

**MINUTES**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – APRIL 20, 2011**  
**REGULAR MEETING – 7:00 P.M.**

**Item 1. Call to Order.** Council Chair Roy called the regular meeting of the Scarborough Town Council to order at 7:01 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Rolled was called by Yolande P. Justice, Town Clerk. Police Chief Robert A. Moulton, Acting Town Manager, was also present.

Ronald D. Ahlquist [Absent]	Karen A. D’Andrea
Jessica L. Holbrook	Carol S. Rancourt
Richard J. Sullivan, Jr.	Michael J. Wood, Vice-Chair
Judith L. Roy, Council Chair	

**Item 4. General Public Comments.**

- Kerry Corthell of 1 Wedgewood Street spoke on the two items [the Resolution and Ordinance] regarding no smoking on the beaches. She felt that the recommendation should be an ordinance as it would be more enforceable.
- Ashley Bracey of Portland and Healthy Maine Partnership noted that she also would support an ordinance over a resolution. She had a chance to speak with the Portland Police Chief regarding the enforcement of the no smoking requirements in Portland and the Chief indicated that the City of Portland had not had any issue with enforcement of the no smoking requirement.

**Item 5. Minutes: April 6, 2011 – Regular Meeting.** Motion by Councillor Rancourt, seconded by Councillor Holbrook, to move approval of the minutes of the April 6, 2011, Town Council meeting.

Councillor D’Andrea noted that on page 12, the vote on Order No. 11-16 should read 4 Yeas. 3 Nays.

Vote: 6 Yeas.

**Item 6. Adjustment to the Agenda.** Motion by Councillor D’Andrea, seconded by Councillor Rancourt, to move Order No. 11-16 before Resolution 11-03.

After a brief discussion, the motion was withdrawn.

**Item 7. Items to be signed: a. Treasurer’s Warrants.** Treasurer warrants were signed during the meeting.

**Order No. 11-3, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, to amend Section VI. Definitions and the proposed new Section VII.F. Aquifer Protection Overlay District.** Dan Bacon, Town Planner, gave a brief overview on the proposed recommendations and presented the recommendations from the Planning Board. He then responded to questions from the Town Council. Council Chair Roy opened the public hearing. There being no further comments the hearing was closed at 7:23 p.m. The second reading on this item would be scheduled for Wednesday, May 4, 2011.

**Order No. 11-4, 7:00 p.m. Public hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the proposed Aquifer Protection Overlay District.** Dan Bacon, Town Planner, gave a brief overview on the proposed recommendations. He further commented on the recommendations from the Planning Board. Council Chair Roy opened the public hearing. There being no further comments the hearing was closed at 7:24 p.m. The second reading on this item would be scheduled for Wednesday, May 4, 2011.

**Order No. 11-26, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 604, Town of Scarborough Animal Control Ordinance, Section 604-13. Tags and Stickers.** Council Chair Roy opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:25 p.m.

Motion by Councillor Wood, seconded by Councillor Rancourt, to move approval of the first reading on the proposed amendments to Chapter 604, Town of Scarborough Animal Control Ordinance, Section 604-13. Tags and Stickers, as follows:

**CHAPTER 604  
TOWN OF SCARBOROUGH  
ANIMAL CONTROL ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that section 604-13 of the Animal Control Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type in the first paragraph, as shown below.

604-13 Tags ~~and Stickers~~

No dog shall be kept within the limits of the Town of Scarborough unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under Title 7 M.R.S.A. §3922-B Part 9 - Chapter 721. Dog Licensing. ~~The tag remains with the dog for as long as the dog is kept in the Town of Scarborough. At each license renewal, the Town Clerk shall provide a sticker indicating the year for which the license is valid. The sticker must be attached to the back of the tag. The owner shall make sure that the tag is securely attached to the back of the tag. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure within twenty-four hours upon request by the Animal Control Officer. If a sticker and tag are lost, the owner shall obtain a new license, tag and sticker. The Town Clerk shall issue another license tag and sticker upon presentation of the original license and payment of one dollar. The Clerk shall retain the one dollar for a recording fee.~~

Vote: 6 Yes.

**Resolution 11-03. Resolution to make town beaches a tobacco-free zone.** The following individuals spoke on this Resolution:

- Terry Eddy of 7 Higgins Creek spoke on behalf of the Eco Club as many of the students were on vacation this week. She went on to voice her support for the proposed Ordinance not the Resolution. She hoped the Town Council would support the proposed changes to the Ordinance.
- Ashley Bracey of Portland and the Health for Maine Partnership and read two letters from students who were not able to attend the meeting this evening. She noted surrounding communities have either adopted an Ordinance or a resolution.
- Toby Simmons of Old Orchard Beach and coordinator for Tobacco Free Maine indicated that when she spoke with the Portland Police Captain it was noted that there had not been any issues. She further indicated that these laws are self-enforcing and there would be signage out there for the public to see.
- Council Chair Roy read a letter into the record from Roberta Lilley of South Portland, as follows:

Roberta E. Lilley  
757 Main St.  
So. Portland, ME 04106

April 20, 2011

Dear city council members;

It costs Scarborough over \$24,000 a year to clean litter left by all beach goers.

Ban all foods and beverages on the beaches as well as smoking. That would be "Equality" under the law". Neither the state of Maine nor any of our coastal communities has made any effort to solve the problem of cigarette butts in the sand. No signs have been posted to let people know that the equipment used to clean the beaches cannot pick up cigarette butts. No signs have been put up asking smokers to put their butts in a cup of sand and deposit in the trash cans. Also foil lined bags could and should be provided, much like restaurant bags for leftovers, but for use of smokers. A sign could be posted asking people to please use the bags provided to throw away their butts. Bags are provided for dog wastes and food so why not for cigarette butts as a way to keep our sand clean.

We could try to be creative in coming up with a solution to the problem. With the technology available today, a competition at schools, including elementary, could be held to invent something to pick up butts or otherwise solve the problem.

Two years ago our governor signed a bill into law which banned cigarette smoking on state beaches. We were told the signing was because a little girl playing in the sand kept finding cigarette butts. Evidently those who proposed this bill and those who were FORBIDDEN under the XIV Amendment to sign it, have forgotten the day our boys went to the beaches and they were not there to play. Our soldiers encountered a never ending storm of killing artillery, land mines and barbed wire barricades. Yet against overwhelming odds they broke through. When it was over their broken and fallen bodies littered the beaches of Normandy. Their mission and objective was as clear as it is today. They fought against oppression and for the love of country. They fought to keep the enemy away from America's shores so children of all generations could safely play on our beaches without fear. The signing of this bill told our heroes, then and now, that they fought for naught and that the *Bill of Rights* means nothing. Our soldiers gave their lives in the name of freedom and democracy and we are banning it because a little girl found cigarette butts in the sand? Where does this end? Do we ban all overweight people from the beach because they might not be the right role model for our kids? Do we ban all buffets and maybe put a scale outside restaurants and if a person weighs more than the state allows they only get one bite of the apple?

Please put this on a ballot so *off/for/by the people* will prevail. Make it clear. I found your agenda very confusing concerning this ban. Nowhere did the words "smoking ban" appear while other items were very clear. I do not have a computer and coming from out of town did not have time to look up in your ordinance the words concerning Illegal Drugs and Alcohol regarding the amendment to chapter 612. Neither nicotine nor tobacco is illegal. Transparency is the call of the land now. I would also ask you to read "California Proposition 65 label which is on every gas tank, bag of briquettes, pine logs, starter wood and wood chips used in smoker grills. Colon cancer is on the rise and it is directly related to grilling yet there is not word about banning it. Where is the "Equality" under the law?

*Respectfully*  
*Roberta E. Lilley*

- Sharmane Kitivisky of Black Point Road was curious to know how many telephone calls Councillors received either for or against this issue.

- Terry Eddy of 7 Higgins Creek read a letter from Melody Grover President of the Eco Club and Senior at Scarborough High School, which supported smoke-free beaches and support the Ordinance over a Resolution.
- Ashley Bracey read a letter from Patrick Snowden of. 31 Pine Ledge Drive and freshman at Scarborough High School, which also supported the Ordinance and not a Resolution.

Motion by Councillor Holbrook, seconded by Councillor Sullivan, to move approval of Resolution 11-03, to make town beaches a tobacco-free zone, as follows:

**RESOLUTION 11-03  
INCORPORATING TOWN BEACHES  
AS TOBACCO-FREE ZONES**

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

**WHEREAS**, the Town of Scarborough, Maine, adopted Resolution 04-13, on December 1, 2004, promoting the health and wellness of the Town of Scarborough residents and visitors by establishing Scarborough parks and recreation athletic facilities, playgrounds and assembly areas as tobacco-free zones; and,

**WHEREAS**, the Scarborough Town Council would like to expand Resolution 04-13 [attached] to incorporate all town beaches as tobacco-free zones; and,

**WHEREAS**, the Town of Scarborough will provide a designated smoking area, which will be marked with prominent signs and must be located a minimum of 25 feet away from common points of ingress and egress of a public way to the beach located off town-owned property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Department of Community Services is authorized to take reasonable steps such as signage and public education to achieve voluntary compliance with the tobacco-free zone and designated smoking areas for town beaches.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Scarborough Town Council in Town Council assembled, that we do hereby approve this resolution to incorporate all town beaches as part of Resolution 04-13, as set forth in said document.

Signed and sealed this 20<sup>th</sup> day of April, 2011, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Judith L. Roy, Council Chair and attested by the Town Clerk.

**RESOLUTION 04-13**  
**A RESOLUTION TO PROMOTE THE HEALTH AND WELLNESS**  
**OF THE TOWN OF SCARBOROUGH RESIDENTS AND VISITORS**  
**BY ESTABLISHING**  
**SCARBOROUGH PARKS AND RECREATION ATHLETIC FACILITIES,**  
**PLAYGROUNDS, AND ASSEMBLY AREAS**  
**AS TOBACCO-FREE ZONES**

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

**WHEREAS**, the Town of Scarborough, Maine, has set as a goal that Scarborough be a safe and healthy place to live and work; and

**WHEREAS**, tobacco use is the single most preventable cause of death and disease in the United States, as well as in Scarborough, Maine; and

**WHEREAS**, secondhand smoke contains many harmful chemicals and cancer-causing agents and is a serious health risk to humans, especially infants, children and pregnant women, and increases a non-smoker's risk for asthma, heart disease and lung cancer; and

**WHEREAS**, the use of chewing tobacco is associated with saliva, or spit, being cast upon the ground, seating areas and other surfaces in recreational settings; and

**WHEREAS**, tobacco use on the Town of Scarborough parks and recreation facilities sends contradictory messages to young people in being encouraged to participate in activities beneficial to their health, while at the same time being exposed to the use of tobacco products and secondhand smoke; and

**WHEREAS**, the purpose of the Town of Scarborough Community Services Department is to provide quality recreation and leisure experiences that enhance the quality of life for the Town of Scarborough, including providing a safe environment for these experiences; and

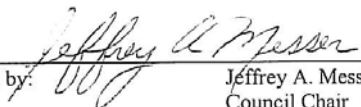
**WHEREAS**, tobacco-use and exposure to secondhand smoke are contrary to enhancing the quality of life and providing safe environments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Scarborough does hereby declare that its Parks and Recreation facilities are tobacco-free zones and where the use of any tobacco product, including but not limited to cigarettes, cigars, and chewing tobacco, on, in or at any athletic facility, playground or assembly area under the authority of the Town of Scarborough Community Services Department is discouraged.

**BE IT FURTHER RESOLVED**, that the Department of Community Services is authorized to take reasonable steps such as signage and other communication tools to achieve voluntary compliance with the tobacco-free zone as stated in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED**, by the Scarborough Town Council in Town Council assembled, that we do hereby approve the creation of this resolution promoting the health and wellness of the Town of Scarborough residents and visitors by establishing Scarborough parks and recreation athletic facilities, playgrounds, and assembly areas as tobacco-free zones, as set forth herein this document.

Signed and sealed this 1<sup>st</sup> day of December, 2004, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine

Signed by:   
Jeffrey A. Messer  
Council Chair

Attested by:   
Yolande P. Justice  
Town Clerk

## EXHIBIT A

### TOBACCO-FREE PARKS & RECREATION PROJECT

The environment in which we live plays a critical role in supporting healthy behaviors. If our kids see tobacco used by adults at recreation facilities, they are more likely to perceive tobacco as a normal part of adult life. Tobacco use is inconsistent with goals of recreation – to promote healthy, active, family recreation. In addition secondhand smoke contains many toxins, is a known cancer-causing agent and even short-term exposure has been shown to contribute to heart attack. Spectators and others gathered in close proximity are routinely exposed to secondhand smoke when smoking is allowed.

To provide for a safe healthful environment the Scarborough Town Council passed a resolution in December 2004 to designate Scarborough Parks and Recreation athletic facilities, playgrounds and assembly areas as tobacco-free areas.

#### Goals:

- Promote non-smoking norm at recreation facilities and playgrounds
- Eliminate exposure to secondhand smoke in seating areas (including park events)
- Reduce cigarette litter

#### Key Points:

- Several Maine communities have adopted similar policies, including Bath, Brunswick, Raymond Beach, Ellsworth, Skowhegan, Lewiston and Auburn.
- Successful policies have relied on involving stakeholders, lots of communication and awareness reinforcement (not through punitive enforcement).
- This policy was crafted to be as least restrictive as possible to accomplish goals.
- This policy was crafted to be reasonable and address identified problems.
- Policy implemented in the Spring and Summer of 2005.
- Gained the input & support of key stakeholders (e.g., parents, youth leagues, adult leagues, Town Councillors, etc.) to develop and implement policy.
- Implementation and awareness involve several communication mechanisms, including event announcements; Radio & TV PSA's; editorials; letters to the editor; signs at all facilities; reminder cards; include as part of facility-use agreements, etc.
- Proposal endorsed by the Director of the Town of Scarborough Community Services.

Vote: 4 Yeas.            2 Nays [Councillor D'Andrea and Rancourt].

## Item 8. Non Action Items.

- a. **Update on the Gorham East-West Corridor Feasibility Study.** Prior to introducing the presenters on, Dan Bacon, Town Planner, spoke briefly on the committee and where it has come. He then introduced Carol Morris and Paul Godfrey of HNTB Corporation. Mr. Godfrey introduced the following members of the Committee who were present: Carol Morris, Director of Public Outreach, Sarah Devlin from the Maine Turnpike Authority and Gerry Audibert of MDOT. Mr. Godfrey then went on to present the recommendations of the Committee. The study findings show that no single action can solve the growing traffic problems in the Gorham East-West Corridor. There is a combined solution: changes in land use development; a need for transit enhancement and the need for road improvements. Mr. Godfrey then went on to explain the Memorandum of Understanding and responded to questions from the Town Council.

## OLD BUSINESS:

**Order No. 11-16. Second reading on the proposed amendments to Chapter 612 – Town of Scarborough Ordinance Creating Rules and Regulations for Use of Parks and Recreational Facilities, Section 1. Definitions and Section 6. Illegal Drugs and Alcohol Prohibited.** [Tabled from the April 6, 2011, Town Council meeting.] The following individuals spoke on this Order:

- Ashley Bracey of Portland and Healthy Maine Partnership spoke in support of the proposed Ordinance and went on to remind the Council of those who came to speak in support of the proposed amendments.

Motion by Councillor Rancourt, seconded by Councillor D’Andrea, to move approval of the second reading on the proposed amendments to Chapter 612 – Town of Scarborough Ordinance Creating Rules and Regulations for Use of Parks and Recreational Facilities, Section 1. Definitions and Section 6. Illegal Drugs and Alcohol Prohibited.

Motion by Councillor Wood, seconded by Councillor Rancourt, to move approval to amend the main motion, to strike the following from 6.d. “**Unless in the designated smoking area.**”

After a brief discussion the motion was withdrawn.

Motion by Councillor Wood, seconded by Councillor Rancourt, to move approval to amend the main motion by striking the word “THE” in Section 6.b, c, and d with “A”, as follows:

- b. No person shall use tobacco within any Town park, unless in ~~the~~ a designated smoking area.
- c. No person shall use tobacco on any beach, unless in ~~the~~ a designated smoking area.
- d. Unless in ~~the~~ a designated smoking area, no person shall use tobacco on any Town-owned property within 25 feet of any beach.

Vote on amendment: 6 Yeas.

Motion by Councillor Holbrook, seconded by Councillor D’Andrea, to move approval to amend the main motion as amended to strike from Section 1.e. the words “**located off town-owned property.**”

Vote on amendment: 6 Yeas.

Motion by Councillor Holbrook, seconded by Councillor Sullivan, to move approval to amend the main motion as amended, remove snuff, dip, chewing tobacco from Section 1.c.

Vote on amendment: 2 Yeas.

4 Nays [Council Chair Roy, Councillors D'Andrea, Wood and Rancourt]

Vote on main motion as amended:

**AMENDMENT TO THE TOWN OF SCARBOROUGH ORDINANCE  
CREATING RULES AND REGULATIONS FOR USE OF PARKS AND RECREATIONAL  
FACILITIES, CREATING TOBACCO-FREE FACILITIES**

Be it hereby ordained by the Town of Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Ordinance Creating Rules and Regulations for Use of Parks and Recreational Facilities is amended as follows:

Section 1 (Definitions) is amended by adding the underscored text and deleting the text in strikeover type, as shown below:

**1. Definitions**

**a. "Beach"**

Means any beach area within the Town of Scarborough that is used by the general public.

**a.b. "Park"**

Means an area of land, usually whether in a natural state or developed, having facilities for rest and/or recreational use or providing open space for leisure activities, and customarily used by the general public for such uses and activities. The term park includes, but is not limited to, playgrounds, school grounds, athletic playing fields, beaches, walkways, trails and adjacent parking areas serving such facilities.

**c. "Tobacco"**

Means any tobacco products in any form including, but not limited to cigarettes, cigars, pipes, snuff, dip, chewing tobacco, weed or plant.

**b.d. "Town park"**

Means a Park owned or operated by the Town of Scarborough.

**e. "Designated Smoking Area"**

Means ~~enclosed~~ an area designated as a place for smoking. A designated area must be marked with prominent signs designed to minimize smoke escaping from the designated area into a public land, and must be located a minimum of 25 feet away from common points of ingress and egress of a public way to the beach.

Section 6 (Illegal drugs and alcohol prohibited) is amended by adding the underscored text and deleting the text in strikeover type, as shown below:

**6. Illegal drugs, ~~and~~ alcohol and tobacco prohibited**

- a. No person in a Park shall have in his or her possession or use any illicit, illegal or scheduled drugs, as defined under the Laws of the State of Maine. No person shall have any alcoholic beverage in his or her possession in any Park.
- b. No person shall use tobacco within any Town park, unless in a designated smoking area.
- c. No person shall use tobacco on any beach, unless in a designated smoking area.
- d. Unless in a designated smoking area, no person shall use tobacco on any Town-owned property within 25 feet of any beach.

Vote on amendment: 4 Yeas.

2 Nays [Councillors Holbrook and Sullivan]

**NEW BUSINESS:**

**Order No. 11-30. First reading and schedule a second reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2010-2011.** Prior to Council discussion, Council Chair Roy asked Ruth Porter, Finance Director, to give an update on the status of proposed bond items. Ms. Porter noted that there are currently four items on the Municipal Bond Order that currently have had no expenditures, but was not sure if there had been any pre-work done. The four items were traffic the replace fire alarm cable; the Payne Road Island/traffic calming; the town-wide directional signage program and the Martin Avenue/Broadturn Road Culvert replacement. Items in the School Bond Order have all either been started or completed.

Motion by Councillor Wood, seconded by Councillor Sullivan, to move approval of the first reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2010-2011 and schedule a second reading for Wednesday, May 4, 2011, as follows:

**BOND ORDER FOR  
MUNICIPAL CAPITAL IMPROVEMENTS 2010-2011**

BE IT ORDERED, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, a the following Municipal Capital Items are hereby approved;

<b>2010-2011 Municipal - Equipment</b>	
Library New Equipment	\$ 145,175
PW New Plow Truck	\$ 170,000
PW Backhoe	\$ 121,000
Traffic Replace Fire Alarm Cable	\$ 20,000
<b>Total 2010-2011 Capital Equipment</b>	<b>\$ 456,175</b>
<b>2010-2011 Municipal Capital Projects</b>	
High School Complex Turf Field Green Lighting	\$ 85,650
Higgins Beach Parking & Site Improvements	\$ 300,000
Payne Road Island / Traffic Calming	\$ 35,800
Town Wide Directional Signage Program	\$ 20,000
Haigis Parkway/Route One Intersection Road Improvements.	\$ 2,235,000
Fire Department Major Station Repairs	\$ 85,000
Mid-Level Road Rehabilitation (3 Miles p/yr)	\$ 441,000
Martin Ave / Broadturn Road Culvert Replacement	\$ 115,000
Library Parking and Sidewalk redesign and repair	\$ 255,000
<b>Total 2010-2011 Capital Projects</b>	<b>\$ 3,572,450</b>
<b>2006-2007 Municipal Capital Projects</b>	
Comm Service Commercial Pier Project	400,000
<b>Total 2006-2007 Capital Projects</b>	<b>\$ 400,000</b>
<b>GRAND TOTAL OF TOWN</b>	<b>\$ 4,428,625</b>

BE IT FURTHER ORDERED, That a sum, not to exceed \$4,428,625, is hereby appropriated to provide for the costs of said projects; and,

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$4,428,625 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Vote: 6 Yeas.

**Order No. 11-31. First reading and schedule a second reading on the Bond Order for the School Capital Improvements Projects for FY 2010-2011.** Motion by Councillor Wood, seconded by Councillor Sullivan, to move approval of the first reading on the Bond Order for the School Capital Improvements Projects for FY 2010-2011 and schedule a second reading for Wednesday, May 4, 2011, as follows:

**BOND ORDER FOR  
EDUCATION CAPITAL IMPROVEMENTS 2010-2011**

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

<b>School CIP Projects</b>	
WWI Desktop Computers	\$ 137,000
Teacher Laptops K-5	\$ 144,000
WW Storm Windows and Blue Point Roof Restoration	\$ 72,000
District Wide Roofing	\$ 30,000
Utility Tractor	\$ 23,000
District Wide Energy Conservation	\$ 45,000
<b>TOTAL 2010-2011 CIP Projects</b>	<b>\$ 451,000</b>

BE IT FURTHER ORDERED, That a sum, not to exceed \$451,000, is hereby appropriated to provide for the costs of said projects; and

BE IT FURTHER ORDERED, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$451,000 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Vote: 6 Yeas.

**Order No. 11-32. Act to authorize the Town Manager, or his designee, to sign individual Mutual Fire Aid Agreements between the Town of Scarborough and the following Municipalities: City of Biddeford, Town of Buxton, Town of Cape Elizabeth, Town of Gorham, City of Old Orchard Beach, City of Portland, City of Saco, City of South Portland and City of Westbrook.** Motion by Councillor Rancourt, seconded by Councillor D’Andrea, to move approval to authorize the Town Manager, or his designee, to sign individual Mutual Fire Aid Agreements between the Town of Scarborough and the following Municipalities: City of Biddeford, Town of Buxton, Town of Cape Elizabeth, Town of Gorham, City of Old Orchard Beach, City of Portland, City of Saco, City of South Portland and City of Westbrook.

Vote: 6 Yeas.

**Order No. 11-33. Act to set the date, time and location of the School Budget Validation Referendum for Tuesday, May 10, 2011.** Motion by Councillor Rancourt, seconded by Councillor D’Andrea, to move approval to set the date, time and location of the School Budget Validation Referendum for Tuesday, May 10, 2011, as follows:

**WARRANT**  
**SCHOOL BUDGET VALIDATION REFERENDUM**  
**(20-A M.R.S.A. § 1486 and 2307)**  
**TOWN OF SCARBOROUGH**

Cumberland County, ss.

State of Maine

TO: Robert A. Moulton, A Resident 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 Advisory Referendum Election, as described in this warrant.

**To the Voters of the Town of Scarborough:**

You are hereby notified that a School Budget Validation Referendum will held at the Scarborough Municipal Building in Council Chambers, located at 259 US Route One, in the Town of Scarborough on Tuesday, May 10, 2011, for the purpose of determining the following questions:

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It has not been determined whether the School Budget will be under the Essential Programs and Services (EPS) allocation or over the Essential Programs and Services (EPS) allocation. Therefore, the Clerk's Office must issue two ballots [the yellow ballot represents under the EPS and the green ballot represents over the EPS.]

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***Wording on Ballot if the Council approves a budget  
Over EPS [Essential Programs and Services]***

**Validation Referendum Question No. 1:**

Question 1: Do you favor approving the Town of Scarborough School Budget for the upcoming school year that was adopted at the Town Council meeting held on Wednesday, May 4, 2011, and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

A YES vote allows additional funds to be raised for K-12 public education.

A NO vote means additional funds cannot be raised for K-12 public education.

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***Wording on Ballot if the Council approves a budget  
Under EPS [Essential Programs and Services]***

**Validation Referendum Question No. 1:**

Question 1: Do you favor approving the Scarborough School Budget for the upcoming year that was adopted by the latest Town of Scarborough budget meeting held on May 4, 2011?

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The voting on Question 1 shall be by secret ballot referendum, and the polls shall be opened at 6:00 A.M. and closed at 8:00 P.M.

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 20th day of April, 2011, at Scarborough, Maine.

Signed by A majority of the municipal officers of the Town of Scarborough.

A true copy of the Warrant, attest: \_\_\_\_\_

Yolande P. Justice, Clerk of the Town of Scarborough

Vote: 6 Yeas.

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

- Councillor Wood gave a brief update on the Finance Committee meetings that had been held. It was noted that at the beginning of discussions the tax rate stood at about 3.8% and was brought down to 2.7%. The Finance Committee would like to reduce the budget even further to bring the tax rate down to 2% or even lower. There could be another Finance Committee meeting held prior to the second reading scheduled for Wednesday, May 4, 2011. It was noted that the public hearing on the budget would be Wednesday, April 27<sup>th</sup> at 7:00 p.m.
- Councillor Rancourt noted that the Ordinance Committee meeting would be Tuesday, April 26<sup>th</sup> at 4:00 p.m. and the Oak Hill Pedestrian Ad-Hoc Committee would also be the same night at 6:00 p.m.
- Council Chair Roy noted that the Energy Committee meeting is scheduled for Thursday, April 28<sup>th</sup> at 7:30 a.m. in the Town Manager's Conference Room.

**Item 10. Town Manager Report.** No report at this time.

**Item 11. Council Member Comments.**

- Councillor Holbrook hoped that the designated smoking areas located sooner rather than later. She wished everyone a very Happy Easter.
- Councillor Sullivan wished everyone a Happy Easter.
- Councillor Wood noted that he would be willing to work Councillor Holbrook regarding the designated smoking areas and went on to wish everyone a Happy Easter
- Councillor Rancourt wished everyone happy holidays.
- Councillor D'Andrea thanked everyone for their work on the smoke free beach issue. There are still gun locks available at the Police Dispatch.
- Council Chair Roy mentioned the replay of the last Council meeting – the meeting cutoff at the start of Council discussion on the budget; the meeting will be replayed again. There is a free drug disposal day on Saturday, April 30<sup>th</sup> from 10:00 a.m. until 2:00 p.m. at ecomaine. She then sent condolences to the family of Ed Minor – he gave much to his community and would be greatly missed.

**Item 12. Adjournment.** Motion by Councillor Wood, seconded by Councillor Rancourt, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk