

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.**

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

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: May 17, 2017 and June 7, 2017 – Regular Meetings.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.

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

Order No. 17-059, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License from Nick Patalano d/b/a Papa's Produce, located at 451 Payne Road. *[Town Clerk]*

OLD BUSINESS:

Order No. 17-049. Second reading on the proposed amendments to Chapter 608 – Town of Scarborough Fireworks Display Ordinance, Section II. Definitions; Section III Regulations & Codes; Section IV Permit Required; Section V. Application Procedure and Section XII Consumer Fireworks. *[Ordinance Committee]*

Order No. 17-050. Second reading on the proposed amendments to Chapter 608A – Town of Scarborough Consumer Fireworks Ordinance Section IV, Use of Consumer Firework Restricted; Section V. Violation and Enforcement and Section VIII: Notice. *[Ordinance Committee]*

Order No. 17-052. Second reading on the request for discontinuance of a portion of Beech Ridge Road and schedule a public hearing. *[Town Engineer]*

NEW BUSINESS:

Order No. 17-060. Act on the request to authorize the Town Manager to expend monies from the Public Safety Building Capital Improvement Account for additional expenditures, in an amount not to exceed \$17,000.00. *[Town Manager]*

Order No. 17-061. Act on the request to ratify the Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894. *[Town Manager]*

Order No. 17-062. Act on the request to certify the results from the June 13th School Budget Validation Referendum and the Municipal Referendum. *[Town Clerk]*

Order No. 17-063. First reading and schedule a public hearing and the second reading on the FY2018 Municipal/School Budget. *[Finance Committee]*

Order No. 17-064. Act on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, July 18, 2017. *[Town Clerk]*

Item 8. Non Action Items

Item 9. Standing and Special Committee Reports and Liaison Reports.

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-059. Move approval on the new request for a Food Handlers License from Nick Patalano d/b/a Papa's Produce, located at 451 Payne Road. *[Town Clerk]*

Town Clerk

Sponsor

06/21/17

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: June 16, 2017

RE: Requests for a Food Handlers License

The following applicants are seeking approval on the new request for a Food Handlers License:

- Nick Patalano d/b/a Papa's Produce, located at 451 Payne Road

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-049. Move approval of the reading on the proposed amendments to Chapter 608 – Town of Scarborough Fireworks Display Ordinance, Section II. Definitions; Section III Regulations & Codes; Section IV Permit Required; Section V. Application Procedure and Section XII Consumer Fireworks. [*Ordinance Committee*]

Ordinance Committee

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/21/17

Second Reading/Final Approval/Vote

CHAPTER 608
TOWN OF SCARBOROUGH
FIREWORKS DISPLAY ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608 – Fireworks Display Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section II: Definitions – Display Fireworks, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

SECTION II Definitions

Display Fireworks - Any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including any device containing any explosive substance or flammable compound. Display fireworks are classed as Explosives, 1.3G and described as Fireworks, UN0335 by the U. S. Department of Transportation. For the purpose of this ordinance Display ~~f~~Fireworks ~~do not~~ may include consumer fireworks as defined in 8 M.R.S.A§221-A. [amended 03/07/2012]

Consumer Fireworks – “Consumer Fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer Fireworks” does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Proximate Audience – An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays.

Pyrotechnic Device – Any device containing pyrotechnic materials and capable of producing visual or audible effects by combustion, deflagration, or detonation.

SECTION III Regulations & Codes

Fireworks storage, transportation, and displays are regulated through laws, codes and standards including:

- a) State of Maine Laws for the Fire Service, 1997 edition, Title 8, section 222-227
- b) NFPA 1123 Code for Fireworks Displays
- c) NFPA 1126 Use of Pyrotechnics before a proximate audience
- d) Title 49 CFR, Federal Regulation for Transport
- e) Title 27 CFR, Part 181 Commerce in Explosives

All display fireworks ~~display operators~~ shows permitted under this ordinance shall be technicians licensed by the State of Maine Fire Marshal's Office.

Amend Section IV: Permit Required, by adding the underlined text and deleting the text shown in strikeover type, as shown below:

SECTION IV Permit Required

No person shall possess, store, arrange, or detonate Display Fireworks or pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department ~~and a valid permit from the State of Maine Fire Marshal's office.~~

~~No person shall possess, store, arrange, or detonate pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department and a valid permit from the State of Maine Fire Marshal's office.~~

The Scarborough Fire Department may issue a seasonal permit for outdoor pyrotechnic displays before a proximate audience that are regularly scheduled, are detonated from an approved location, and are similar in size and effect.

Any person applying for a Scarborough Fireworks Permit for a show containing display explosives (1.3G) must first possess a valid permit from the Maine State Fire Marshal's Office.

Amend Section V Application Procedure, by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION V Application Procedure

Application for a fireworks display permit shall be made to the Scarborough Fire Department by the responsible party for the display at least ten (10) days prior to the event as outlined below:

- a) Prior to applying for a Scarborough Fire Department Fireworks Permit the applicant must have a valid State of Maine permit issued by the State Fire Marshal's office when required.
- b) A copy of the State Fire Marshal's permit application and written State Fire Marshal's permit shall accompany the local permit application form when required.
- c) Written permission from the local landowner of the property from where the fireworks will be detonated shall accompany the local permit application form.
- d) The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees shall be paid prior to the issuance of a local fireworks display permit.

Amend Section XII Consumer Fireworks, by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION XII Consumer Fireworks.

The regulation of consumer fireworks used without a licensed technician is as enumerated in the Town of Scarborough Consumer Fireworks Ordinance, Chapter 608A, and any other applicable state or federal law or regulation. [adopted 03/07/2012]

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-050. Move approval of the second reading on the proposed amendments to Chapter 608A – Town of Scarborough Consumer Fireworks Ordinance Section IV, Use of Consumer Firework Restricted; Section V. Violation and Enforcement and Section VIII: Notice. [*Ordinance Committee*]

Ordinance Committee

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/21/17

Second Reading/Final Approval/Vote

**CHAPTER 608A
TOWN OF SCARBOROUGH
CONSUMER FIREWORKS ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608A- Consumer Fireworks of the Town of Scarborough, Maine is amended as follows:

Amend Section IV: Use of Consumer Fireworks Restricted by adding the underlined text and deleting the text shown in strikeover type, as shown below.

SECTION IV: Use of Consumer Fireworks Restricted

A person shall not use, display, fire, or cause to be exploded (collectively, “Setting Off”) consumer fireworks within the Town of Scarborough or in or from any watercraft within waters of the Town except upon the following conditions: ~~on the following days and during the following times:~~

- a) Upon receipt of, and in compliance with, a permit issued by Scarborough Fire Department in the form appended hereto as Appendix A.
- b) Only during the following days and times:
 - i. July 3rd and 4th and December 31st and January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m. ~~July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;~~
- e) ~~July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd and July 5th fall on a weekend, and beginning at 9:00 a.m. and ending at 10:00 p.m. when July 3rd and July 5th fall on a weekday;~~
- d) ~~December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day; and~~
- e) ~~January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m.~~

Amend Section V: Violation and Enforcement by adding the underlined text, as shown below.

SECTION V: Violation and Enforcement

- a) PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance and the owner of any property upon which any violation of the ordinance occurs, shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Scarborough for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) ENFORCEMENT: This Ordinance shall be enforced by the Town of Scarborough Police Department.
- c) INJUNCTION: In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- d) SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Add New Section VIII: Notice, as shown below:

SECTION VIII: Notice

Any authorized retailer for the sale of Consumer Fireworks in the Town of Scarborough shall provide written notice at the time of sale to all purchasers of Consumer Fireworks at their Scarborough retail stores that a Permit is required for use in the Town of Scarborough as set forth in SECTION IV above.

Add New Appendix A, as shown below:

Appendix A

Consumer Fireworks Permit and Application

-

Name_____

Date_____

Address_____

Phone_____

Location Requested_____

Dates Requested_____

I understand that this Permit applies only to the dates listed and may be revoked by the Scarborough Fire Department if weather conditions so warrant.

If the location is other than property owned by me, I have permission of the owner of the property.

I have liability insurance for any bodily injury or property damage that may result from fireworks use allowed by this permit.

I have read the Respect Your Neighbors Guidelines of the Town of Scarborough, attached hereto, and agree to follow its terms.

Applicant's Signature

Official Use Only

Permit Issuance

Date

Authorized Signature

Town of Scarborough
Respect Your Neighbors Consumer Fireworks Guidelines

Use fireworks strictly in accordance with the submitted notification.

Do not use fireworks after 10:00 p.m. on the days allowed.

Do not use fireworks in any way that could unreasonably disturb your neighbors' comfort and repose or infringe upon your neighbors' safety or peaceful enjoyment of their property.

Inform your neighbors in advance where and when you are planning to use fireworks.

Do not use fireworks near animals or livestock that may become frightened.

Only set off fireworks in areas where no fireworks debris will fall on your neighbors' property or any environmentally sensitive areas (e.g., beaches, marshes, or wetlands)

Do not permit anyone under the age of 21 to use fireworks.

Carefully follow the safety instructions provided by the Seller of the fireworks.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-052. Move approval of the second reading on the request for discontinuance of a portion of Beech Ridge Road and schedule a public hearing. [*Town Engineer*]

Town Engineer

Sponsor

05/17/17 7 Yeas

First Reading/Vote

Ought to Pass

Recommendation

06/21/17

Second Reading/Final Approval/Vote

Addendum B

ORDER OF DISCONTINUANCE

The Municipal Officers of the Town of Scarborough having filed with the Town Clerk this Order of Discontinuance for the purpose of discontinuing a portion of the way known as Beech Ridge Road hereinafter described pursuant to the provisions of Section 3026 of Title 23 of the Maine Revised Statutes, and the Municipal Officers having given notice of said discontinuance to Pamela Dillion and Maine Turnpike Authority, being all abutters to said portion of said way, and to the municipal planning board, it is hereby:

ORDERED, that pursuant to the provisions of Section 3026 of Title 23 of the Maine Revised Statutes, the Town of Scarborough, Maine does hereby discontinue and terminate all its interests in that portion of the way known as Beech Ridge Road which is bounded and described as follows:

Beginning at a point on the northerly sideline of Beech Ridge Road as described in Vol 1 Page 215, at the common line of land between Pamela J. Dillion as described in Deed Book 21540 page 183 and Stephanie Williams as described in Deed Book 13113 Page 189;

Thence, S 45°22'21" E along said northerly sideline of Beech Ridge Road 77.88 feet;

Thence, S 33°55'21" E along said northerly sideline of Beech Ridge Road 191.58 feet to the northerly sidelines of said Beech Ridge Road as shown on "Maine Turnpike Authority, Maine Turnpike Section 1-Kittery to Portland Property Plan, Town of Scarborough, Cumberland County" Supplemental Sheet 6, October 1946 by Howard, Needles, Tammen, and Bergendoff;

Thence, N 47°36'38" W along the northerly sideline of said Beech Ridge Road as shown on said Supplemental Sheet 6 a distance of 34.86 feet to a capped iron rod to be set;

Thence, the following courses and distances through the current Beech Ridge Road Right of Way:

N 44°56'19" W 69.52 feet;

N 50°29'58" 155.68 feet to a mag. nail to be set;

N 37°53'39" E 44.84 feet to a capped iron road to be set at the northerly line of said Beech Ridge Road as shown on said Supplemental Sheet 6;

Thence continuing N 37°53'39" E a distance of 8.31 feet to the northerly sideline of Beech Ridge Road as described in Volume 1 Page 215 and the point of beginning, containing approximately 7,768 sf.

FURTHER ORDERED, that no damages are awarded to any person by reason of this discontinuance of said portion of said way;

FURTHER ORDERED, that no public easement shall remain in said portion of said way after its discontinuance with the exception and reserving right to maintain any and all highway slopes and drainage structures that may be located upon or within the above-described section of road.

Dated: _____

MUNICIPAL OFFICERS OF THE TOWN OF
SCARBOROUGH

Town of Scarborough, Maine

Planning and Code Enforcement

MEMORANDUM

TO: Scarborough Town Council

FROM: Angela Blanchette, PE, Town Engineer

DATE: May 17, 2017

RE: Discontinuance of a portion of a public right-of-way
Beech Ridge Road

Pursuant to Title 23 MRSA 3026, Stephanie Williams has submitted a petition for discontinuance of a portion of the Beech Ridge Road right-of-way.

The portion of the Beech Ridge Road right-of-way in the area abutting the property of Stephanie Williams, Tax Map R41, Lot 17 was originally laid out over 200 years ago. Subsequently, the right-of-way has been expanded multiple times (1940's and in 2000) to accommodate the realignment of the roadway associated with the Maine Turnpike overpass. As such, the right-of-way in the area of the subject property is in excess of 150 feet in overall width. The Williams are now facing a hardship associated with their primary structure on the parcel being non-conforming, as it does not meet setback requirements and now is in need of reconstruction after a recent fire. Because of the non-conforming status of the structure, the owners are not able to rebuild the structure on the existing foundation, therefore has requested the discontinuance of a 7,768 sf portion of the Beech Ridge Road right-of-way. This discontinuance will allow the Williams to meet the minimum zoning setbacks.

The Public Works Department has been a part of the discussion and has no concerns with vacating this small section of land to the abutting property, since the remaining right-of-way will remain 105 feet in overall width and due to the elevation change over this portion of land, it has little value to the operation of the roadway.



41 BEECH RIDGE RD



Legend

- Parcels with Owner Information
- Roads
 - MTA
 - MTA
 - MDOT
 - PUBLIC
 - PENDING PUBLIC; PRIVATE; PF
 - CEMETERY; NOT YET BUILT; P.
- Railroad
- High Resolution 30cm Imagery
- Building Footprints
- Driveways
 - Paved Driveway
 - Unpaved Driveway
- Road Surfaces
 - Paved Road
 - Unpaved Road
- Parking Lots
 - Paved Parking
 - Unpaved Parking
- Coastline
- Treeline
- Town_Townline_Polygons_cc
 - Surrounding Towns
 - Scarborough

Notes

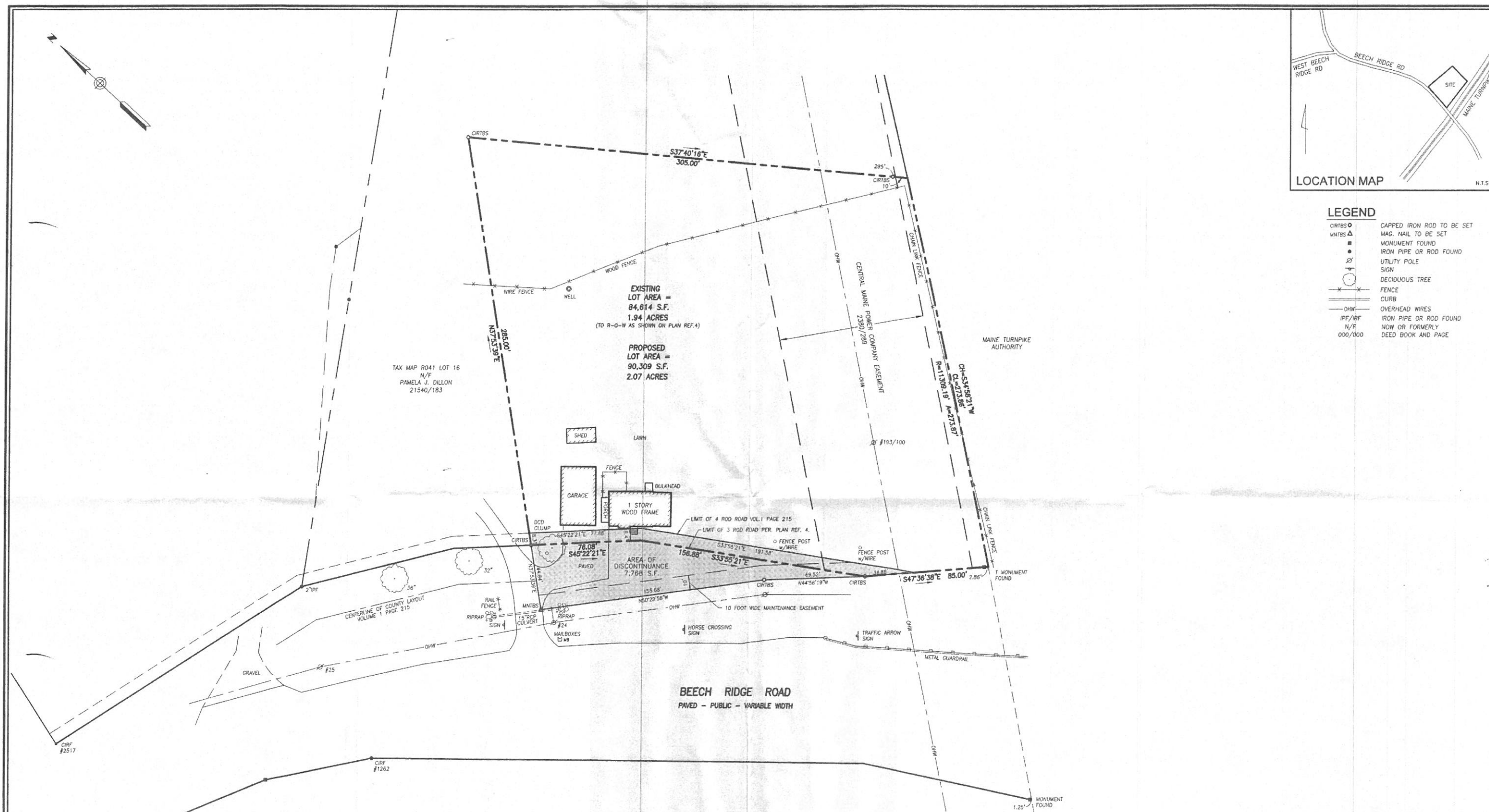
203 0 101 203 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Town of Scarborough, Maine

Disclaimer

This map is a user generated static output from the Town of Scarborough internet mapping site (WebGIS) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

5/12/2017



LEGEND

CIRTS	CAPPED IRON ROD TO BE SET
INTBS	MAG. NAIL TO BE SET
MON	MONUMENT FOUND
IP	IRON PIPE OR ROD FOUND
UP	UTILITY POLE
DT	DECIDUOUS TREE
F	FENCE
C	CURB
OHW	OVERHEAD WIRES
IPF/IRF	IRON PIPE OR ROD FOUND
N/F	NOW OR FORMERLY
000/000	DEED BOOK AND PAGE

PLAN REFERENCES

1. "PLAN OF LAND OF: WATERHOUSE CONSERVATION EASEMENT, 51 BEECH RIDGE RD, SCARBOROUGH, MAINE, FOR: MARINE FARMLAND TRUST, RECORD OWNER: RICHARD S. WATERHOUSE" AUGUST 23, 2016 BY SEBAGO TECHINCS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 216, PAGE 236.
2. "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE PROPERTY AND RIGHT-OF-WAY PLAN, SECTION 1 - KITTERY TO PORTLAND, MODERNIZATION & WIDENING PROJECT, BEECH RIDGE ROAD UNDERPASS, SCARBOROUGH, MAINE" DECEMBER 1999 BY HNTB.
3. "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE PROPERTY AND RIGHT-OF-WAY PLAN, SECTION 1 - KITTERY TO PORTLAND, STA. 2038+00 TO STA. 2098+00, SCARBOROUGH, MAINE" REVISED THROUGH JAN. 1982.
4. "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE SECTION 1 - KITTERY TO PORTLAND PROPERTY PLAN, TOWN OF SCARBORO, CUMBERLAND COUNTY" SUPPLEMENTAL SHEET 6, OCTOBER 1946 BY HOWARD, NEEDLES, TAMMEN & BERGENDOFF.

GENERAL NOTES

1. OWNER OF RECORD: STEPHANIE WILLIAMS
41 BEECH RIDGE ROAD, SCARBOROUGH, MAINE
TAX MAP R041 LOT 17
C.C.R.D. BOOK 13113 PAGE 189
2. BEARINGS ARE BASED ON GRID NORTH, PER PLAN REFERENCE 1.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

4-17-17
DATE
JOHN W. SWAN, PLS NO. 1038



REV.2	4-24-17	ADD MAINTENANCE EASEMENT
REV.1	4-17-17	REVISED AREA OF DISCONTINUANCE

PROPOSED DISCONTINUANCE OF A PORTION OF BEECH RIDGE ROAD
AT
41 BEECH RIDGE ROAD, SCARBOROUGH, MAINE
MADE FOR RECORD OWNER
STEPHANIE WILLIAMS
41 BEECH RIDGE ROAD, SCARBOROUGH, MAINE

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424

Drawn By	EB	Date	MARCH 22, 2017	Job No.	2017-020 SC
Trace By	JLW	Scale	1" = 30'	Drwg. No.	2
Check By	JWS				
Book No.	FILE				

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-060. Move approval on the request to authorize the Town Manager to expend monies from the Public Safety Building Capital Improvement Account for additional expenditures, in an amount not to exceed \$17,000.00. *[Town Manager]*

Town Manager

Sponsor

06/21/17

First Reading/Vote

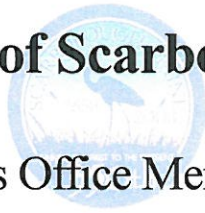
Ought to Pass

Recommendation

N/A

Second Reading/Final Approval/Vote

Town of Scarborough



Manager's Office Memorandum

To: Town Council

From: Thomas J. Hall, Town Manager

Re: June 21, 2017 Town Council Meeting - Comments on Selected Items

Date: June 16, 2017

Order No. 17-060- The Town Council previously authorized the use of \$50,000 from the Public Safety Building Reserve Account to fund the feasibility study for the new building. As the planning process has progressed, the existence of ledge on the site became apparent. At the recommendation of the consultants and the Ad-Hoc Committee, it was determined that geo-technical (borings) was prudent to determine the extent and location of the ledge and the more information we have now will assist in the proper location of the building and in the preparation of accurate cost estimates for site work. The additional funds will ensure an accurate delineation of wetlands. This additional authorization is money well spent and will remove uncertainty going forward.

Order No. 16-061- Staff is very pleased to present a tentative agreement with the Fire union for their contract expiring at the end of the month. We were able to deliver on our most important objective relating to controlling health care costs. Attached please find an executive summary of the major element of this tentative agreement.

This matter was reviewed by the Appointments and Negotiations Committee and they recommend approval. Staff will be prepared to offer a brief overview and the meeting and answer any questions.

**Scarborough Public Safety Building
Additional Design Development Expenses**

Task	Consultant	Description	Budgetary Cost
Borings	SW Cole	Ledge investigation	\$ 12,000.00
Feasibility Study	Context Architects	5% Contingency*	\$ 2,500.00
Wetland Delineation	TBD	Dated wetland survey updated	\$ 2,500.00
Total Projected Expenses			\$ 17,000.00

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-061. Move approval on the request to ratify the Collective Bargaining Agreement between the Town of Scarborough and the Scarborough Professional Firefighters Association, IAFF local 3894. [*Town Manager*]

Town Manager

Ought to Pass

Sponsor

Recommendation

06/21/17

N/A

First Reading/Vote

Second Reading/Final Approval/Vote

**Summary of Substantive Proposed Changes to the Collective Bargaining Agreement
between Town of Scarborough & Scarborough Professional Firefighters Association
FY18-20**

Article 4 – Overtime: Agreed to compensate employees who voluntarily cover a shift during the Christmas & Thanksgiving premium times at double time vs. time and one half. Employees scheduled to work in their usual scheduled rotation will continue to receive time and one half.

Article 6 – Training: Added some additional training hours to officers and acting officers to cover leadership & management professional development classes.

Article 9 – Medical Insurance: Eliminated the more costly POS-C health insurance option as of 1/1/18 by moving the group to the higher deductible PPO-2500 health insurance plan. The PPO-2500 provides lower premiums for both the employee and employer, a \$2,500 deductible for single coverage, or \$5,000 deductible for family coverage.

Additionally the employees have agreed to pick up 20% of the single coverage which was previously paid 100% by the Town. Employees will continue to pay 50% of the difference above single coverage for dependents. As part of this change the Town agreed to a 1.0% salary adjustment on 12/1/17 (when the 1st premiums are collected for the 1/1/18 plan change) and again on 7/1/18 to help partially offset that new premium cost to the employee in the first full year of implementation. There is no insurance adjustment to wages proposed for year 3 of the contract.

The Town agrees to fund the full cost of deductibles and coinsurance, to the plan maximums, through the establishment of a Health Reimbursement Agreement (HRA). Copayments remain the responsibility of the employee, but since they are increasing significantly the Town has agreed to deposit \$500.00 on 12/1/17, and \$1,000.00 on 7/1/18 & 7/1/19 into the employees HRA benefit card to partially offset that increased copayment liability.

Article 11 – Retirement Health Savings: In year three of the contract the Town agrees to a weekly deposit of 0.5% of base wages into each participants RHS account which will be matched by a similar employee contribution through payroll deduction.

Article 20 – Wages: The wage package includes the following cost of living (COLA) adjustments: FY18 2.5% (matches the police and dispatch contracts), FY19 2.5%, FY20 3.0%.

Article 26 – Injuries on Duty: Established a temporary light duty assignment process to bring employees who are out on Workers' Compensation benefits back to work earlier.

Article 27 – Educational Incentive Plan: Deleted existing tuition and book reimbursement language that was eligible for a wide range of courses to focus on funding paramedic training for current employees that haven't reached that license level yet.

Article 28 – Physical Fitness: Added an average \$300.00/employee/year incentive to meet certain physical fitness assessment criteria.

Estimated Fiscal Impacts of the Various Changes

	FY18	FY19	FY20
Premium holiday pay & acting officer differential	2,599	2,690	2,771
Officer professional development training	4,859	5,029	5,180
Health insurance premium savings (plan + 20% ee contribution)	(84,885)	(118,411)	(118,411)
HRA utilization fund for deductibles & coinsurance	54,610	81,915	54,064
1% Insurance adjustment to wages	10,031	17,727	0
HRA benefit card contribution	13,500	27,000	27,000
Retirement Health Savings contribution - year 3 only	0	0	7,688
Wages - 2.5 / 2.5 / 3.0 COLA adjustments	51,819	53,115	65,647
Educational incentive for Paramedic training	0	9,000	9,000
Physical fitness incentive	8,400	8,400	8,400
Net effect of all changes	60,933	86,465	61,339
Percent change from previous year	3.52%	4.83%	3.29%

Which represents an average of 3.88% increase per year over the 3 year life of the contract

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-062. Move approval on the request to certify the results from the June 13th School Budget Validation Referendum and the Municipal Referendum. [*Town Clerk*]

Town Clerk

Sponsor

06/21/17

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: Members of the Town Council
FROM: Yolande P. Justice, Town Clerk
RE: Certification of the June 13, 2017, Special Municipal Referendum Election and the Special School Budget Referendum Election
DATE: June 16, 2017

Presented for certification by the Town Council, are the election results for the Special Municipal Referendum Election and the Special School Budget Referendum Election that were held on Tuesday, June 13, 2017:

Municipal Referendum on Fueling Station

Yes: 3,021*
No: 1,160
Blanks: 54

School Budget Validation Referendum

Yes: 1,822
No: 2,408*
Blanks: 7

There are approximately 16,851 active voters on our voter registration list for this Election [does not include same day registration]. There were 4,237 voters who cast ballots in the June 13th Election. There were 1,436 absentee ballots issued, of which 1,401 were accepted and processed. The percentage for voter turnout for this Election was 25%.

*The winners are indicated with an asterisk.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-063. Move approval of the first reading and schedule a public hearing for Wednesday, June 28, 2017 on the FY2018 Municipal/School Budget. *[Finance Committee]*

Finance Committee

Sponsor

06/21/17

First Reading/Vote

Ought to Pass

Recommendation

07/05/17

Second Reading/Final Approval/Vote

Budget Order for FY2018 Municipal/School Budget

WHEREAS, the Scarborough Town Council adopted FY2018 Operational and Capital Budgets for the Town and the School on May 17, 2017, with the passage of Order No. 17-030; and,

WHEREAS, pursuant to State law, the School Budget must be validated by the voters and it failed at a Special School Budget Validation Election held on June 13, 2017; and,

WHEREAS, the Town Council must resubmit an adjusted School Budget to the Voters for validation no less than ten (10) days and no more than forty-five (45) days from June 13, 2017, with the next School Budget Validation Referendum Election scheduled for July 18, 2017; and,

WHEREAS, in an effort to reach a compromise the Town Council appreciates the need to share in the responsibility of minimizing the impact on the property tax rate and therefore agrees to amend the FY2018 Municipal Budget.

NOW THEREFORE, BE IT ORDERED, that the Scarborough Town Council moves approval of the amended Fiscal Year 2018 Town and School Budget in second reading; and,

BE IT FURTHER ORDERED, that School Budget be reduced by a total of **\$236,000** and therefore the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget, the new sum of **\$47,175,168**, resulting in the Town of Scarborough raising the sum of **\$42,254,017**, as the local share for the Education Operating Budget.

BE IT FURTHER ORDERED, that the Town Budget is hereby amended to reduce the Paving Account by **\$71,000**, for a new Operating Budget of **\$32,589,519**, resulting in the local share for the municipal budget, the sum of **\$18,167,935**.

BE IT FURTHER ORDERED, that the final result of these changes produces a new Total Net Budget of **\$62,724,112**, resulting in a projected property tax rate increase of **2.99%**.

BE IT FURTHER ORDERED, that in the event that the Scarborough School Department receives more State Education Subsidy than the amount included in its Budget, that the entirety be allocated to the School Department's Fund Balance to offset the property taxes in the future.

TOTAL Tax Rate Computation

Budget Reduction of \$307,000 06-16-2017

06/16/17
2:51 PM

2017 Budget					2018 Budget				
Municipal Gross					\$	31,956,559	\$	32,589,519	1.98%
Less: Debt Revenues					\$	(873,458)	\$	(784,600)	-10.2%
Less: Revenues					\$	(12,901,513)	\$	(13,636,984)	5.7%
Total Municipal - Revenues					\$	(13,774,971)	\$	(14,421,584)	4.69%
Municipal (Net Appropriation)						\$ 18,181,588		\$ 18,167,935	-0.08%
Education Gross					\$	45,855,067	\$	47,175,168	2.88%
Less: Revenues					\$	(6,121,057)	\$	(4,921,151)	-19.60%
Education (Net)						\$ 39,734,010		\$ 42,254,017	6.34%
Adult Learning					\$	182,805	\$	182,701	-0.06%
Less: Revenues					\$	(83,253)	\$	(84,464)	1.45%
Adult Learning (Net)						\$ 99,552		\$ 98,237	-1.32%
Food Services					\$	1,471,066	\$	1,521,802	3.45%
Less: Revenues					\$	(1,471,066)	\$	(1,332,860)	-9.39%
Food Service (Net)						\$ -		\$ 188,942	100.00%
Municipal Capital Equipment					\$	1,148,470	\$	1,030,617	-10.26%
Municipal Capital Projects					\$	2,113,632	\$	3,868,750	83.04%
School Capital Equipment							\$	575,000	
School Capital Projects					\$	1,380,830	\$	821,200	-40.53%
Total Capital Projects - Gross					\$	4,642,932	\$	6,295,567	35.59%
Less: Revenues									
Municipal Capital Equip. Revenues					\$	(1,104,880)	\$	(953,605)	-13.69%
Municipal Capital Projects Revenues					\$	(1,949,132)	\$	(3,757,850)	92.80%
Education Capital Equipment Revenues							\$	(557,000)	
Education Capital Project Revenues					\$	(1,324,830)	\$	(786,200)	-40.66%
Total C.I.P. - Revenues					\$	(4,378,842)	\$	(6,054,655)	38.27%
Capital (Net Appropriation)						\$ 264,090		\$ 240,912	-8.78%
Total Townwide Operating Budgets						\$ 58,279,240		\$ 60,950,043	4.58%
County Assessment						\$ 2,568,852		\$ 2,709,666	5.48%
Overlay						\$ 173,207		\$ 173,207	0.00%
Tax Increment Financing Districts						\$ 145,692		\$ 145,692	0.00%
Credit Enhancement Agreements						\$ 762,504		\$ 762,505	0.00%
Resident Senior Property Tax Relief Fund						\$ 75,000		\$ 120,000	60.00%
Homestead Exemption Reimbursement (Estimate)						\$ (544,388)		\$ (707,000)	29.87%
Business Equipment Tax Exemption (BETE)						\$ (553,421)		\$ (592,008)	6.97%
State Municipal Revenue Sharing (Estimate)						\$ (786,994)		\$ (837,993)	6.48%
Total Net Budget						\$ 60,119,691		\$ 62,724,112	4.33%
Optimistic	2018	\$3,850,224,185	\$62,724,112	\$0.01629	\$16.29	\$0.37	2.33%		
Mid-range	2018	\$3,825,603,624	\$62,724,112	\$0.01640	\$16.40	\$0.48	2.99%		
Cautious	2018	\$3,800,983,062	\$62,724,112	\$0.01650	\$16.50	\$0.58	3.66%		
	2017	\$3,776,362,500	\$60,119,691	\$0.01592	\$15.92				

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 21, 2017
REGULAR MEETING – 7:00 P.M.

Order No. 17-064. Move approval on the request to set the date, time and location of the School Budget Validation Referendum for Tuesday, July 18, 2017. [*Town Clerk*]

Town Clerk

Sponsor

06/21/17

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, July 18, 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:

Monday, July 17, 2017 Early Processing of Absentee Ballots:

1-Hour Inspection Time: _____

Time Processing Begins: _____

X **During** Election Day (7/18) 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 (7/18)

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, July 18, 2017, for the purpose of determining the following question:

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 held on
July 5, 2017?

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 21st day of June, 2017, at Scarborough, Maine. Signed by a majority of Town Council 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: _____