

MINUTES

**SCARBOROUGH TOWN COUNCIL
WEDNESDAY – AUGUST 18, 2010
REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Council Chair Rancourt called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

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

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

Item 4. General Public Comments.

- Emily Ward of 22 Cammock Road voiced her concerns with the approval for the use of Black Point Park by the Football Team. She reminded the Council that the voters defeated a referendum on Black Point Park and that the Park was not to be used for sports. She asked the Council to do a Comprehensive Study for use of town-owned property.

Item 5. Minutes: July 21, 2010 – Regular Meeting. Motion by Councillor Roy, seconded by Councillor D’Andrea, move approval of the meeting minutes as noted.

Vote: 5 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

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

Order No. 10-66, 7:00 p.m. Public hearing and action on the new request for a Food Handlers Permit from G. Kevin McQuinn d/b/a Two Sisters Fruit & Produce and Seven Sisters Seafood d/b/a Great Ledge Lobster, both located at 340 Pine Point Road. Council Chair Rancourt opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:04 p.m.

Motion by Councillor Wood, seconded by Councillor Roy, to move approval on the new request for a Food Handlers Permit from G. Kevin McQuinn d/b/a Two Sisters Fruit & Produce and Seven Sisters Seafood d/b/a Great Ledge Lobster, both located at 340 Pine Point Road.

Vote: 5 Yeas.

OLD BUSINESS: Not as this time.

NEW BUSINESS:

Order No. 10-67. First reading and schedule a public hearing on the proposed amendments to Chapter 313 –the Town of Scarborough Property Tax Assistance Ordinance; Sections 1, 3, 4 and 5. Councillor D’Andrea, chair of the Finance Committee gave a brief overview on the recommended changes being proposed to Chapter 313 - the Town of Scarborough Property Tax Assistance Ordinance.

Motion by Councillor Wood, seconded by Councillor D’Andrea, to move approval of the on the proposed amendments to Chapter 313 –the Town of Scarborough Property Tax Assistance Ordinance; Sections 1, 3, 4 and 5 and schedule a public hearing and second reading for the Town Council meeting on Wednesday, September 1, 2010, as follows:

**CHAPTER 313
TOWN OF SCARBOROUGH
PROPERTY TAX ASSISTANCE ORDINANCE**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Chapter 313, the Property Tax Assistance of the Town of Scarborough, Maine, be and hereby is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons ~~65~~ 62 years of age and over who reside in the Town of Scarborough. Under this program, the Town of Scarborough will provide supplemental cash refund payments to those individuals who qualify as Scarborough resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person’s dependents as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or his designee, after review of a complete application under Section 4 of this Ordinance, to be eligible for a refund payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be ~~65~~ 62 years of age or more at the time of application.
- b. The applicant has received a refund under the provisions of Chapter 907 of 36 M.R.S.A.
- c. The applicant has been a resident of the Town of Scarborough for at least ten years immediately proceeding the date of application for participation in the Program.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than ~~September 15th~~ October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program). The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

- a. The amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program) or;
- b. Available monies in the Town Circuit Breaker fund or;
- c. \$500.00.

The Tax Assessor shall report to the Town Council at their first meeting in ~~October~~ December each year the projected payments and number of eligible applicant requesting assistance for the program fund.

Section 6. Program Fund - Limitations upon payments

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, payments shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 7. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the general fund.

Section 8. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount (or pro-rated amount if inadequate funds are available) no later than December 15th for the year in which participation is sought.

Section 9. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and

does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor or the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

Vote: 5 Yeas.

Item 8. Non Action Items.

a. Review of proposed amendments to Chapter 200 – Scarborough Town Charter. Council discussion began around the proposed amendments to Chapter 200 – Town Charter. The Council reviewed each section and a few changes were recommended. The Town Attorney, Chris Vaniotis was present and responded to questions from the Council. There will be a public hearing on the proposed amendments at the Town Council on September 1, 2010 – the Council can then make amendments if they choose to or send the current recommendations to the voters. Kerry Corthell, Bud Hansen and Jack Kelley – members of the Charter Committee – were recognized.

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

- Councillor Roy gave an update on the WOW Program; the Higgins Beach Parking Ad-Hoc Committee and the Energy Committee.
- Councillor D'Andrea gave an update on the Conservation Commission.

Item 10. Town Manager Report.

- Council Chair Rancourt noted that she had received a letter from a resident regarding a new design for Hurd Park and she acknowledged the letter from Mr. Shawn Babine of Libby Mitchell Post #76 wanting to move the memorials from the Dunstan area to Memorial Park, with the exception of the Civil War Monument.

Item 11. Council Member Comments.

- Councillor D'Andrea noted that trigger locks were available at the Police Department for those who might be interested. The locks would fit most firearms.
- Council Chair Rancourt noted that she had received a letter from a resident regarding a new design for Hurd Park and she acknowledged the letter from Mr. Shawn Babine of Libby Mitchell Post #76 wanting to move the memorials from the Dunstan area to Memorial Park, with the exception of the Civil War Monument.
- Council Chair Rancourt reminded everyone of Summerfest scheduled for Friday, August 20th starting at 4:00 p.m. The Chili Challenge will be held at Scarborough Downs on Sunday, August 29th. She sent condolences to the family of Esther Dudley.

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

Vote: 5 Yeas.

Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk