

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 20, 2008
REGULAR MEETING – 7:30 P.M.

Item 1. Call to Order. Chairman Messer called the regular meeting of the Scarborough Town Council to order at 7:30 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens, Town Manager, was also present.

Ronald D. Ahlquist, Vice Chair	Michael J. Wood
Carol S. Rancourt	Judith L. Roy
Richard J. Sullivan, Jr.	Sylvia J. Most
Jeffrey A. Messer, Chair	

Item 4. Minutes: July 16, 2008 – Regular Meeting, August 5, 2008 – Special Meeting, August 6, 2008 – Special Meeting and August 7, 2008 – Special Meeting Motion by Chairman Messer, seconded by Councillor Most, to move approval of the July 16, 2008, regular meeting Town Council meeting, as written.

Vote: 7 yeas.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the August 5, 2008, special meeting Town Council meeting, as written.

Vote: 7 yeas.

Motion by Chairman Messer, seconded by Councillor Wood, to move approval of the August 6, 2008, special meeting Town Council meeting, as written.

Vote: 7 yeas.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the August 7, 2008, special meeting Town Council meeting, as written.

Vote: 7 yeas.

Item 5. Items to be signed: a. Treasurer's Warrants. Treasurer's warrants were signed during the meeting.

Order No. 08-82, 7:30 p.m. Public hearing and second reading on the request to amend Chapter 405, the Zoning Ordinance, Section XII, Sign Regulations affecting the Haigis Parkway District. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:35 p.m.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the second reading on the request to amend Chapter 405, the Zoning Ordinance, Section XII, Sign Regulations affecting the Haigis Parkway District as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to Chapter 405, the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend Sub-section L.7. of Section XII. SIGN REGULATIONS to add (additions are underlined):

7. Signs Not Allowed

The following signs are not allowed within the Haigis Parkway District:

- a. promotional flags, banners, or streamers
- b. readerboards
- c. temporary signs, except for one 32 SF construction sign
- d. signs that contain strings of light
- e. signs that contain neon or other inert type gas illumination, other than when used to backlit an internally illuminated sign
- f. electronic message signs
- g. Time and Temperature signs
- h. Official Business Directional Signs within the Haigis Parkway Right of Way between Payne Road and Route One

Vote: 7 yeas.

Order No. 08-92, 7:30 p.m. Public hearing and second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section II(I)(4)(c)(iii) regarding the recording of the contract zoning agreements. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:36 p.m.

Motion by Councillor Rancourt, seconded by Councillor Ahlquist, to move approval of the second reading on the proposed amendments to Chapter 405, the Zoning Ordinance, Section II(I)(4)(c)(iii) regarding the recording of the contract zoning agreements, as follows:

**AMENDMENT TO SCARBOROUGH ZONING ORDINANCE
REGARDING RECORDING OF CONTRACT ZONING AGREEMENTS**

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section II(I)(4)(c)(iii) of the Zoning Ordinance of the Town of Scarborough, Maine is amended by adding the underscored language and deleting the language in strikeover type, as shown below:

- iii. The contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate and recorded by the applicant in the Cumberland County Registry of Deeds. The agreement shall not take effect until it is recorded. If the agreement is not recorded ~~in the Registry of Deeds~~ within ~~30-90~~ days after the Town Council approves the request for rezoning, ~~then the approval shall become void and the rezoning shall not take effect, but the Town Council may extend the recording period if the request for extension is made prior to the expiration of the original 30 day period or of a subsequently granted extension~~ the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the agreement if the Council determines that changed circumstances warrant rescission. All contract zoning agreements approved and recorded prior to [insert date of passage of amendment] are hereby ratified,

notwithstanding any different recording requirements in effect at the time of their approval.

Be it further ordained that Section II (I) (5) (c) (vii) of the Zoning Ordinance of the Town of Scarborough, Maine is amended by adding the underscored language and deleting the language in strikeover type, as shown below:

- (vii) **The amendment to the contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate, and recorded by the applicant in the Cumberland County Registry of Deeds. The amendment shall not take effect until it is recorded. If the amendment to the contract zoning agreement is not recorded ~~in the Registry of Deeds~~ within ~~30~~90 days after the Town Council approves the request, ~~then the approval shall become void, but the Town Council may extend the recording period if a request for extension is made prior to the expiration of the original 30-day period or of a subsequently granted extension~~ the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the amendment if the Council determines that changed circumstances warrant rescission. All contract zoning amendments approved and recorded prior to [insert date of passage of amendment] are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval.**

Vote: 7 yeas.

Order No. 08-93, 7:30 p.m. Public Hearing and second reading on the proposed amendments to Chapter 406, the Subdivision Ordinance, Section 8, Final Plan Requirements and Procedures subsections 8:5 and 8:6. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:37 p.m.

Motion by Councillor Most, seconded by Councillor Ahlquist, to move approval of the second reading on the proposed amendments to Chapter 406, the Subdivision Ordinance, Section 8, Final Plan Requirements and Procedures subsections 8:5 and 8:6, as follows:

AMENDMENT TO SCARBOROUGH SUBDIVISION ORDINANCE

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section 8:5 of the Subdivision Ordinance of the Town of Scarborough, Maine is amended by adding the underscored language and deleting the language in strikeover type, as shown below:

The Board shall determine by vote whether to approve the Final Plan, approve the Final Plan with conditions or deny approval of the final plan. The Board's vote shall constitute the Board's decision and order on the subdivision application. The approval of a Final Plan shall be attested on the original plan on reproducible medium and three copies by the signatures of a legal majority of the members of the Board. Signing of the Final Plan may ~~be deferred to a meeting occur~~ subsequent to approval of the Plan, ~~but no later than 30 days after the Board's vote~~ and does not require a meeting of the Board. In addition, the subdivider shall provide a copy of the recording plan in digital format in compliance with the current specifications for placement in the Town's GIS database which is based on the Maine State Grid. Specifications are on file with the Town Planning Office.

Be it further ordained that Section 8:6 of the Subdivision Ordinance of the Town of Scarborough, Maine is amended by adding the underscored language and deleting the language in strikeover type, as shown below:

A Final Plan on reproducible medium shall be retained by the Board. The subdivider shall record the approved Final Plan with the Cumberland County Registry of Deeds within thirty-ninety days after the date on which ~~the Plan is signed by~~ the Board votes to approve the subdivision. The Town Planner shall not release the attested final plan on reproducible medium to the subdivider for recording until the subdivider has provided the performance guarantee required by section 9 of this Ordinance, and all fees required under section 11 of this Ordinance. In addition, the Town Planner shall not release the attested final plan on reproducible medium for recording if the subdivider or an affiliate of the subdivider is in default on any performance guarantee on any other development within the Town or is in arrears on any fees owed to the Town of Scarborough in connection with any other development within the Town

Vote: 7 yeas.

Order No. 08-94, 7:30 p.m. Public Hearing on the proposed amendments to Chapter 405, the Zoning Ordinance to establish a Running Hill Mixed Use District (RH). Prior to the public hearing Mark Eyerman, consultant on the CPIC Committee, gave a brief overview on this item as well as the next two items. Chairman Messer opened the public hearing. The following individuals spoke against this Order: Harry White of 132 Running Hill Road; Dave MulQueeney of 31 New Road and Ron Aubrey of 32 New Road. The following individuals spoke in favor of this Order: Alan Paul, Chair of the Planning Board; Susan Auglis of 280 Black Point Road and a member of the CPIC Committee; Harvey Rosenfeld President of the SEDCO located at 7 Oak Hill Terrace, Suite 2; Kevin Freeman of 2 Sterlingwood Drive and a member of Chamber and Robert Nadeau of 29 Robertson Road and a member of the Chamber

Chairman Messer noted the public hearing will be continued to the next Town Council meeting scheduled for Wednesday, September 3, 2008.

Order No. 08-95, 7:30 p.m. Public Hearing on the proposed amendments to Chapter 405, the Zoning Ordinance to establish a Running Hill Mixed Use District (RH2). Chairman Messer opened the public hearing. The following individual spoke on this order: Martin Feeney of 99 Running Hill Road. Chairman Messer noted the public hearing will be continued to the next Town Council meeting scheduled for Wednesday, September 3, 2008.

Order No. 08-96, 7:30 p.m. Public Hearing on the proposed amendments to the Town of Scarborough GIS Zoning Map regarding the new zone changes to the Running Hill Area. Chairman Messer opened the public hearing and noted the public hearing will be continued to the next Town Council meeting scheduled for Wednesday, September 3, 2008.

Order No. 08-104, 7:30 p.m. Public Hearing on the infrastructure improvements along Route One in the Dunstan Corner neighborhood and act to accept grant funds from the State. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:21 p.m. The following were witness to the public hearing on this order: Chairman Messer, Councillors Ahlquist, Sullivan, Rancourt, Wood, Roy and Most; Ronald Owens, Town Manager; Yolande P. Justice, Town Clerk; Brian Smith, Human Resource Director and Paul Austin, Roger Beeley and Jeannine Uzzi.

Motion by Chairman Messer, seconded by Councillor Most, to move approval on Resolution 08-14, to accept grant funds from the State. **RESOLUTION 08-13**

STATE OF MAINE MITF PROGRAM

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

WHEREAS, the Town of Scarborough wishes to apply to the Department of Economic and Community Development for a Municipal Investment Trust Fund grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the Municipal Investment Trust Fund have been complied with, including participation in the planning process by town residents and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the Town/City of Scarborough is cognizant of the requirement that should the intended of the MITF program not be met all MITF funds must be repaid to the State of Maine MITF program; and

NOW THEREFORE, be it resolved by the Council of the Community of Scarborough that the Town Manager:

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine’s MITF Program:

Program: Municipal Investment Trust Fund Amount: \$85,410.00

To the Department of Economic and Community Development on behalf of the Community of __Scarborough, substantially in the form presented to this council;

- 2) Is authorized to make assurances on behalf of the Community of Scarborough required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the Community of Scarborough and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Signed and sealed this the 20th day of August, 2008, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Jeffery A. Messer, Council Chair and attested by Yolande P. Justice, Town Clerk.

Vote: 7 yeas.

Order No. 08-105, 7:30 p.m. Public Hearing on the following new request for a Food Handlers License from Cagnia, Inc., formerly known as MN Seafood, located at 10 Snow Canning Road and Beach House Market & Deli, formerly known as Beach House Pantry, located at 27 East Grand Avenue and on the following renewal request for a Food Handlers License from Chia Sen Chinese Restaurant, located at 456 Payne Road; Lanky’s Bagels LLC, d/b/a Mister Bagel, located at 172 U.S. Route One. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:23 p.m.

Motion by Chairman Messer, seconded by Councillor Roy, to move approval on the following new request for a Food Handlers License from Cagnia, Inc., formerly known as MN Seafood, located at 10 Snow Canning Road and Beach House Market & Deli, formerly known as Beach House Pantry, located at 27 East Grand Avenue and on the following renewal request for a Food Handlers License from Chia Sen Chinese Restaurant, located at 456 Payne Road; Lanky's Bagels LLC, d/b/a Mister Bagel, located at 172 U.S. Route One.

Vote: 7 yeas.

OLD BUSINESS:

Order No. 08-83. Second reading on the proposed amendments to Chapter 901, Garbage and Recycling Collection and Disposal Ordinance. Ron Owens, Town Manager, gave a brief overview on this and noted that the documents received in the Council packet reflects minor changes made by the Town Attorney and it is recommended that this document be adopted.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the second reading on the proposed amendments to Chapter 901, Garbage and Recycling Collection and Disposal Ordinance and use the working document that was received in the Council packet, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to Chapter 901, the Garbage and Recycling Collection and Disposal Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

CHAPTER 901
TOWN OF SCARBOROUGH
Garbage and Recycling
Collection and Disposal Ordinance

ARTICLE I. GENERAL PROVISIONS

Section 1.01 PURPOSE

The purpose of this Ordinance is to protect the health, safety and general well-being of the citizens of Scarborough: enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Scarborough in accordance with the provisions of Title 38 M.R.S.A. §§ 1304-B and 1305, as amended.

Section 1.02 DEFINITIONS

1. CART:

A-CART: "Cart" means a ~~A~~-wheeled receptacle distributed by the Town of Scarborough to Scarborough residents for the purpose of facilitating the collection of garbage and recyclable materials at the curb.

2. CONSTRUCTION OR DEMOLITION DEBRIS:

"Construction or demolition debris"~~Means~~ means solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.

3. CONTAINERS:

“Containers” means ~~Items~~ including glass bottles and jars, plastic bottles and jugs, and metal cans.

4. DISPOSAL:

“Disposal” means the discharge, deposit, dumping or placing of any solid waste into or on any land.

~~FIBER~~

~~Items including paper products such as cardboard, newspaper, and magazines.~~

5. ECOMAINE DISPOSAL FACILITY GARBAGE:

“ecomaine disposal facility” means any land or structure or combination of land area and structures, including dumps and transfer stations, owned or operated by ecomaine, or any other site designated by ecomaine, used for storing, salvaging, reducing, incinerating or disposing of solid wastes.

6. GARBAGE:

~~Shall mean offal, rubbish, kitchen waste, and any putrid substance.”~~“Garbage” means solid waste which the Town Public Works Director and/or his/her designee shall have designate on a list of items that are acceptable for garbage collection posted on the Town web page.

67. HAZARDOUS WASTE:

“Hazardous waste”~~Shall~~ means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 MRSA section 1319-O or by the terms of a certain Waste Handling Agreement between the Town and ecomaine. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

78. OVERFLOW:

“Overflow” means ~~garbage~~Garbage set out for collection that exceeds the amount contained in the Town-provided collection cart; applies only to those ~~household~~solid wastes considered acceptable in the curbside collection program.

89. PERSON:

“Person” ~~Shall~~ means any person, firm, partnership, corporation, association, company, or organization of any kind.

910. RECYCLABLE MATERIALS or RECYCLABLES:

~~Those items”~~Recyclable Materials” or “Recyclables” means solid waste designated by the Town Manager or his designee as suitable for inclusion in the Town’s recycling program. These items are as follows: newspapers, magazines, office paper, paperboard, cardboard, glass bottles, glass jars, #1-7 plastics, aluminum cans, aluminum foil, tin cans, steel cans and milk and juice cartons. These items are subject to change and are in reference to the materials accepted by ~~Eco-Maine~~ecomaine.

1110. RECYCLING VEHICLE:

“Recycling vehicle” means ~~a~~A vehicle utilized by the Town of Scarborough or its designated agent to collect recyclable materials at the curb from all residential uses on a Town-maintained public way.

112. RESIDENTIAL USES:

“Residential uses” means, For the purpose of providing solid waste collection, ~~includes~~ single-family, duplex and multifamily dwellings (up to and including five units) on public ways. Residential uses may include home occupations as defined in the Town Zoning Ordinance, but not other mixed commercial and residential uses.

13. SOLID WASTE:

“Solid waste” shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitations, rubbish, garbage, scrap materials, junk, inert fill material and landscaping refuse, and including material that may have value or other use or may be sold or exchanged, but not including seepage tank sludge nor agricultural or hazardous wastes.

1214. SOLID WASTE DISPOSAL FACILITY or DISPOSAL FACILITY:

“Solid Waste Disposal Facility” or “Disposal Facility” means any land or structure or combination of land area and structures, including dumps and transfer stations and any other site used for storing, salvaging, reducing, incinerating or disposing of solid wastes, including the ~~ecomaine~~ disposal facility.

15. TOWN:

“Town”~~shall~~ means the Town of Scarborough, Maine.

~~13.~~ UACCEPTABLE WASTE:

~~Shall mean wood wastes, yard wastes, construction and demolition debris, universal Wastes, hazardous wastes and all appliances.~~

1416. UNIVERSAL WASTE:

“Universal waste”~~shall~~ means any waste listed in section 3.A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

1715. WOOD WASTES:

“Wood wastes” means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects, that are not mixed with other solid or liquid waste. For the purposes of this definition, “lumber” is entirely made of wood and is free from metal, plastics and coatings.

1816. YARD WASTE:

“Yard waste” means grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.

Section 1.032 INSPECTION

The Public Works Director and/or the Chief of the Fire Department, or their designated agents, shall have the right to enter at all reasonable times upon private property, excluding dwellings, for the purpose of inspecting and investigating conditions relating to the enforcement and observance of the provisions of this Ordinance.

Section 1.043 DUTY TO GIVE NOTICE OF VIOLATIONS: NOTICE TO BE IN WRITING AND DESCRIBE VIOLATION

Whenever the Director of Public Works or the Chief of the Fire Department, or their designated agents, determine that there has been a violation of any provision of this Ordinance, he shall give notice of such alleged violation to the person or persons responsible therefore. Such notice shall be in writing, describe the violation, and state the corrective action required to conform to the provisions of this Ordinance.

Section 1.054 AUTHORITY TO PROVIDE FOR COLLECTIONS: WHERE COLLECTIONS PROHIBITED

The Town may provide for the regular collection of garbage as its Town Manager may direct pursuant to the provisions of this Ordinance. Such garbage shall be collected from all residences, including apartments of five (5) units or less, but shall not be collected from any business or commercial establishments. Special arrangements will be made for condominiums and private roads where applicable.

Section 1.065 AUTHORITY TO REFUSE COLLECTIONS: OWNER'S DUTY TO DISPOSE

The Town may refuse to accept collection of any garbage, which has been put out for collection in a manner which does not comply with the requirements of this Ordinance or which is too large to fit into the provided carts. The owner of such garbage shall be responsible for promptly disposing of all garbage so refused.

Section 1.076 RESPONSIBILITY TO MAINTAIN PREMISES IN SANITARY CONDITION

The owner and occupant of any premises within the Town shall be jointly responsible for maintaining said premises in a sanitary and healthful condition, all in accordance with the Ordinances of the Town.

Section 1.087 UNLAWFUL TO PLACE, DEPOSIT GARBAGE IN VIOLATION OF ORDINANCE

It shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any garbage, except in the manner permitted by the provisions of this Ordinance.

Section 1.098 TOWN TO PROVIDE CARTS

A. All garbage and recycling carts required by this Article shall be designated, provided and owned by the Town of Scarborough; all residences receiving ~~municipal-Town~~ collection services are required to use only the Town-provided carts for weekly garbage collection. The standard carts hold a capacity of up to 65 gallons and shall not be filled to a gross weight of more than 150 pounds each. Each residential unit will be allowed one Town-designated cart per pickup. Decisions to permit a second cart will be made on a case-by-case basis for exceptionally large households, and in those cases, only after a solid waste inspection by a Scarborough Public Works staff member to determine that the need remains when maximum recycling is being done.

B. All residential buildings of 6 or more units, nonresidential or commercial users shall provide adequate carts for the weekly garbage generated by the business conducted on the premise. At a minimum, the owner shall provide a secured container or containers with closable covers to minimize the stacking and spreading of the garbage generated by the subject business. The cost of collecting commercial waste is the Property Owner's responsibility.

Section 1.1009 CARTS REQUIRED; HOURS FOR PLACEMENT AND REMOVAL; REPLACEMENT OR ADDITIONAL CARTS; OVERFLOW WASTE

A. It shall be the responsibility of the Town to provide and make available suitable and sufficient carts as described by § 1.08.09 to receive the accumulation of weekly household waste. Each cart shall be placed as instructed by the Town or its designated garbage collector along the street, sidewalk or roadside for automated collection. Town-designated garbage carts may be set out for collection the evening or day before, but must be set out by 7:00A.M. the morning of collection, and should be removed from the Town’s right of way the day of collection.

B. Should a Town-owned cart be damaged or lost by a household, the Town will make another such cart available for replacement at a fee.

C. Residents who have “overflow waste,” defined as garbage set out for collection that exceeds the amount contained in the Town-provided collection cart, may take it to the Department of Public Works for disposal.

Section 1.1140 ASHES

No hot ashes shall be placed for collection by the Town.

Section 1.1244 UNLAWFUL TO RAKE LEAVES INTO STREETS OR RIGHTS OF WAY

It shall be unlawful to rake leaves into any paved street or right of way. [amended 08/20/03]

Section 1.1312 SEPARABILITY

~~In the event that any section, sub-section or any portion of this ORDINANCE shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or any other portion of this ORDINANCE.~~

ARTICLE II. MANDATORY RECYCLING PROGRAM

Section 2.01 PURPOSE

The purposes of this article are to protect the health, safety and general well-being of the residents of the Town and provide a solid waste disposal option that does not require the incineration or burial of valuable raw materials. By establishing a mandatory recycling program affecting all residents of the Town of Scarborough, the Town will save money currently being spent on the disposal of solid waste, will generate revenues from the sale of recyclable materials and will reduce the impact on the environment from the generation, processing, manufacturing and sale and distribution of goods made from virgin materials.

Section 2.02 APPLICABILITY; SEPARATION OF RECYCLABLE MATERIALS REQUIRED

- 1) This article shall apply to all persons receiving the Town solid waste collection services.
- 2) All recyclable materials generated within the Town shall henceforth be separated from the daily waste stream and, for residential uses, placed at the curb in accordance with the provisions of this article. The Town may provide curbside collection of recyclables for all residential uses located on a public road. Nonresidential buildings, i.e., businesses, offices, retail, hotels, apartments, mobile home parks, motels and bed-and-breakfast establishments, shall not receive curbside collection services from the Town. Buildings that contain both business and residential uses shall be classified by the majority use within the building, based on square footage.

Section 2.03 PROPERTY RIGHTS

Any and all recyclable materials placed at the curb become the sole property of the Town or its designated agent. No one may salvage, remove or carry off any such material without prior approval of the Town Council.

Section 2.04 COLLECTION PROCEDURES

- 1) The Town may provide weekly curbside collection of recyclable materials to all residential uses within the Town. Collection of recyclables shall be on the same day as the regular garbage collection.
- 2) Recyclable materials shall be placed at the curb, separate from the regular garbage. All items shall be prepared as directed by the Town Manager or his/her designee. Items not prepared as directed by the Town Manager will be left at the curb.

Section 2.05 CONTRACTED SERVICES

The Town, at its discretion, may enter into contracts for the collection of recyclable materials or other solid wastes with residential uses that do not meet the strict definition of residential uses in this article. Such additional residential uses would include but not be limited to condominium associations. Each contract shall be negotiated individually.

ARTICLE III. COLLECTION AND REMOVAL

Section 3.01 ACCUMULATION OF GARBAGE PROHIBITED

- 1) Each household or business is responsible for preventing accumulation of garbage. On the designated day of pickup, all residential garbage must be set out in a Town designated cart for garbage collection. Each household unit should contain its waste in carts as described in § 1-~~1-09.10~~. Pursuant to § 1-~~1-09.10~~, each cart shall be placed as instructed by the garbage collector along the street, sidewalk or roadside for automated collection. Town-designated garbage carts may be set out for collection the evening or day before, and should be removed from the street or roadside after collection. No person shall cause or permit any accumulation of garbage which, in the opinion of the Health Officer or Health Inspector, is unsanitary or hazardous to the health of the public or, in the judgment of the Fire Chief of the Fire Department, constitutes a fire hazard.
- 2) Dumping prohibited. No person shall throw or place any garbage; recyclable materials, including paper, trash, glass, nails, wire, bottles, and cans; ~~building materials,~~ yard waste, ~~including including grass trimmings, leaves,~~ brush, branches, and concrete, earthen fill; construction or demolition debris; garbage carts; litter or other debris in any ditch, stream, river or retention basin that regularly or periodically carries surface water runoff. Any person who deposits any of the above shall remove it or cause it to be removed immediately. The Code Enforcement Officer, the Public Works Director or any one else designated by either shall be responsible for the enforcement of this provision.

Section 3.02 PICKUP SCHEDULE

The Town may provide one scheduled ~~waste-garbage~~ pickup and one recyclable pickup per week per route for all residential uses. The collection of recycling-recyclables and garbage-trash shall be on the same day. The Town reserves the right to change the pickup schedule.

Section 3.03 PICKUP PROCEDURE

The occupants of every residential building shall place carts for the removal of the contents by the persons authorized to collect the same, and no person other than the occupant, the owner of the premises or an authorized collector shall remove, take or otherwise disturb this garbage or any portion thereof so placed for removal. Carts placed in the public way on the regularly scheduled collection day shall be considered as being intended for collection, and as such shall be collected by no one other than authorized persons. Carts shall be covered to prevent the ingress of flies, rats or other animals.

Section 3.04 ABUSE OF CARTS

No person shall willfully remove, destroy, mutilate or utilize for another purpose other than the holding of garbage, ~~or recyclables or other waste matter~~ carts which have been provided in accordance with this article. If a cart is damaged due to uncontrollable circumstances the Town will replace that cart.

Section 3.05 STOLEN CARTS

If a cart is stolen the homeowner shall call the Public Works Department and obtain the serial number for the missing cart. Then the homeowner shall file a police report stating that the cart has been stolen. Once a police report has been filed the Town will replace the stolen cart.

Section 3.06 TOWN EQUIPMENT ON PRIVATE PROPERTY

No Town equipment, or equipment contracted by the Town, shall leave public-used and Town-maintained roads, streets, lanes, alleys, highways, etc., to go on private property to pick up garbage, unless otherwise provided for herein. Within subdivisions approved by the Planning Board with private alleyways designed to accommodate garbage collection operations and vehicles, such carts shall be placed within the approved locations along the alleyways specifically designated for such carts.

Section 3.07 NOTICE TO REMOVE WASTE

Any owner, agent or occupant of land upon whose premises any unlawful accumulation of ~~offal, refuse, waste or rubbish~~garbage may be found shall, within 24 hours after receiving written notification from the Chief of Police or Health Officer, cause the same to be removed and the nuisance abated in a manner satisfactory to the Health Officer and the Chief of Police.

~~**Section 3.08 VIOLATIONS AND PENALTIES**~~

~~Any person or persons violating any of the provisions of this article shall be subject to a penalty of not less than \$100 not more than \$2,500 for each offense.~~

ARTICLE IV. SOLID WASTE DISPOSAL

Section 4.01 Designation

In accordance with the provisions of Title 38 M.R.S.A. §1304-B, the Town hereby designates the **ecomaine** disposal facility on Congress Street in Portland, Maine, as its public solid waste disposal facility for the purposes cited in this Ordinance. The dumping or depositing of any solid waste, including recyclable materials, generated within the Town by any person, including, but not limited to, any garbage hauler licensed under Article V of this Ordinance, at

any place other than at the designated disposal facility is prohibited, provided, however, that this Ordinance does not prevent the depositing or dumping of inert substances such as earth, rocks, concrete or similar material for fill purposes only on a lot by the owner of such lot, or any other person with the permission of the lot owner, if such depositing or dumping is otherwise allowed under applicable Town ordinances and state laws.

Section 4.02 Restrictions

1) No person shall permanently dispose of solid waste upon any land within the corporate limits of the Town, unless such land has been designated by the Town as a solid waste disposal facility.

2) The Town shall establish rules and regulations governing the availability and use of the designated disposal facilities. Certain materials may be excluded by regulation from those solid waste materials which may be deposited at a designated solid waste disposal facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, trees and tree trunks and limbs, burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the Town deems necessary to exclude. Hazardous wastes shall be handled in accordance with all applicable Federal, State and Local Regulations.

3) Except for licensed disposal of hazardous wastes, it shall be unlawful for any person, firm or corporation to burn or incinerate any solid waste within the Town other than trees, tree limbs, leaves and other wood waste.

4) The availability and use of the designated disposal facility shall be limited to residents of the Town, and to those residents of any other municipality which may, by mutual agreement, be authorized to use the disposal facility. As a means of user control, the Town shall distribute vehicle permits to authorized users which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the facility.

5) Any solid waste deposited within the designated disposal facility shall become the property of the Town or **ecomaine** pursuant to the terms of the Waste Handling Agreement between the Town and **ecomaine**. No one shall salvage, remove, or carry off any such deposited solid waste without prior approval of the Town.

ARTICLE V. GARBAGE HAULING LICENSE

Section 45.01 LICENSE REQUIRED

Effective July 1, 2003, no person engaged in the business of ~~refuse~~-hauling of solid waste, including but not limited to garbage or recyclables, shall collect or transport ~~refuse~~-solid waste generated within the Town without obtaining a refuse collection license from the Town and paying the required licensing fee.

Section 45.02 LICENSE FEES

Fees for licenses under this Ordinance shall be established as specified in the Schedule of License, Permit and Application Fees by order of the Town Council.

Section 45.03 APPLICATION FOR LICENSE

In order to acquire a license for the collection or transport of ~~refuse~~-solid waste within the Town, the applicant shall submit to the Town Manager or the Manager's designee the following information, together with the required license fee:

- a. The name and business address of the applicant.
- b. The applicant's business telephone number.

c. A listing of the make, model, year and size of vehicles that will be utilized for the collection or transport of ~~refuse~~ solid waste within the Town.

Section 45.04 TERM OF LICENSE AND TIME FOR APPLICATION

Licenses issued under this Ordinance shall be coterminous with the fiscal year of the Town, which is July 1 through June 30. Applications for licenses for the fiscal year commencing July 1, 2003, shall be filed with the Town Manager or the Manager's designee no later than 45 days after the date of adoption of this Ordinance by the Town Council. For fiscal years commencing on and after July 1, 2004, applications shall be filed no later than March 1st of the preceding fiscal year. If an application is filed after the dates specified in this Section ~~214.04~~, any license issued in response to such application shall be valid only until the end of the fiscal year, in which the application is filed, with no proration of license fees. If after March 1st the completed application and fee are not received, a late fee will be assessed, according to the schedule of fees. [amended 05/03/2006]

Section 45.05 EXEMPTIONS

These license and fee provisions of this Ordinance shall not apply to a person or business that exclusively hauls ~~refuse~~ solid waste generated by that person or business.

Section 45.06 VIOLATIONS

~~Any failure to comply with the requirements of this Article shall be considered a violation. In addition to the penalty provisions set forth in Section 25.07, the Town Manager may suspend a refuse collectionhauling license for up to 30 days for a first violation of this Article and may suspend a refuse collectionhauling license for up to 60 days for a second violation. The Town Manager may suspend a refuse collectionhauling license for any period of time for any subsequent violation or may revoke the license for the remainder of the fiscal year. The Town Manager may deny a license to any person who received two or more suspensions during the prior fiscal year or whose license was revoked during the prior fiscal year.~~

~~The Town Manager shall notify a licensee of any violation that could result in a suspension or revocation and shall hold a hearing prior to taking any action on a potential suspension or revocation.~~

Section 45.07 PENALTIES

~~Any person violating this Article shall be subject to a fine of at least two hundred dollars (\$200.00) for each violation. Fines shall be recovered upon complaint made by the Town. Each day upon which a violation continues shall be considered a separate violation. The Town shall be entitled to recover its attorney's fees and court costs in any action in which the court finds that a violation has occurred. In addition to penalties, the Town may seek injunctive relief to prevent the continuance of an ongoing or recurring violation.~~

Section 45.08-06 REGULATION OF LICENSEES

Any person licensed under this Ordinance shall:

- ~~a. collect residential wastegarbage or recyclables only between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday;~~
- ~~b. strictly segregate residential solid waste from commercial solid waste;~~
- ~~a. e. operate all vehicles lawfully and safely and utilize only holders of current Maine drivers' licenses to operate such vehicles;~~

~~b. d. —not deliver loads containing both commercial and residential solid waste to Regional Waste Systemsecomaine; and~~

~~c. e. —cover and secure all loads; and-~~

~~d. f. —comply with any agreement between the Town and ecomaine for disposal of solid waste.~~

~~—e. —cover and secure all loads; and~~

~~—f. —comply with any agreement between the Town and ecomaine for disposal of solid waste.~~

Section 5.07 VIOLATIONS

Any failure to comply with the requirements of this Article shall be considered a violation. In addition to the penalty provisions set forth in Article VI, the Town Manager may suspend a refuse collection license for up to 30 days for a first violation of this Article and may suspend a refuse collection license for up to 60 days for a second violation. The Town Manager may suspend a refuse collection license for any period of time for any subsequent violation or may revoke the license for the remainder of the fiscal year. The Town Manager may deny a license to any person who received two or more suspensions during the prior fiscal year or whose license was revoked during the prior fiscal year.

The Town Manager shall notify a licensee of any violation that could result in a suspension or revocation and shall hold a hearing prior to taking any action on a potential suspension or revocation.

ARTICLE VI. PENALTIES

Any person who violates any provision of this Ordinance commits a civil violation, punishable by a civil penalty of not less than \$200 and not more than \$2,500 for each violation. Penalties shall be recovered upon complaint made by the Town. Each day upon which a violation continues shall be considered a separate violation. The Town shall be entitled to recover its attorney's fees and court costs in any action in which the court finds that a violation has occurred. In addition to penalties, the Town may seek injunctive relief to prevent the continuance of an ongoing or recurring violation.

ARTICLE VII. SEPARABILITY

In the event that any article, section, sub-section or any portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or any other portion of this Ordinance.

ARTICLE VIII. REPEAL OF PRIOR ORDINANCE

This Ordinance, as amended on August 29, 2008, repeals and replaces the ordinance entitled "Ordinance Relating to the Disposal of Solid Waste within the Town of Scarborough, Maine, Prescribing Rules and Regulations Therefore: Providing Penalties for Violations Thereof" adopted July 1985.

Vote: 7 yeas.

Order No. 08-88. Act to amend the Pine Point Study Committee to include one additional resident at large. Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval to amend the Pine Point Study Committee to include one additional resident at large member.

Vote: 5 yeas. 2 nays (Councillors Most and Wood).

NEW BUSINESS:

Order No. 08-106. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 301, the Administrative Code, Article XIII Conservation Commission Ordinance. Councillor Wood gave brief overview was given on Order No. 08-106.

Motion by Councillor Most, seconded by Councillor Wood, to move approval of the first reading on the proposed amendments to Chapter 301, the Administrative Code, Article XIII Conservation Commission Ordinance and schedule a public hearing and second reading for Wednesday, September 3, 2008, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Article XIII, Conservation Commission of the Town of Scarborough, Maine is amended by underscored text and deleting the text that is struck out, as shown below:

ARTICLE XIII CONSERVATION COMMISSION Adopted August 2, 2000, Amended July 18, 2001 and August 20, 2008

Section 1301.1 Conservation Commission Established.

Pursuant to the provisions of the Town Charter and Title 30-A M.R.S.A. §3261 and 30-A M.R.S.A. §3001, Conservation Commissions, and Title 30-A M.R.S.A. §3001, Ordinance Power, there is hereby established the Conservation Commission of the Town of Scarborough. (amended July 18, 2001)

Section 1302. Number and Terms of Members.

The Conservation Commission shall consist of seven members appointed by the Town Council for three-year terms, ~~staggered according to the expiration dates currently in effect at the time of enactment of this Ordinance. Those members serving at the time of enactment of this Ordinance shall continue as members until their terms expire.~~

The Commission may recommend to the ~~municipal officers~~ Town Council that associate members be appointed to assist the commission, as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, two or three years.

Section 1302. Number and Terms of Members.

The Conservation Commission shall consist of seven members appointed by the Town Council for three-year terms, ~~staggered according to the expiration dates currently in effect at the time of enactment of this Ordinance. Those members serving at the time of enactment of this Ordinance shall continue as members until their terms expire.~~

The Commission may recommend to the ~~municipal officers~~ Town Council that associate members be appointed to assist the commission, as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, two or three years.

Section 1303. Duties of Commission.

The Conservation Commission shall:

1303.1 ~~Keep records of its meetings and activities and make an annual report to the Council;~~ Keep minutes of meetings including those attending; adopt procedures for conducting business; file minutes and procedures with the Town Clerk and submit an annual report to the Town Council;

1303.2 ~~Conduct research, in conjunction with the Planning Board, into the local land areas;~~ Coordinate activities and programming with other conservation groups within the community;

1303.3 ~~Seek to coordinate the activities of conservation bodies organized for similar purposes;~~ Keep an index of all open areas within the Town of Scarborough, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The Conservation Commission may recommend to the Town Council or any municipal body or board, or any body politic or public agency of the State with prior knowledge of the Town Council, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements;

1303.4 ~~Keep an index of all open areas within the Town of Scarborough, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The Conservation Commission may recommend to the Town Council or any municipal body or board, or any body politic or public agency of the State with prior knowledge of the Town Council, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements. Assist various town agencies with Open Space Land Planning and with establishing Acquisition Priorities for Open Space purposes;~~

1303.5 Publicize the Development Transfer Program and work with Rural Landowners to both educate and encourage their use of the program in accordance with the Comprehensive Plan and the Town of Scarborough Zoning Ordinance;

1303.6 Encourage Trail Planning and promote Connectivity of a town-wide trail system;

1303.7 Collaborate with other Town Council appointed committees on Environmental/Conservation Related Regulations and Standards;

1303.8 Promote and encourage local environmental initiatives, such as education and encouraging the public with respect to environmentally sensitive lawn products, native landscaping, residential buffers to natural resources, water conservation and similar measures;

1303.9 Initiate critical environmental studies and projects; and,

1303.10 Develop Land Management Plans for Town Conservation Land in collaboration with the Scarborough Conservation Land Trust and applicable Town Departments.

Section 1304. Powers of Commission.

The Conservation Commission may:

1304.1 Advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets, which it considers necessary;

~~1304.2 Acquire land in the name of the Town of Scarborough for any of the purposes set forth in the Article XIII with the approval of the Town Council;~~

1304.3 2 Receive gifts in the name of the Town of Scarborough for any of the Commission's purposes with the approval of the Town of Scarborough and the Commission shall administer such gifts for those purposes subject to the terms of the gifts.

1304.4 3 Act as an advisory board to the Scarborough Town Council on types and sources of coastal pollution within the Town of Scarborough and to conduct research and develop data on the sources of pollutants within the coastal areas of the Town.;

1304.4 Act as an advisory board to the Scarborough Town Council and applicable Town Departments on the acquisition of land for open space purposes, the implementation of land management plans of Town owned property, and the expansion of a town-wide trial system.

Section 1305. Limits on Powers and Duties.

1305.1 The Conservation Commission shall not have the care and superintendence of the public parks, nor the care or control of public shade trees.;

1305.2 The Conservation Commission shall not have the right to review subdivision plans, site plans or other Planning Board reviews or studies unless specifically requested by either the Town Council or Planning Board.

Section 1306. Notice of Planning Operations.

Any body politic or public agency of the State conducting planning operations with respect to open areas within the Town of Scarborough shall notify the Conservation Commission of all plans and planning operations at least 30 days before implementing any action under that plan.

Vote: 7 yeas.

Order No. 08-107. First reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map to rezone the Scarborough Downs property that is currently zoned B-2 to TVC. Ron Owens, Town Manager, gave a brief overview on this Order.

Motion by Councillor Most, seconded by Chairman Messer, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough GIS Zoning Map to rezone the Scarborough Downs property that is currently zoned B-2 to TVC and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board.

Motion by Councillor Ahlquist, seconded by Councillor Roy, to move approval to table Order No. 08-107 to the Town Council meeting scheduled for Wednesday, September 17, 2008.

Vote: 7 yeas.

Order No. 08-108. First reading to amend the Police Budget for FY2008/2009 to increase revenues by accepting \$1,000.00 donation from Sam's Club. Motion by Chairman Messer, seconded by Councillor Roy, to move approval of the first reading to amend the Police Budget for FY2008/2009 to increase revenues by accepting \$1,000.00 donation from Sam's Club.

Vote: 7 yeas.

Order No. 08-109. Act on the request to amend Chapter 311, the Schedule of Fees, regarding Rescue Fees. Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval to amend Chapter 311, the Schedule of Fees, regarding Rescue Fees, as follows:

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

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Schedule of License, Permit and Application Fees of the Town of Scarborough, Maine is amended by adding the highlighted and underscored text and deleting the text that is struckout, as shown below:

Fire Department Rescue Charges –	Fee
Rescue Fees	
BLS Emergency Base Rate (amended 05/05/04) (amended 09/01/04) (amended 02/02/05) (amended 02/01/06) (amended 03/15/06)	The charges for BLS, ALS and ALS2 will be the maximum rates established and approved by the Federal Medicare (CMS)
ALS Emergency Base Rate (amended 05/05/04) (amended 09/01/04) (amended 02/02/05) (amended 02/01/06) (amended 03/15/06)	
ALS 2 Base Rate (amended 05/05/04) (amended 09/01/04) (amended 02/02/05) (amended 02/01/06) (amended 03/15/06)	
<u>Mileage (amended 05/05/04; 05/21/2008)</u>	<u>6.42 mileage will be the maximum rates established and approved by the Federal Medicare (CMS)</u>
<u>Cervical Collar (amended 05/05/04)</u>	<u>10.00</u>
No Transport (amended 05/05/04)	75.00
<u>Nitrous Oxide (amended 05/05/04)</u>	<u>40.00</u>
Paramedic Intercept Fee (05/21/2008)	300.00

Vote: 7 yeas.

Order No. 08-110. Act on the request to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance in the Fuller Farm Estates Subdivision - Logmad Avenue and Kylie Avenue. Motion by , seconded by , to move approval to accept the following streets, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance in the Fuller Farm Estates Subdivision - Logmad Avenue and Kylie Avenue.

Vote: 7 yeas.

Order No. 08-111. Act on the request to appoint representatives to the Pine Point Study Committee. Nick Truman owner of the Lighthouse Motel spoke on this order.

Motion by Councillor Wood, seconded by Chairman Messer, to move approval on the request to appoint a ten member study committee for the purpose of considering improvements to Pine Point Road between Grand Avenue and King Street to include the open space parcel granted the town in the Beach Walk Subdivision. The Committee shall consist of the following:

- 1 Representative from the Pine Point Resident's Association (Community at Large) - To be Announced
- 1 Representative from the Beach Walk Subdivision (abutter) - John Wiggin
- 1 Representative of the Sandy Dollar Motel (abutter) - Lily Serrecchia
- 1 Representative from the Lighthouse Motel (abutter) - Truman
- 1 Representative from Public Safety - Rob Carson
- The Assistant Town Planner - Jay Chace
- The Town Engineer - Jim Wendel
- The Director of Public Works - Mike Shaw
- 1 Representative from the Council - Carol Rancourt
- 1 Representative for a resident at large - To be Announced

The scope of study to be considered by the committee shall be limited to the following improvements: sidewalks, width of pavement, the curve or turning radius from Pine Point Road to King Street, how to incorporate access to the open space parcel provided b Beach Walk, a plan for the development of the parcel and the reworking of the directional island at the end of Pine Point Road to make it more aesthetically attractive.

The meetings of the committee will commence no sooner than September 2, 2008 (day after the Labor Day Holiday) and be complete by September 30, 2008. Meetings of the committee will be facilitated by a neutral party and an individual assigned to keep minutes of the proceedings. A report will be prepared by staff summarizing the committee's discussion and setting forth its recommendations. The cost of any improvements in addition to the maintenance of the road proposed by the Committee will be considered for funding in the FY 2010 budget.

Vote: 7 yeas.

Order No. 08-112. Act on the request to ratify Collective Bargaining Agreement with Scarborough Police Benevolent Association. Motion by Chairman Messer, seconded by Councillor Most, to move approval on the request to ratify the Collective Bargaining Agreement with the Scarborough Police Benevolent Association.

Vote: 7 yeas.

Order No. 08-113. Act on the request to extend the equipment Master Lease/Purchase Agreement with Banc of America, N.A. until June 30, 2009, and to authorize the Town Manager to execute the extension and any additional schedules or other necessary documents. Motion by Chairman Messer, seconded by Councillor Most, to move approval on the request to extend Master Lease/Purchase Agreement with Banc of America, N.A. until June 30, 2009, and that the Town Manager be authorized to execute the extension and any additional schedules or other necessary documents on behalf of the Town.

Vote: 7 yeas.

Item 6. Non-Action Items. None at this time.

Item 7. Committee Reports: Standing Committee Reports and Other Committee Reports.

- Councillor Most noted that there will be an Ordinance Committee and Planning Board Workshop on Monday, August 25, 2008, regarding alternative energy. She gave an update on the CPIC meeting scheduled for Monday, August 25, 2008, at 8:00 a.m.
- Councillor Rancourt gave an update on the MMA Legislative Committee.

Item 8. Public Comments.

- Nicolas Truman of 366 Pine Point Road spoke his concern about the increase in the members of the Pine Point Study Committee
- Paul Austin of Tide Mill Lane spoke on the proposed amendments to the charge of the Conservation Commission.
- Jeannine Uzzi of 13 Sunset Road spoke on the proposed amendments to the charge of the Conservation Commission.
- Patrick Kelly of 3 Sandy Point Road spoke on the proposed amendments to the charge of the Conservation Commission.
- Susan Wilder of Tide Mill Lane spoke on the proposed amendments to the Conservation Commission.

Item 9. Town Manager Report.

- Ron Owens, Town Manager – fuel assistance for the upcoming year – SEDCO, HR and Project Grace are pulling together a program that will be designed to help those in need. Also, working with two private streets to bring them up to town standards and then be accepted by the Town.

Item 10. Council Member Comments. Closing comments were made by Council members.

Order No. 08-114. Act on the request for an executive session pursuant to Title 1 of the M.R.S.A. §405(6)(C) to discuss a possible real estate acquisition. Motion by Chairman Messer, seconded by Councillor , to move approval on the request for an executive session pursuant to Title 1 of the M.R.S.A. §405(6)(C) to discuss a possible real estate acquisition; to come back to public session for Order No. 08-115.

Vote: 7 yeas.

The Council went into executive session at 10:25 p.m. Chairman Messer reconvened the meeting to public session at 10:45 p.m.

Order No. 08-115. Act on the request for an executive session pursuant to Title 1 of the M.R.S.A. §405(6)(A) to discuss a personnel matter pertaining to the Town Manager’s search. Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval on the request for an executive session pursuant to Title 1 of the M.R.S.A. §405(6)(A) to discuss a personnel matter pertaining to the Town Manager’s search; to come back to public session to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 yeas.

The Council went into execution at 10:45 p.m. Chairman Messer reconvened the meeting to public session at 11:10 p.m.

Item 11. Adjournment. Motion by Councillor Rancourt, seconded by Councillor Ahlquist, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 yeas.

Meeting adjourned at 11:10 p.m.

Respectfully submitted,

Yolande P. Justice, Town Clerk