROM 262 PAYNE ROAD, LLC, DATED MARCH 14, 2007, AND RECORDED IN BOOK 24960, PAGE 121.
TOTAL AREA OF PROPERTY = 40.244 ACRES (EXCLUDING PAYNE ROAD RIGHT OF WAY CONVEYANCE).
2. HORIZONTAL DATUM BASED ON MAINE STATE GRID, NAD 83 WEST ZONE.
3. PROPERTY IS LOCATED WITHIN THE GENERAL BUSINESS DISTRICT B-3.

SPACE AND BULK STANDARDS ZONING DISTRICT GENERAL BUSINESS DISTRICT B-3:

MINIMUM LOT SIZE:	10,000 SQ. FT.
MINIMUM FRONTAGE:	200 FEET
MINIMUM FRONT YARD:	35 FEET (PAYNE ROAD)
MINIMUM REAR YARD:	15 FEET
MINIMUM SIDE YARD:	15 FEET
MAXIMUM BUILDING HEIGHT:	50 FEET (RESIDENTIAL DIST)
PARKING SPACES:	45 FEET 849 SPACES REQUIRED PER ZONING REPORT SUPPLIED TO SURVEYOR

PARKING SPACE TABLE:	
REGULAR SPACES PROVIDED:	1,194
HANDICAP SPACES PROVIDED:	40
OVERSIZE SPACES PROVIDED:	15
TOTAL SPACES PROVIDED:	1,249

- SEE CONTRACT ZONING AGREEMENT RECORDED IN C.C.R.D. BOOK 24730, PAGE 25 AND SEVEN SUBSEQUENT AMENDMENTS.
4. ORIGINAL LAYOUT OF PAYNE ROAD BY COUNTY COMMISSIONER, MARCH 1815, HAS NEVER BEEN FORMALLY MONUMENTED BY THE COUNTY OR TOWN. THIS SECTION OF PAYNE ROAD HAS NOT BEEN REDEFINED WITH THE EXCEPTION OF THE D.O.T. WIDENING FOR THE FIRST 428.31 FEET SOUTHERLY FROM THE TURNPIKE EXIT. RIGHT-OF-WAY INFORMATION SHOWN IS BASED ON PLAN REFERENCES 1 THROUGH 5 AND MONUMENTATION FOUND.
5. INSTRUMENT SURVEY PERFORMED BY AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC. (FORMERLY DEST ASSOCIATES, INC.), SEPTEMBER 2005, DECEMBER 2006, NOVEMBER 2013 AND HAS BEEN UPDATED BY FIELD WORK COMPLETED JANUARY 31, 2017.
6. SAID DESCRIBED PROPERTY HEREON IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION C BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO. 2 AND 5, WITH A DATE OF IDENTIFICATION OF JUNE 19, 1985, FOR COMMUNITY PANEL NUMBER 230052-00050 AND 230052-00200 IN CUMBERLAND COUNTY, STATE OF MAINE, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS SITUATED.
7. PROPERTY IS SUBJECT TO EASEMENTS FOR UNDERGROUND UTILITIES AS CONVEYED TO NORTHERN UTILITIES, INC. (20' WIDE STRIP) AS DESCRIBED IN BOOK 26222, PAGE 258, AND AS CONVEYED TO CENTRAL MAINE POWER COMPANY AS DESCRIBED IN BOOK 26327, PAGE 302. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON PHYSICAL SURFACE EVIDENCE AND RECORD PLANS. THIS PLAN DOES NOT PURPORT TO SHOW ALL UNDERGROUND UTILITIES OR ACTUAL LOCATIONS OF THESE UTILITIES. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS.
8. NO EVIDENCE OF SANITARY LANDFILL ON THE PROPERTY; NO EVIDENCE OF CEMETERY ON THE PROPERTY; NO RECENT EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS; NO RECENT CHANGES OF STREETS RIGHT OF WAY, OTHER THAN PAYNE ROAD RIGHT OF WAY TO BE WIDENED AS SHOWN HEREON.
9. THE PROPERTY HAS DIRECT ACCESS TO PAYNE ROAD, A DEDICATED PUBLIC STREET.

LEGAL DESCRIPTION

SEE PARCEL

A certain lot or parcel of land, with the buildings and improvements thereon, located on the northwesterly side of Payne Road, in the Town of Scarborough, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at a 5/8-inch rebar capped "PLS 2303" marking the intersection of the northerly sideline of Payne Road and the southerly sideline of Maine Turnpike Exit 42 as described in a Notice of Layout and Taking by the State of Maine Department of Transportation dated July 10, 1990 and recorded in Book 9246, Page 149 of the Cumberland County Registry of Deeds;
Thence S 20° 33' 48" W along the northwesterly sideline of Payne Road 48.29 feet to a 5/8-inch rebar capped "PLS 2303";
Thence S 29° 25' 49" W along the northwesterly sideline of Payne Road 380.02 feet to a point;
Thence S 42° 42' 07" E 29.60 feet to the northwesterly sideline of Payne Road;
Thence southerly along the northwesterly sideline of Payne Road along the following courses:
S 28° 45' 13" W 568.16 feet to a point;
Thence S 29° 35' 06" W 359.00 feet to a 5/8-inch rebar capped "PLS 2244" on the northwesterly sideline of Payne Road and marking the northeast corner of land now or formerly of Richard C. & Ellen J. Nielson as described in Book 3466, Page 113 of said Registry of Deeds;
Thence N 32° 33' 39" W along the northwesterly sideline of land now or formerly of said Nielson 32.40 feet to a point;
Thence continuing N 32° 33' 39" W along said land now or formerly of said Nielson 117.60 feet to a 5/8-inch rebar capped "PLS 1201" marking the northwesterly corner of said land now or formerly of said Nielson;
Thence S 29° 35' 06" W along said land now or formerly of said Nielson 150.00 feet to a 5/8-inch rebar capped "PLS 1201" marking the southwesterly corner of said land now or formerly of said Nielson at land now or formerly of Erik Peterson as described in Book 20066, Page 160 of said Registry of Deeds;
Thence N 32° 33' 39" W along said land now or formerly of said Peterson 350.00 feet to a 5/8-inch rebar capped "PLS 1201" marking the northwesterly corner of said land now or formerly of said Peterson;
Thence S 29° 35' 06" W along said land now or formerly of said Peterson 204.00 feet to a 5/8-inch rebar capped "PLS 1201" marking the southwesterly corner of said land now or formerly of said Peterson at land now or formerly of Bonneygrove Homeowners Association as described in Book 29684, Page 174 of said Registry of Deeds;
Thence N 32° 33' 39" W along said land now or formerly of said Bonneygrove Homeowners Association 1,171.43 feet to a 3/4-inch iron pipe marking the northwesterly corner of land now or formerly of Linda M. Theberge as described in Book 15610, Page 43 of said Registry of Deeds;
Thence N 31° 59' 24" W along said land now or formerly of said Theberge 215.46 feet to a 5/8-inch rebar capped "PLS 1201" on the southerly sideline of Maine Turnpike Exit 42;
Thence N 46° 46' 34" E along the southerly sideline of Maine Turnpike Exit 42 a distance of 217.13 feet to a point;
Thence in a northeasterly direction along the southerly sideline of Maine Turnpike Exit 42, passing through a 5/8-inch rebar capped "PLS 1201," following a non-tangent curve to the right having a radius of 700.00 feet and a chord bearing of N 76° 18' 54" E for an arc length of 805.21 feet to a point;
Thence S 65° 03' 59" E along the southerly sideline of Maine Turnpike Exit 42 a distance of 280.65 feet to point;
Thence S 64° 41' 06" E along the southerly sideline of Maine Turnpike Exit 42 a distance of 695.00 feet to the point of beginning.

The above-described parcel contains 40.851 acres, more or less.

All bearings are based on the Maine State Grid Coordinate System NAD83 (west zone).

USE RIGHTS UNDER MAINE TURNPIKE AUTHORITY MAINTENANCE AND USE AGREEMENT

Use rights allowed under a Maintenance and Use Agreement Between the Maine Turnpike Authority and The New England Expedition - Scarborough LLC, dated November 27, 2007, and recorded in the Cumberland County Registry of Deeds in Book 25842, Page 238, as supplemented by Supplemental Agreement Regarding Maintenance and Use Agreement Between the Maine Turnpike Authority and The New England Expedition - Scarborough LLC, dated as of March 14, 2012, and recorded in the Cumberland County Registry of Deeds in Book 29446, Page 114 (collectively, the "MTA Agreement"), relating to the Park and Ride Lot described therein located adjacent to the above-described premises, subject to and in accordance with the terms and conditions set forth in said MTA Agreement.

ALTA/NSPS LAND TITLE SURVEY:

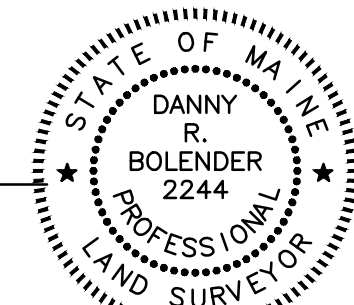
THE UNDERSIGNED CERTIFIES TO:
RIALTO MORTGAGE FINANCE, LLC, ITS SUCCESSORS AND/OR ASSIGNS, FIRST AMERICAN TITLE INSURANCE COMPANY, THE NEW ENGLAND EXPEDITION-SCARBOROUGH, LLC, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THIS SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA, AND NSPS AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(c), 11, 13, 14, 16, 17, 18 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 31, 2017.

DATE OF PLAT OR MAP FEBRUARY 3, 2017.

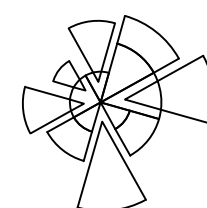
I FURTHER CERTIFY THAT THE DEEDS THAT COMPRISE THE SITE DESCRIBE PARCELS THAT ARE CONTIGUOUS TO EACH OTHER WITHOUT ANY GAPS OR GORES.

DANNY R. BOLENDER
PROFESSIONAL LAND SURVEYOR NO. 2244
IN THE STATE OF MAINE
DATE OF LAST REVISION: FEBRUARY 14, 2017



LEGAL NOTE

1. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN EXHIBIT A OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 3020-803837 WITH AN EFFECTIVE DATE OF JULY 20, 2016 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.



amec foster wheeler

Environment and Infrastructure
511 Congress St., Suite 200, Portland ME 04101
P: (207) 775-5401 F: (207) 772-4762 www.amec.com

PLEASE NOTE: THIS DOCUMENT MAY NOT ACCURATELY REPRESENT THE FINAL DOCUMENT. ONLY AN ENGINEER, ARCHITECT OR SURVEYOR, SHOWN, SEALED AND DATED HEREIN, COPIED, PROVIDED BY THIS OFFICE, MAY BE USED FOR CONSTRUCTION PURPOSES.

FINAL
02/14/2017

CURRENT ISSUE STATUS:

PROJECT:

The New England Expedition - Scarborough, LLC
THE GATEWAY SHOPPES

100.2 & 3 Cabela Blvd. 200 & 400 Expedition Dr. Scarborough, Maine

DATE

02-14-2017

02-09-2017

REVISION

ISSUE DESCRIPTION

REV

REVISED PER CASIN & CASIN LLP COMMENTS

REVISED ITEM 16 NOTE

B

A

PROJECT NUMBER: 3618178568

PROJECT MANAGER: JBW

A/E OF RECORD:

DRAWN BY: DRB

CAD FILE: ALTA-C101 R1

SCALE: 1" = 100'

GRAPHIC SCALE:

0' 1'

TITLE:

ALTA/NSPS

LAND TITLE SURVEY

DRAWING NO:

C-101

SHEET: 1 OF 1

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AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-045. Move approval on the request, pursuant to Title 23 MRSA §3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance to the drainage easement associated with the Burnham Heights Subdivision as depicted in Planning Board approval documents dated, January 26, 2015 and to authorize the Town Manager to sign any necessary document. *[Town Engineer]*

Town Engineer

Sponsor

05/03/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

Planning and Code Enforcement

MEMORANDUM

TO: Town Council

FROM: Angela Blanchette, PE, Town Engineer

COPY: Thomas Hall, Town Manager
Michael Shaw, Public Works Director

DATE: May 3, 2017

RE: Drainage Easement Acceptance
Burnham Heights Subdivision, Tax Map R4, Lot 003

Pursuant to 23 MRSA 3025 and to the requirements of Section 4 of Scarborough Street Acceptance Ordinance, Star Homes, Inc. petitions the Scarborough Town Council to accept the drainage easement associated with the Burnham Heights Subdivision as depicted in Planning Board approval documents dated, January 26, 2015.

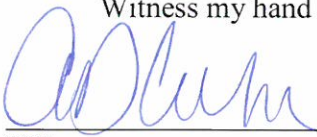
Town Staff has reviewed the submitted materials and has concluded that Star Homes has met the requirements under the Town of Scarborough Ordinance and recommends that the Town Council accept the easement.

Easement Deed

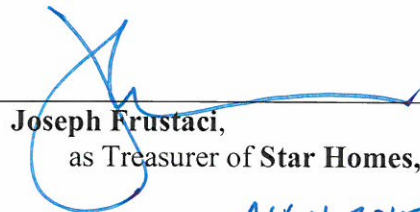
KNOW ALL BY THESE PRESENTS that **Star Homes, Inc.**, a Maine Corporation having a place of business in South Portland, Maine and a mailing address of P.O. Box 2351, South Portland, Maine 04116-235, for consideration paid **grants** to the **Town of Scarborough**, a body politic and corporate located in Cumberland County, State of Maine, with a mailing address of P.O. Box 360, Scarborough, Maine 04070-0360, a certain **easement** described below:

See "BURNHAM HEIGHTS EASEMENT DESCRIPTION" attached hereto and made a part hereof, as if set forth in full.

Witness my hand and seal on AUG 11, 2015



Witness



Joseph Frustaci,
as Treasurer of Star Homes, Inc.

STATE OF MAINE
COUNTY OF CUMBERLAND

AUG 11, 2015, 2015.

Personally appeared **Joseph Frustaci, as Treasurer of Star Homes, Inc.** to me well-proven, and acknowledged the foregoing to be his free act and deed, that he had the requisite authority to execute this deed on behalf of the corporation, and the free act and deed of the grantor corporation,

before me,



Notary Public/ Maine Attorney

Cum. Exp. FEB 26 2020

BURNHAM HEIGHTS EASEMENT DESCRIPTION

A certain 15 foot wide **drainage and maintenance easement** to construct, use, maintain and repair drainage structures and piping, together with a right of entry on foot or in vehicles with all the equipment necessary or reasonably required to accomplish the purposes of this easement over, on, across and under a certain parcel of land located on the northwesterly sideline of Burnham Road, so-called, in the Town of **Scarborough**, County of **Cumberland** and State of **Maine** and shown on the plan titled "*Burnham Heights Final Plan, Conservation Subdivision, Burnham Road, Scarborough, Maine*" for Star Homes, Inc., dated July 2014 as revised through February 13, 2015, by Berry Huff McDonald Milligan, Inc., and as approved by the Town of Scarborough Planning Board on January 26, 2015 and signed by the Planning Board on FEB 17, 2015 and recorded in the Cumberland, Maine County Registry of Deeds at Plan Book 215, Page 63, said drainage and maintenance easement being more particularly described as follows:

Beginning at a capped iron rod found (PLS #2104) on the northwesterly sideline of said Burnham Road at the southerly corner of land now or formerly of James A. Whipple II and Janna L. Whipple as shown on aforesaid plan;

thence S 54°-41'-49" W along the northwesterly sideline of said Burnham Road a distance of 199.94 feet to a point and the northeasterly sideline of Thunder Road, so-called;

thence N 40°-28'-02" W along the northeasterly sideline of said Thunder Road a distance of 15.06 feet to a point;

thence N 54°-41'-49" E across the land of the Grantor and shown as Open Space on the aforesaid plan a distance of 201.30 feet to a point and land of said Whipple;

thence S 35°-18'-11" E along the land of said Whipple a distance of 15.00 feet to the point of beginning;

The above described easement contains 3009 s.f. All bearings refer to magnetic north as observed in 1975.

Also conveying a certain 15 foot wide drainage and maintenance easement to construct, use, maintain and repair drainage structures and piping, together with a right of entry on foot or in vehicles with all the equipment necessary or reasonably required to accomplish the purposes of this easement over, on, across and under a certain parcel of land located on the northwesterly sideline of said Burnham Road, in the Town of Scarborough, County of Cumberland and State of Maine and shown on the aforesaid plan; said drainage and maintenance easement being more particularly described as follows:

Beginning at a capped iron rod set (PLS #2190) on the northwesterly sideline of said Burnham Road at the southerly corner of Lot #1 as shown on aforesaid plan;

thence S 64°-52'-18" W along the northwesterly sideline of said Burnham Road a distance of 163.67 feet to a capped iron rod set (PLS #2190) and the easterly corner of Lot #2;

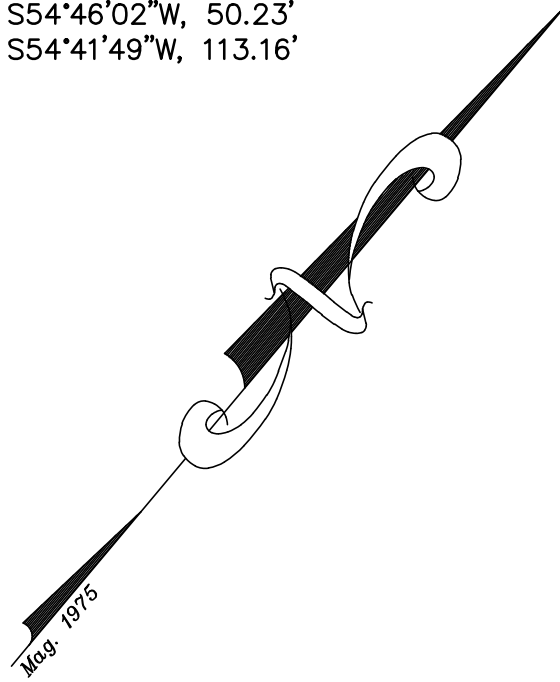
thence N 35°-18'-11" W along said Lot #2 a distance of 15.24 feet to a point;

thence N 64°-52'-18" E across the land of the Grantor and shown as Open Space on the aforesaid plan a distance of 162.20 feet to a point and said Lot #1;

thence S 40°-37'-55" E along said Lot #1 a distance of 15.57 feet to the point of beginning.

The above described easement encompasses 2,444 s.f.

LINE LABELS
L1 - S54°46'02"W, 50.23'
L2 - S54°41'49"W, 113.16'



N/F
Vicki Woodbrey
Bk. 30732, Pg. 202

N/F
Central Maine Power
Real Estate Company
Bk. 1912, Pg. 73

N/F
Peter J. &
Rita L. Griffen
Bk. 11901, Pg. 20

N/F
James A. II &
Janna L. Whipple
Bk. 23459, Pg. 122

N/F
Cynthia S. Heelan
Bk. 28562, Pg. 190

N/F
Robert M. Bold Jr.
Bk. 26129, Pg. 43

N/F
Richard M. Kelly
Bk. 24329, Pg. 287

N/F
Peter C. &
Kay F. Hansen
Bk. 3282, Pg. 58

N/F
Carroll N. &
Gladys D. Libby
Bk. 2043, Pg. 820

Open Space
540,487 S.F.

Lot 4
47,828 S.F.

Lot 3
38,941 S.F.

Lot 2
39,296 S.F.

Lot 1
45,142 S.F.

Lot 1
45,142 S.F.

Lot 1
45,142 S.F.

Lot 1
45,142 S.F.

Lot 1
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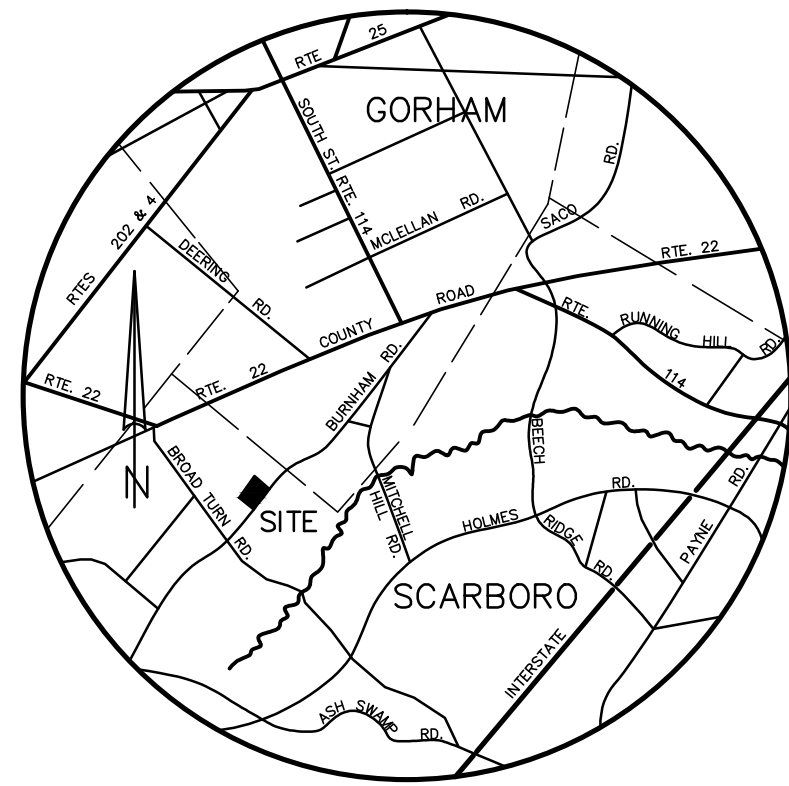
Lot 1
45,142 S.F.

Lot 1
45,142 S.F.

Lot 1
45,142 S.F.

Scale: 1" = 100'

SYMBOL	DESCRIPTION
○ IRF	IRON ROD FOUND
○ IRF	IRON PIPE FOUND
□ GMP	GRANITE MONUMENT FOUND
○ GMS	5/8" IRON ROD W/ CAP TO BE SET
○ GMS	GRANITE MONUMENT SET
○ GMS	UTILITY POLE
○ GMS	EXISTING WELL
○ GMS	LIMIT OF WETLANDS
○ GMS	EXISTING CONTOUR
○ GMS	NOW OR FORMERLY
○ GMS	#3 IRON RODS "NO DISTURB BUFFER"
○ GMS	WELL ZONES
○ GMS	NITRATE PLUME



LOCATION MAP
SCALE: 1" = 2 MILES

NOTES:

- OWNER/APPLICANT: STAR HOMES INC.
8 ROSEWOOD DRIVE
CAPE ELIZABETH, MAINE
- ENGINEER: ANDY MORRELL, PE#13285
BH2M
28 STATE STREET
GORHAM, MAINE
- SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
BH2M
- WETLANDS: MARK HAMPTON
MARK HAMPTON ASSOCIATES
PORTLAND, MAINE
- DEED REFERENCE: BK. 31793, PG. 256
- TAX MAP REFERENCE: MAP 4, LOT 3
- ZONING: RF & AQUIFER OVERLAY PROTECTION
DISTRICT
- PROJECT AREA: 16.339 ACRES
- PROPOSED USE: SINGLE FAMILY HOUSE LOTS
- MINIMUM STANDARDS (RF ZONE):
LOT SIZE - 80,000 S.F.
FRONTAGE - 200'
SETBACKS - 50' FRONT, 15' SIDE & REAR
- CONSERVATION SUBDIVISION:
LOT SIZE - 30,000 S.F.
FRONTAGE - 100'
SETBACKS - 25' FRONT, 15' SIDE AND REAR
- SEWER SERVICE: INDIVIDUAL ON SITE SEPTIC SYTEMS
- WATER SERVICE: INDIVIDUAL DRILLED WELLS
- ELECTRIC/TELEPHONE: UNDERGROUND
- PLAN REFERENCE: "LAND OF WILLARD DAUPHINEE, BURNHAM
HEIGHTS ACRES", DATED 12-16-75, BY
R.E.M. ENGINEERS.
- NET RESIDENTIAL ACREAGE
TOTAL ACREAGE 711,748 S.F.
LESS
ISOLATED LAND -0-
FLOOD ZONE -0-
UNSATURABLE (WETLANDS) 259,726 S.F.
R.O.W. & EASEMENTS 35,067 S.F.
RP DISTRICT -0-
STORM WATER FACILITIES -0-
SUB TOTAL 416,955 S.F.
LESS 10% (ROADWAYS) 41,695 S.F.
TOTAL 375,260 S.F.
375,260 S.F. = 4.69 LOTS
80,000 S.F.
4 LOTS PROPOSED
- OPEN SPACE SHALL BE OWNED BY THE HOMEOWNERS ASSOCIATION. RESPONSIBILITIES AND USES SHALL BE OUTLINED IN THE HOMEOWNERS ASSOCIATION DOCUMENTS. THE COMMON OPEN SPACE SHALL NOT BE USED FOR FUTURE BUILDING LOTS. A PART OR ALL OF THE COMMON OPEN SPACE MAY, AT THE OPTION OF THE TOWN, BE DEDICATED FOR ACCEPTANCE BY THE TOWN.
- TREE REMOVAL WITHIN THE AREAS DESIGNATED AS OPEN SPACE SHALL BE LIMITED TO DEAD DISEASED OR DYING TREES.
- THE SCARBOROUGH ENGINEERING DEPT. RESERVES THE RIGHT TO REQUIRE ADDITIONAL WORK BEYOND WHAT IS SHOWN ON THE PLANS AS UNFORESEEN FIELD CONDITIONS REQUIRE. ANY CHANGES MADE DURING CONSTRUCTION SHALL BE COORDINATED WITH AND APPROVED BY THE SCARBOROUGH ENGINEERING DEPARTMENT.
- THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE TOWN OF SCARBOROUGH POST CONSTRUCTION STORMWATER INFRASTRUCTURE MANAGEMENT ORDINANCE, AND COMPLIANCE WITH A POST CONSTRUCTION STORMWATER MANAGEMENT PLAN IS A CONDITION OF APPROVAL. ANY PERSON OWNING, OPERATING, LEASING OR HAVING CONTROL OVER STORMWATER MANAGEMENT FACILITIES REQUIRED BY THE POST CONSTRUCTION STORMWATER MANAGEMENT PLAN MUST ANNUALLY ENGAGE THE SERVICES OF A QUALIFIED POST CONSTRUCTION STORMWATER INSPECTOR WHO MUST CERTIFY COMPLIANCE WITH THE POST CONSTRUCTION STORMWATER MANAGEMENT PLAN ON OR BY JUNE 1 OF EACH YEAR.

- THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICTED ON THIS APPROVED PLAN. ALL ELEMENTS AND FEATURES OF THE PLAN AND ALL REPRESENTATIONS MADE BY THE APPLICANT CONCERNING THE DEVELOPMENT AND USE OF THE PROPERTY WHICH APPEAR IN THE RECORD OF THE PLANNING BOARD PROCEEDINGS ARE CONDITIONS OF APPROVAL. NO CHANGING FROM THE CONDITIONS OF APPROVAL IS PERMITTED UNLESS AN AMENDED SUBDIVISION PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.
- NO LOAM OR TOPSOIL SHALL BE REMOVED FROM THE SUBDIVISION WITHOUT AN APPROVAL PLAN FOR SUCH REMOVAL UNDER THE TOWN'S EXTRACTIVE INDUSTRY, WASTE CONTROL, LANDFILL AND LAND RECLAMATION ORDINANCE, EXCEPT FOR:
A. REMOVAL OF EXCESS MATERIAL NECESSARY FOR THE CONSTRUCTION OF ROADS, UTILITIES AND STORMWATER MANAGEMENT INFRASTRUCTURE SHOWN ON THE APPROVED PLANS FOR THE SUBDIVISION; OR
B. REMOVAL OF EXCESS MATERIAL NECESSARY TO CONSTRUCT A BUILDING OR BUILDINGS ON A LOT WITHIN THE SUBDIVISION WHEN APPROVED BY THE CODE ENFORCEMENT OFFICER IN CONNECTION WITH THE ISSUANCE OF A BUILDING PERMIT.
- A PRECONSTRUCTION MEETING IS REQUIRED BEFORE START OF CONSTRUCTION. THE MEETING SHALL INCLUDE APPROPRIATE TOWN STAFF, THE DEVELOPER AND HIS CONTRACTOR, AND UTILITY COMPANY REPS. ANY PLAN REVISION REQUIRED AS A RESULT OF THE MEETING SHALL BE PROVIDED TO ALL PARTIES ASSOCIATED WITH THE PROJECT.
- LOT GRADING AND BUILDING FOUNDATIONS FOR A RESIDENTIAL HOUSE ON A LOT SHALL MEET ALL OF THE FOLLOWING:
A. 3% MIN. SLOPE AWAY FROM FOUNDATIONS FOR 50' MIN.
B. 18" FOUNDATION REVEAL
C. FOOTING ELEVATIONS SET TO PROVIDE 1/8" PER FOOT FOUNDATION DRAIN SLOPE TO UNDERDRAIN SYSTEM ALONG STREET OR FREE FLOWING OUTLET WITHIN LOT LIMITS.
- EACH LOT WILL HAVE INDIVIDUAL MAILBOX AT THE STREET LINE.
- THE NO DISTURB BUFFERS SHALL REMAIN IN THEIR NATURAL VEGETATED CONDITION EXCEPT FOR REQUIRED FOUNDATION DRAIN INSTALLATION. NO OTHER ALTERATION OF THESE BUFFERS SHALL OCCUR EXCEPT FOR THE REMOVAL OF DEAD OR DYING TREES AND BRUSH WITHOUT THE PRIOR APPROVAL OF THE TOWN ENGINEER AND/OR STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THIS RESTRICTION DOES NOT PRECLUDE THE TOWN OF SCARBOROUGH FROM PERFORMING REQUIRED DRAINAGE MAINTENANCE WITHIN THE IDENTIFIED EASEMENTS.
- THE BOUNDARY LINE FOR THE NO DISTURB BUFFERS SHALL BE DELINEATED BY PERMANENT MARKERS LOCATED AND SET BY A STATE OF MAINE REGISTERED PROFESSIONAL LAND SURVEYOR. PERMANENT MARKERS SHALL CONSIST OF 3"-0"x 3/8" DIA. REINFORCING BARS INSTALLED WITH A 9"-12" PROJECTION ABOVE GRADE. THE IRON SHALL BE FITTED WITH RED PLASTIC CAPS INSCRIBED WITH THE WORDS "NO DISTURB BUFFER" MARKERS SHALL BE LOCATED AT ALL ANGLE POINTS AS WELL AS EQUIDISTANT POINTS AT A MAXIMUM OF 50'. ADDITIONALLY, SPLIT RAIL FENCE, OR SOME EQUIVALENT HARD LANDSCAPE FEATURE, MAY BE REQUIRED BY THE PLANNING DEPARTMENT AS PART OF THE REVIEW OF A BUILDING PERMIT APPLICATION BY THE TOWN OF SCARBOROUGH PLANNING DEPARTMENT STAFF.
- WATER SUPPLY WELLS FOR THE LOTS SHALL BE DRILLED BEDROCK WELLS AND DUG WELLS SHALL BE PROHIBITED.
- PROJECT SITE IS LOCATED IN THE AQUIFER OVERLAY PROTECTION DISTRICT. LOT DEVELOPMENT SHALL COMPLY TO THE REQUIREMENTS OF SECTION VII OF THE SCARBOROUGH ZONING ORDINANCE.
- TREE CUTTING OR CLEARING ALONG LOT FRONTAGE MINIMIZED TO ALLOW DRIVEWAY ACCESS AND TO ENHANCE THE SIGHT DISTANCE. IMPROVEMENTS SHALL BE REVIEWED BY CODE ENFORCEMENT.
- WITHIN THE SIDE SETBACKS OF EACH LOT THERE SHALL REMAIN A 10 FOOT WIDE NO CUT BUFFER EXCEPT FOR DEAD OR DYING TREES.

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

- NO SURVEYORS REPORT

THIS PLAN REVIEWED AND APPROVED BY THE TOWN OF SCARBOROUGH PLANNING BOARD.

DATE

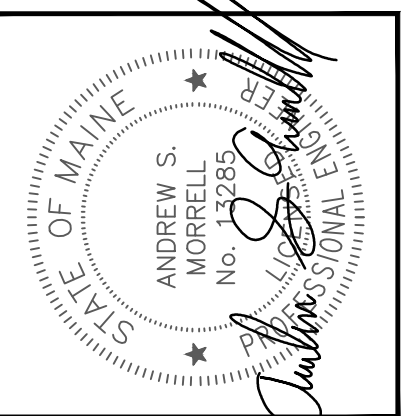
CHAIR

STATE OF MAINE
ROBERT C. LIBBY JR.
PLS #2190
SURVEYOR

ROBERT C. LIBBY JR.

PLS #2190

NO.	DATE	REVISION	DESCRIPTION
1	11/24/14	Reduced to 4 Lots & Added 15' Easements	
2	12/12/14	Submitted for Final Review	
3	12/29/14	Added Notes 27 Thru 30 for Submission	



BH2M
Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors
28 State Street
Gorham, Maine 04038
Tel: (207) 839-9771
Fax: (207) 839-8250

FOR
Star Homes, Inc.
8 Rosewood Drive
Cape Elizabeth, Maine

**BURNHAM HEIGHTS
FINAL PLAN
CONSERVATION
SUBDIVISION**
BURNHAM ROAD
SCARBOROUGH, MAINE

DESIGNED W. Pelkey	DATE July 2014
DRAWN Dept.	SCALE As Noted
CHECKED R. Libby Jr.	JOB. NO. 14079

SHEET 1

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AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-039. Move approval the request to set the date, time and location of the School Budget Validation Referendum Tuesday, June 13, 2017. *[Town Clerk –Tabled from the April 19th Town Council meeting]*

Town Clerk

Sponsor

05/03/17

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:_____

Thomas Hall

From: Philip Saucier <psaucier@bernsteinshur.com>
Sent: Friday, April 28, 2017 3:36 PM
To: Thomas Hall
Subject: School Budget Article related to Additional State Subsidy
Attachments: An Act to Facilitate the Use of State Education Subsidies.PDF

Hi Tom,

It was good to talk with you earlier today. As we discussed, the Legislature enacted a law last year that allows a school budget to include an article that authorizes a school board to use all or part of any additional state subsidy received after the budget validation referendum without holding a special budget meeting and special budget validation referendum. The article giving such authorization can include any combination of the following three options:

- Increase expenditures for school purposes in cost centers categories approved by the School Board;
- Increase the allocation of finances in a reserve fund approved by the School Board; and/or
- Decrease the local cost share expectation for local property taxpayers for funding public education as approved by the school board.

The article is approved as part of the budget meeting process before the Town Council and is not included on the ballot as part of the budget validation referendum. Explanatory notes or other commentary that could explain this article are also not permitted on a secret ballot, but the new law does require that the substance of the article must be included in the printed budget validation referendum information that is required to be displayed at polling places.

I have attached a copy of the law ("An Act to Facilitate the Use of State Education Subsidies") to this email for your information. I understand that you also have a copy of an advisory note on the new law distributed by the Maine School Management Association and Drummond Woodsum that provides a useful summary.

Please let me know if you have any further questions.

-Phil

Philip Saucier
Shareholder
Municipal & Governmental Services Practice Group Leader
207 228-7160 direct
207 774-1200 main
[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEIN SHUR

[Portland, ME](#) | [Augusta, ME](#) | [Manchester, NH](#)

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

—
S.P. 573 - L.D. 1475

An Act To Facilitate the Use of State Education Subsidies

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the changes made by this legislation could affect budget meetings of regional school units and town budgets; and

Whereas, it is necessary that this legislation take effect prior to the expiration of the 90-day period to allow towns to benefit from the legislation during the next annual budget process; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §1485, sub-§5 is enacted to read:

5. Additional state subsidy. The warrant presented to the legislative body of the regional school unit at a regional school unit budget meeting may include an article or articles providing that, in the event that the regional school unit receives more state education subsidy than the amount included in its budget, the regional school unit board is authorized to use all or part of the additional subsidy to:

A. Increase expenditures for school purposes in cost center categories approved by the regional school unit board. If that article is approved by the voters at the budget meeting, the regional school unit board may increase expenditures for school purposes in cost center categories approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum;

B. Increase the allocation of finances in a reserve fund. If that article is approved by the voters at the budget meeting, the regional school unit board may increase the allocation of finances for a reserve fund approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum; or

C. Decrease the local cost share expectation, as defined in section 15671-A, subsection 1, paragraph B, for local property taxpayers for funding public education. If that article is approved by the voters at the budget meeting, the regional school unit board may decrease the local cost share expectation for local property taxpayers approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum.

Sec. 2. 20-A MRSA §1486, sub-§2, as amended by PL 2009, c. 571, Pt. QQQ, §2, is further amended to read:

2. Validation referendum procedures. The budget validation referendum must be held on or before the 30th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5. If the legislative body of the regional school unit at the regional school unit budget meeting approves an article pursuant to section 1485, subsection 5, the substance of the article must be included in the printed information displayed at polling places for the budget validation referendum.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-046. Move approval on the request to hold a Special Municipal Election to place a referendum question to construct/replace a Fueling Station located on Manson Libby [as mandated by State and Federal D.E.P.] on a local Ballot and set the date, time and location of the Special Municipal Referendum Tuesday, June 13, 2017. [*Town Clerk*]

Town Clerk

Sponsor

05/03/17

First Reading/Vote

Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

WARRANT
SPECIAL MUNICIPAL REFERENDUM ELECTION
(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 Special Municipal Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that a Special Municipal Referendum Election 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:

Referendum Question No. 1:

Shall the Order entitled “**ORDER AUTHORIZING ISSUANCE OF UP TO \$687,482 BONDS OF THE TOWN TO FUND COSTS OF REPLACING THE 1988 PUBLIC WORKS FUEL STATION WHICH IS REQUIRED BY THE STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO BE REPLACED BY 2018**” be approved?

COUNCIL RECOMMENDATION: The Town Council supports approval of this Referendum question. Approval would assure compliance with the State of Maine Department of Environmental Protection order and avoid potential fines and penalties.

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	\$88,875,000
B. Bonds authorized and unissued:	\$ 1,824,722
C. Bonds to be issued if this Article is approved:	\$ 687,482

2. Costs:

At an estimated maximum interest of 3.25%
for a maximum twenty (20) year maturity, the
estimated costs of this bond issue will be:

Principal:	\$ 687,482
Interest:	\$ 205,966
Total Debt Service	\$ 893,448

3. Validity:

The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Ruth D. Porter
Town Treasurer

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 3rd day of May, 2017, at Scarborough, Maine. A majority of the Board of Education Members.

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:_____