

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 16, 2009
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Wood 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. Rolled was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager, was also present.

Ronald D. Ahlquist [Absent]	Shawn A. Babine
Carol S. Rancourt, Vice Chair	Judith L. Roy
Richard J. Sullivan, Jr.	Karen A. D’Andrea
Michael J. Wood, Chairman	

Item 4. Minutes: September 2, 2009 – Regular Meeting. Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval of the minutes of the September 2, 2009, Town Council meeting.

Vote: 6 Yeas.

Item 5. Items to be signed: a. Treasurer’s Warrants. No Treasurer’s warrants were available.

Order No. 09-112, 7:00 p.m. Public Hearing and second reading on the proposed new ordinance Chapter 604A - the Horse Beach Permit Ordinance. Chairman Wood noted that prior to the start of the public hearing he would like to state that there could be amendments to the proposed ordinance which would require the rider to wear a numbered permit. Chairman Wood opened the public hearing. The following individuals spoke on this order: Susan Hamill of Shady Creek Drive and owner of property on Bay Street and Kerry Corthell of 1 Wedgewood Street. There being no further comments either for or against, the hearing was closed at 7:07 p.m.

Motion by Councillor Rancourt, seconded by Councillor Roy, to move approval of the second reading on the proposed new ordinance Chapter 604A- the Horse Beach Permit Ordinance.

Motion by Councillor Rancourt, seconded by Councillor Roy, to move approval to amend the main motion by adding language to Sections 604A.1 Permit Required and Section 604A.2 Procedure for Obtaining a Permit, which would require a rider to wear a permit number tag when riding on the beach - recommended language is as follows:

604A-4. Permit Required

No rider shall bring a horse onto the beach without having a permit ~~therefor~~ and displaying on the rider a permit number tag issued by the Town Clerk of either the Town of Scarborough or the Town of Old Orchard Beach. Every rider must have an individual permit and permit number tag.

604A-5. Procedure for Obtaining a Permit

A rider seeking a permit to bring a horse onto the beach must apply in writing to the Town Clerk of the Town of Scarborough or the Town Clerk of the Town of Old Orchard Beach, using forms supplied by such clerk. The application must be accompanied by identification issued by a government agency and by the application fee required by the Schedule of License, Permit and Application Fees in the municipality where the application is made. If the applicant is a minor, the application must be signed by a parent or guardian, who must supply the required identification (the minor need not supply identification). Along with the permit, the Town Clerk shall also issue a permit number tag, designed to be worn by the rider and visible at a distance, which shall contain the permit number in numerals at least two and one half (2½) inches high, the name of the permit holder and the name of the issuing municipality, and may contain such other information concerning the permit as the Clerk deems appropriate. A permit issued by either municipality shall be valid in both municipalities. Permits are valid only between October 15th and May 1st. All permits, whenever issued, expire on May 1st. The Town Clerk who issues the permit may suspend or revoke the permit if the rider violates any provision of this ordinance and may decline to issue a subsequent permit to a rider who has violated any provision of this ordinance.

Vote on amendment: 6 Yeas.

Main Motion as amended:

CHAPTER 604A TOWN OF SCARBOROUGH HORSE BEACH PERMIT ORDINANCE

604A-1. Authority

This Ordinance is enacted pursuant to the authority of 30-A M.R.S.A. § 3001 and also implements 17 M.R.S.A. § 3853-A. The Town Clerk shall have the powers and exercise the duties of the municipal officers under 17 M.R.S.A. § 3853-A.

604A-2. Purpose

The purpose of this Ordinance is to allow horses to be present on Pine Point Beach in Scarborough and Old Orchard Beach in the Town of Old Orchard Beach during appropriate times of year, and subject to appropriate regulation and control. This Ordinance recognizes that Pine Point Beach and Old Orchard Beach form a continuous strand of sand beach and establishes a system of reciprocal licensing for horses on that strand of beach.

604A-3. Definitions

As used in this Ordinance, the following terms have the following meanings:

1. “Beach” means Pine Point Beach and/or Old Orchard Beach.

2. “Old Orchard Beach” means the sand beach bordering the Atlantic Ocean from the Scarborough/Old Orchard Beach town line to the Saco city line.
3. keeping or having custody, possession or control of a horse.
4. “Pine Point Beach” means the sand beach bordering the Atlantic Ocean from the mouth of the Scarborough River to the Old Orchard Beach town line.
5. “Rider” means any person who rides, leads or drives a horse.
6. “Town of Old Orchard Beach” means the municipality so named.

604A-4. Permit Required

No rider shall bring a horse onto the beach without having a permit ~~therefor~~ and displaying on the rider a permit number tag issued by the Town Clerk of either the Town of Scarborough or the Town of Old Orchard Beach. Every rider must have an individual permit and permit number tag.

604A-5. Procedure for Obtaining a Permit

A rider seeking a permit to bring a horse onto the beach must apply in writing to the Town Clerk of the Town of Scarborough or the Town Clerk of the Town of Old Orchard Beach, using forms supplied by such clerk. The application must be accompanied by identification issued by a government agency and by the application fee required by the Schedule of License, Permit and Application Fees in the municipality where the application is made. If the applicant is a minor, the application must be signed by a parent or guardian, who must supply the required identification (the minor need not supply identification). Along with the permit, the Town Clerk shall also issue a permit number tag, designed to be worn by the rider and visible at a distance, which shall contain the permit number in numerals at least two and one half (2½) inches high, the name of the permit holder and the name of the issuing municipality, and may contain such other information concerning the permit as the Clerk deems appropriate. A permit issued by either municipality shall be valid in both municipalities. Permits are valid only between October 15th and May 1st. All permits, whenever issued, expire on May 1st. The Town Clerk who issues the permit may suspend or revoke the permit if the rider violates any provision of this ordinance and may decline to issue a subsequent permit to a rider who has violated any provision of this ordinance.

604A-6. Regulation of Horses on the Beach

1. Horses are allowed on the beach only from October 15th through May 1st.
2. Except for gaining access to and egress from the beach, horses are allowed only in the intertidal zone (between the mean high tide line and the mean low water line).
3. Parking of horse trailers is limited to Hurd Park in the Town of Scarborough and the Milliken Street Municipal Parking Lot in the Town of Old Orchard Beach.

4. Any rider or owner who allows a horse to be present on the beach must remove and dispose of animal waste as required by Section 604-9 of the Town of Scarborough Animal Control Ordinance. Violation of Section 604-9 constitutes a violation of this Ordinance.

604A-7. Violation/Penalties

Any person who violates this Ordinance within the Town of Scarborough shall be subject to civil penalties for each violation as follows:

- First violation: not less than \$50.00 and not more than \$100.00, plus costs.
- Second violation: not less than \$100.00 and not more than \$250.00, plus costs.
- Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Scarborough Town Clerk in the amount specified in the citation prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Town shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

If a horse is present on the beach in violation of this Ordinance and the rider is not the owner, the owner shall be jointly and severally liable with the rider for civil penalties.

604A-8. Enforcement

This Ordinance may be enforced by any officer of the Police Department of the Town of Scarborough.

604A-9. Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Vote: 6 Yeas.

Order No. 09-115, 7:00 p.m. Public Hearing on the renewal requests for Junkyard Permits, pursuant to Title 30-A – M.R.S.A. Chapter 183.

<u>Business</u>	<u>Location</u>
1. Meserve & Sons	224 Black Point Road
2. Goldstein Steel Company Inc.	36 Running Hill Road
3. A. Gagnon or E. Perry Iron & Metal	Rigby Road
4. Scarborough Auto Parts	40 Holmes Road
5. Speedway Auto	343 Payne Road

Chairman Wood opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:17 p.m.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the renewal requests for Junkyard Permits, pursuant to Title 30-A – M.R.S.A. Chapter 183.

<u>Business</u>	<u>Location</u>
1. Meserve & Sons	224 Black Point Road
2. Goldstein Steel Company Inc.	36 Running Hill Road
3. A. Gagnon or E. Perry Iron & Metal	Rigby Road
4. Scarborough Auto Parts	40 Holmes Road
5. Speedway Auto	343 Payne Road

Vote: 6 Yeas.

OLD BUSINESS:

Order No. 09-99. Act to authorize the Town Manager to sign an easement deed on property located 93 King Street - Map U21, Lot 21. [Tabled from the September 2, 2009, Town Council Meeting.] Thomas Hall, Town Manager, noted that the deed presented the Council packet reflects the change the Council had requested at the last Council meeting in that in the event this structure comes down for any reason, it can not be replaced.

Motion by Councillor Babine, seconded by Councillor Rancourt, to move approval to authorize the Town Manager to sign an easement deed on property located 93 King Street - Map U21, Lot 21.

Vote: 6 Yeas.

Order No. 09-116. Act on the names posted to the various committees/boards, as recommended by the Appointments Committee on September 2, 2009. Motion by Councillor Roy, seconded by Councillor Rancourt, to move approval on the names posted to the various committees/boards, as recommended by the Appointments Committee on September 2, 2009, as follows:

Charter Review Committee:

Linwood M. Higgins
Tinamarie Smith
Sylvia Most as an Alternate

Conservation Commission:

Peter Slovinsky (2010)

Personnel Appeals Board:

Edward Blaise, III (2009) Full Voting member
Daniel Dwyer (2011) 1st Alternate

Senior Wow Program Advisory Board:

Cynthia Taylor (2009)

Shellfish Conservation Committee:

Sheldon W. Blais (2009) Alternate
Matthew Toohey (2009) Full voting member

Vote: 6 yeas.

NEW BUSINESS:

Order No. 09-117. First reading and schedule a public hearing on the proposed amendment to Chapter 302, Council Rules and Policies Manual, as recommended by the Rules and Policies Committee. Chairman Wood gave an overview on the proposed changes to Chapter 302, Council Rules and Policies Manual.

Motion by Councillor Rancourt, seconded by Councillor Babine, to move approval of the first reading on the proposed amendments to Chapter 302, Council Rules and Policies Manual, as recommended by the Rules and Policies Committee, as follows:

Proposed Amendments to Chapter 302

SCARBOROUGH TOWN COUNCIL RULES, POLICIES & PROCEDURES MANUAL

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 302, the Town Council Rules, Policies and Procedures Manual 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 100: TOWN COUNCIL RULES OF ORDER

100.0: Preface.

The Scarborough Town Council will maintain this Rules, Policycies & Procedures Manual as an operational guide for staff, council members and the general public. The manual will be regarded as a continuously developing and changing document to meet the needs of the changing times and circumstances. This development and change process, while ultimately the responsibility of the Council, is a task in which all affected are expected and invited to participate and contribute.

101.0: Definitions.

For the purposes of this manual and each of its sections, the following definitions shall apply:

101.1: Rules of Order

Are general procedural rules and orders adopted by a majority of the Town Council for the members of the Council to follow. Unless otherwise modified herein, Roberts Rules of Order will prevail.

101.2: Policy(ies)

Are a plan or course of action, guiding principle(s) or procedure(s) considered to be expedient, prudent and advantageous to the Town and/or Town Council.

101.3: Procedures

Are step-by-step directions that should be performed in order to obtain the intended outcome of an Order, Resolution, Proclamation, and/or Policy.

101.4: Resolutions

Also referenced as **Resolves**, are an expression of opinion, principles, facts or purposes adopted by the Council as direction to the staff and/or general public.

101.5: Proclamations

Are expressions of support, recognition or sentiments on behalf of the Town of Scarborough.

101.6: Orders

And/or Ordinances are a by-law, law or legal requirement adopted by the Council, as authorized by state statute and town charter to exercise any power or function which the Legislature has power to confer upon it.

101.7: Petitions

Are formal written requests addressed to a person(s) in authority that asks for some action or benefit, or the redress of a grievance. A petition may also be a formal application in writing made to the Council requesting action concerning some matter.

101.8: Majority

The majority of the elected Council shall constitute a quorum for the transaction of business. Pursuant to Section 210 of the Charter in that every ordinance, order, and resolve shall require on final passage the affirmative vote of four (4) members of the Town Council, except where a rule provides otherwise. However, in the event of less than four (4) members of the Town Council are present, then a majority of those Council members present shall constitute a quorum for the purpose of calling the meeting to adjourn to a date specific.

101.9: Quorum

The number of elected Council members required for final passage on every ordinance, order, and resolve, except where a rule provides otherwise.

101.10: Abstain

It is the duty of every member of the Council who has an opinion to vote. There may be circumstances whereby a member may be required to abstain in the case of a real or perceived conflict of interest; however, it is the duty of the members of the Town Council to determine whether there is a conflict of interest [section 130.2].

102.0: Organization.

The Scarborough Town Council Rules and Policies Manual shall be organized by general sectioning, such that those sections will be titled:

- a) **Section A 100:** Town Council Rules of Order
- b) **Section B 200:** Town Council Meeting(s) Policies and Procedures

~~e) **Section € 300: Administrative Policies and Procedures-Other Town Council Policies**~~

~~—————(Approved by the Town Council)~~

~~d) **Section D: Town Council Resolutions and Proclamations (Index).**~~

103.0: Regular Meetings.

The regular meetings of the Town Council shall be held in the room known as the Town Council Chamber of the Town Hall at 7:00 P.M., Eastern Standard Time, on the first and third Wednesdays of each calendar month, with the exception of the months of July and August when only one meeting will be held on the third Wednesday of each of the two months.

103.1: When said days fall on a holiday or on Election Day, the regular meeting shall be held on the following Monday, at the same time and place.

103.2: The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for two regular meetings in one month, with the exception of the months of July and August when only one meeting will be held on the third Wednesday of each of the two months.

103.3: No new business shall be taken up after 10:00 p.m.
(amended 04/19/00; amended 03/21/01; corrected 06/06/01).

104.0: Special Meetings.

Special meetings may be held on the call of the Council Chair or by written signature or voice confirmation of four Councillors, if unavailable by signature.

104.1: Notice of the meeting will be given in person or left at the place of residence of each Councillor. If practical, such notice shall be given not less than 24 hours before the meeting. Such notice will state the time and place of such meeting and business to be transacted, along with the names of the Councillors calling for the meeting.

104.2: No business shall be transacted at this meeting except as stated in the notice. Notice will also be posted near the main entrance to the Municipal Building, visible from outside the building.

104.3: Members of the media will be notified in person, by telephone or facsimile transmission. (adopted 02/28/1998)

105.0: Televising Council Meetings/Workshops and/or Related Meetings. (adopted 09/04/02)

All Council meetings, both regular and special, whenever possible shall be televised live and recorded for rebroadcast at a later date.

105.1: Committee meetings dealing with legislative or financial matters shall also be televised; all other committee meetings (e.g. Appointments Committee) shall be at the discretion of the committee chair.

105.2: Council workshops may be televised or taped at the call of the Council Chair.

105.3: All meetings/workshops that are taped shall be broadcast at a later date. (adopted 09/04/2002)

106.0: Quorum: Adjourned Meetings.

A majority of the members of the Town Council shall constitute a quorum for the purpose of calling the meeting to adjourn to a date specific ~~transaction of business, but a smaller number may adjourn from time to time.~~

106.1: At least twenty-four hours notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

107.0: Agendas.

The Council shall take up items, which appear on its agenda in the following order, unless a majority of those Councillors present and voting vote to take an item out of order.

1. Call to order by the Chair
2. Pledge of Allegiance
3. Roll call by the recording secretary
4. Public Comments [limited to (5) five minutes or less - refer to Section 201]
5. Acceptance of minutes
6. Items to be signed; i.e., treasurer's warrants
7. Public Hearings
8. Consent Agendas (amended 04/04/01)
9. Resolves
10. Unfinished Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings [limited to (3) three minutes – refer to Section 201]
11. New business: Ordinances and orders [limited to 3 three minutes – refer to Section 201]
12. Non-Action Items. (amended 04/19/00)
13. Standing and Special Committee Reports and Liaison Reports
14. ~~Special committee reports~~ Town Manager's Report
~~Liaison reports~~
~~Public Comments~~
15. Council member comments [limited to (5) five minutes]
16. Adjournment
17. Executive sessions, which may be scheduled or held anywhere on the agenda

108.0: Enactment: Form.

The Town Council shall act only by ordinance, order, resolve or proclamation.

108.1: All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly

expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

109.0: Ordinances: Style.

All by-laws passed by the Town Council shall be termed “ordinances” and the enacting style shall be:

“Be it ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled.”

110.0: Order and Resolve: Style.

In all votes of command, the forms of expression shall be “ordered”; and of opinions, principles, facts, or purposes, the form shall be “resolved.”

111.0: Reading on Two Separate Days: Waiver (amended 08/01/77).

No ordinance or order authorizing the expenditure of \$500.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of five of the members of the Town Council.

111.1: A reading is not an official first or second reading for the purpose of this section unless a Councillor specifically designates the reading as such in the motion for approval. The motion shall be in the following form:

“Move approval of the first (second) reading of _____.”

111.2: When the general budget appropriation resolve shall have been enacted, except for expenditures and transfers from the Contingent Account and year-end adjustment of balances, no order, ordinance, or resolve shall be passed adding any new project or expenditure unless by vote of five of the members of the Council.

112.0: Second Reading: Waiver (amended 02/18/70).

Any other order or resolve may be passed after a first reading (which may be by title only if no member of the Council objects), unless on motion, a majority of those members present vote in favor of a second reading on a separate day.

113.0: First Reading: Waiver.

Every ordinance, order or resolve shall have a first reading unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

114.0: Yeas and Nays Taken: When.

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$500.00 or more and entered upon the record of the proceedings of the Town Council by the clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council.

115.0: Ordinances: Effective When. (amended 08/01/77)

After receiving final passage by the Town Council, an ordinance shall take effect at 12:00 A.M. on the day following enactment or at a later date specified within the ordinance, except that emergency ordinances shall take effect ~~ive~~ as specified in Section 117 ~~8~~.

116.0: Order, Resolve: Effective When.

All orders or resolves shall take effect after passage.

117.0: Emergency Ordinances.

The Town Council may, by vote of five of its members, pass emergency ordinances to take effect at the time indicated therein, but such emergency ordinance shall contain a section in which the emergency is set forth and defined, provided however, that the declaration of such emergency by the Town Council shall be conclusive.

118.0: Item for Meetings: Filed When.

No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order, or resolve shall be filed in the office of the Town Clerk on or before 2:00 p.m. in the afternoon on the Wednesday prior to the regular meeting held on the following Wednesday and before 2:00 p.m. in the afternoon of the business day next to the day of any other special meeting. (amended 12/01/04)

118.1: In the event that the Town Clerk's Office is not open on Wednesday, then the deadline for filing will fall at 2:00 p.m. on Tuesday the day before the original filing deadline. Members of the public wishing to place an item on the agenda shall do so with the support of a Councillor. Agenda items shall not be removed from the agenda after the agenda has been published. (adopted 04/19/00) (amended 12/01/04)

119.0: Chair to be Presiding Officer.

The Chair shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

120.0: Role of Vice Chair.

The Town Council shall elect a Councillor to serve as Vice Chair by a majority vote. The Vice Chair will serve in the absence or disability of the Chair and perform any duties as designated by the Chair. The term of Vice Chair will be concurrent with the Chair. (amended 04/04/01).

121.0: Preserve Order: Decide All Questions of Order.

The Chair shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order and subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

122.0: Declare Votes: Cause Return of Votes.

The Chair shall declare all votes, but if any member doubts a vote, the Chair shall cause a return of the members voting in the affirmative and in the negative without debate.

123.0: Debate: Rules of.

When a question is under debate, the Chair shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day certain or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged. The Town Manager shall have the right to take part in the debate, but may not vote.

124.0: Motion to Adjourn: Lay on Table.

The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

125.0: Reconsideration.

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

125.1: No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next meeting unless an item to that effect is contained on the agenda for such next meeting, or unless five of the members consent to such reconsideration.

125.2: A petition once presented to and finally acted upon by the Town Council shall not again be received by the Town Clerk for presentation to the Council in the same or substantially the same form for a period of one year next succeeding the Council's final actions on the original petition.

125.3: A member of the Town Council, voting with the majority on the original petition, shall be privileged to reintroduce such a petition.

126.0: Motion for Previous Question.

Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form:

“Shall the main question be put?”

126.1: And all debates upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments, and then upon the main question.

127.0: Not to be Debated or Amended.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment.

127.1: All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

128.0: Manner of Speaking.

When a member is about to speak, said member shall respectfully address the Chair, confine comments to the question under debate, and avoid personalities.

129.0: Not to Interrupt.

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

130.0: Breach of Rules and Orders.

Please refer to Section 200 –Town Council Policies & Procedures - Page 10

131.0: Member Excused from Voting: When.

All members present when a question is put shall give their vote, unless the Council, for special reasons, shall excuse any member.

131.1: Application to be so excused must be made before the Council is divided, or before the calling of the yeas and nays, and decided without debate.

132.0: Motion to be Reduced to Writing: When.

Every motion shall be reduced to writing, if the Chair shall so direct.

133.0: Division of Question.

Any member may require the division of a question when the sense will admit it. When a single motion contains a number of parts, each of which is capable of standing alone, the parts can be separated and voted on as if they were distinct questions. Division of the question takes precedence over the main motion and must be dealt with before moving on the main motion.

134.0: Motion for Referral.

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments to the main question.

135.0: Priority of Business.

All questions relating to priority of business to be acted upon shall be decided without debate.

136.0: Suspension of Rules: Amendment or Repeal.

The rules shall not be dispensed with or suspended unless five of the members of the Council consent thereto.

136.1: No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Section 200: TOWN COUNCIL POLICIES & PROCEDURES

200.0: Breach of Rules and Orders

The proper operation of democratic government requires that Town Councilors be fair, impartial and responsive to the needs of the people and each other in the performance of the respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors which is not intended to deny Council members their constitutional rights nor violate their civil rights. ~~When any member shall be guilty of a breach of any of the rules or orders of the Council, said member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak except by way of excuse, until such satisfaction has been made.~~

200.1: Standards of Conduct. The purpose of this Code is to establish ethical standards of conduct for all Town Councilors by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interest of the Town of Scarborough.

200.2: Conflicts of Interest. No Councilor shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with the Town, except that he/she may be allowed to submit bids for same in accordance with the Town ordinances; and under the laws of the State of Maine, where to his/her knowledge there is a financial interest, or special interest other than that possessed by the public generally, in such purchase or award, held by:

200.2.a: himself or a member of his immediate family;

200.2.b: a business in which he/she or a member of his/her immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or

200.2.c. any other person or business with whom he or a member of his immediate family are in business, or are negotiating or have an arrangement concerning future employment.

200.3: Disclosure of Confidential Information. No Town Councilor shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he use such information to advance the financial or private interest of himself or others. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such Town Councilor only because of his or her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of the Scarborough Town Councilor any Town agency shall be considered within the constraints of this section, and shall not be disclosed to any third part unless permitted by affirmative vote of such body.

200.4: Gifts and Favors. No Town Councilor shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor: (1) accept any gift, favor or thing

of value that tends to influence him in the discharge of his or her official duties; or (2) grant in the discharge of his or her official duties any improper favor, service or thing of value.

200.5: Use of Town Property. No Town Councilor shall use, or permit the use of, any Town-owned property including, but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established.

200.6: Disclosure of Interest in Agenda Items. Any Town Councilor who believes he or a member of his immediate family, has a financial or special interest, other than an interest held by the public generally in any proposed order, ordinance or resolve on the agenda of the Scarborough Town Council, shall disclose the nature and extent of such interest, and have it recorded by the Clerk on the Town records of such item.

200.6a. Once such disclosure has been made, such Town Councilor shall refrain and shall be relieved, in the discretion of the other members of the Council, from voting or otherwise participating in the deliberations and decision making process on such item.

200.6b. Nothing herein shall be construed to prohibit any Town Councilor from representing his own personal interest in any such item.

200.7: Disclosure Statement by Town Councilors. Every Town Councilor shall file with the Town Clerk within thirty (30) days after the effective date of this Section, and during the month of April during each calendar year thereafter, a written statement under oath containing the following information, to the best of his or her knowledge and belief:

200.7.a: The name of each person or business doing business with the Town in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year from which such Councilor, or a member of his immediate family, has received money or other thing of value in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, including campaign contributions.

200.7.b: For purposes of this Code, a list prepared by the Finance Officer of those persons or businesses doing business with the Town in amount in excess of one thousand dollars (\$1,000.00) for the preceding calendar year shall be determinative for purposes of reporting under this section.

200.7.c: Income from, and financial investments in, policies of insurance, and deposits and accounts from commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

200.8: Political Activities. No Town Councilor shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the Town. In conjunction therewith:

200.8.a: No Town Councilor may use his official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he or she is performing their official functions and duties with the Town. Nothing herein shall be

construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens.

200.9: Penalties. In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted by the Town Council. A majority of the Scarborough Town Council shall conduct such proceedings.

200.10: Separability. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

200.0-201.0: APPOINTMENTS TO TOWN COMMITTEES/BOARDS.

Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments Committee and certified by the Council. [amended 09/04/02]

201.0-202.0: PROCEDURES FOR ADDRESSING THE COUNCIL.

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

201.1-202.1: Procedure.

~~Persons wishing to address the Town Council on an agenda item shall signify their desire to speak by raising their hands when the Town Clerk announces consideration of such item. After being recognized to speak by the Chair, such persons will preface their comments by giving their name and address. No person shall be permitted to address the Town Council on such item once the Town Council has begun deliberations. (amended 04/18/01).~~ A Public Comment Period shall be conducted prior to the start of any Council business at each regular Town Council meeting, at which time citizens shall be given the opportunity to be heard on matters concerning Town business. Additional public comment shall be allowed during public hearings and on agenda items. Such public forums and/or public comment periods may be waived if no member of the public wishes to speak.

202.1.a.: Persons wishing to address the Town Council shall signify their desire to speak by raising their hands and after being recognized to speak by the Chair, such persons will preface their comments by giving their name and address.

201.2-202.2: Time Limit.

~~Persons addressing the Town Council on an agenda item shall be permitted to speak only once per item and shall limit their remarks to three minutes. All such public forums, public comment periods and public hearings shall be conducted under the following guidelines:~~

~~201.2~~**202.2.a: General Public Comment:** Persons addressing the Town Council during the public comment period at the ~~end~~ beginning of the meeting shall be permitted to speak only once and limit their comments remarks to (5) five minutes. Individuals may be permitted to speak more than once at the discretion of the Chair of the Council.

~~201.2~~**202.2.b.: Public Hearing Comment:** Persons addressing the Town Council during a public hearing shall limit their ~~remarks~~ comments to the particular agenda item and shall limit their comments to five minutes. Individuals may be permitted ~~allowed~~ to speak more than once at the discretion of the Chair of the Council. (amended 04/18/01).

202.2.c: Public Comment on Agenda Items: Persons who have previously addressed the Town Council during the public comment portion and wishes to speak on an agenda item may do so only if there is new and pertinent information to be added and limit their comments to (3) three minutes.

201.3 ~~202.3:~~ Decorum.

Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or action taken at such meeting.

201.3.a ~~202.3.a:~~ Citizens will strive to be accurate in their statements, avoid personalities, and conduct themselves in a manner expected of all meeting participants. (amended 04/18/01).

202.3.b: It shall be at the discretion of the Council Chair to ask any persons making in-appropriate statements, and/or conducting themselves in a disrespectful manner to cease such action or risk being asked to be seated or removed.

~~202.0~~203.0: COUNCIL STANDING COMMITTEES (amended 01/07/98).

At the commencement of the municipal year, or soon thereafter as possible, there shall be chosen the following Standing Committees, each Standing Committee to consist of such members of the Council as the Town Council may designate:

203.0.a: 3 Members to the Finance Committee:

The Finance Committee will review the Town Manager's proposed budget after it has been presented to the Town Council for a first reading and in accordance with Section 502 of the Town Charter.

The Finance Committee shall review appropriation requests and revenue estimates for all offices, agencies and departments of the Town, with the exception of the Department of Education and prepare recommended amendments to the proposed budget to the Town Council prior to the public hearing and final reading. Pursuant to Article V of the Town Charter, the Town Council retains the ultimate responsibility of reviewing and approving the total budget with or without amendments.

In consultation with the Town Manager and staff, the Finance Committee may prepare and recommend for approval by the Town Council, policies and/or procedures relating to the financial affairs of the Town.

203.0.b: 3 Members to the Appointments Committee:

The Appointments Committee shall meet from time to time and review applications for vacancies on the various Town committees/boards and make their recommendations in accordance with Section 200.0 of the Rules and Policies Manual.

203.0.c: 3 Members to the Ordinance Committee:

The members of the Ordinance Committee shall review proposed ordinances or amendments and make recommendations thereon to the Council for final action.

Minor amendments to ordinances generated from other committees may be recommended administratively to the Council without review by the Ordinance Committee. From time to time the Town Council may appoint a committee that may not require their recommendations to be reviewed by the Ordinance Committee.

203.0.d: 3 Members to the Rules and Policies Committee:

The Rules and Policies Committee shall review Chapter 302 – the Rules and Policies Manual from time to time to ensure that it is in compliance with State Law and the local Charter. All recommendations will be brought forward for approval by the Town Council.

205.2 203.1: The Council Chair shall select committee members after seeking input from Councillors on committee preference. Committee appointments are subject to confirmation by a majority of the Council.

205.3 203.2: The Councillor first named shall serve as Committee Chair. In the case of a member's resignation or inability to serve, the Council Chair shall designate a new committee member. Committee members shall be chosen at the first regular meeting of the Town Council following the meeting in which the Council Chair is elected.

205.4 203.3: Members of the Town Council may attend and participate at the Council Committee meetings, but shall only vote at meetings for the committee of which they are a member. Citizens will be allowed to give input at the discretion of the Committee Chair.

205.4.a 203.3.a: A quorum of a Town Council Committee shall consist of two members of that Committee.

204.0: Other Committees/Boards

204.1: Special Committees/Boards – Committees/Boards that are created by the Town Council and for which serve a specific purpose for an indefinite period time and those Committee/Boards that are required by State Statute. [e.g. Conservation Commission; Planning Board; Shellfish Conservation Commission].

204.2: Ad-hoc Committees/Boards – Those Committees/Boards that are appointed by the Town Council for a specific purpose and/or for a specified duration [e.g. Payne Road Study Committee, Energy Study Committee].

SECTION 300.0: OTHER TOWN COUNCIL POLICIES

203.0301.0: Use of Town Letterhead Policy (adopted 06/16/02).

If a Councillor uses town letterhead to express an opinion that is not the official position of the Town Council, then the letter shall include a disclaimer stating the opinions presented are those of the individual Councillor.

204.0302.0: Council Correspondence Policy (adopted 08/18/99).

Correspondence received in the Clerk's office for individual Councillors is opened by the Town Clerk or the Clerk's designee. The Town Clerk will notify individual Councillors, as soon as is practical, when correspondence is received. Thereafter, copies of all such correspondence will be included in each Councillor's packet and provided to the Town Manager. Each Councillor will provide the clerk with their preference regarding where such notification will be made. (When the originator has copied all Councillors, the Clerk will simply note this information on the correspondence unless the originator has done so.)

~~204.1~~ 302.1: When material is marked "CONFIDENTIAL", the Councillor addressed will be notified personally and will have an opportunity to review the material prior to general distribution to the Council. This would not preclude the Town Clerk and Town Manager to determine what, if any, further distribution should be made of the correspondence.

~~204.2~~ 302.2: Correspondence received or produced by individual Councillors will be provided to the Town Clerk as soon as practical by the individual Councillor. The material will be distributed to the full Council by inserting in their individual mail folders. The Town Manager will be provided copies by the Clerk. Any mail not personally picked up by individual Councillors will be included in the Councilors' packet for distribution.

~~204.3~~ 302.3: This procedure does not apply to commercial mail, such as solicitations, brochures, etc

205.0 — Fund Balance Policy (adopted 09/17/97).

~~The Town of Scarborough recognizes the importance of maintaining an appropriate level of undesignated fund balance. After evaluating the Town's operating characteristics, property tax base, reliability of non property tax revenue sources, working capital needs, state and local economic outlooks, emergency and disaster risks, and other contingent issues, the Town establishes the following goals regarding the undesignated fund balances of the general fund of the Town of Scarborough, Maine~~

~~205.1: The level of fund balance that the Town wishes to maintain as undesignated is an amount equal to 8.3% (1/12) of Scarborough's Operating Budget.~~

~~205.2: Once the Town achieves an undesignated fund balance equal to 8.3% (1/12) of Scarborough's Operating Budget, any excess will be designated for capital needs of the Town.~~

~~205.2.a: By designating any excess for capital improvements, the Town will reduce the amount required to be financed and in turn, the related interest costs.~~

~~205.2.b: At year end capital and certain other budget items, in which appropriated amounts exceed actual expenditures, are to be reviewed to determine if they should be undesignated to be carried over to the next year. Annually, the Finance Director is to present to the Town Manager a list of items for approval to be undesignated to be carried forward.~~

~~205.2.c: This policy has been established to recognize the importance of a stable and sufficient level of undesignated fund balance. However, the council reserves the right to reappropriate funds from undesignated fund balance for emergencies and other items it feels necessary to be of the Town's best interest.~~

~~206.0: *Legal Services Policy. (adopted 09/04/02)*~~

~~It will be the policy of the Finance Committee to evaluate legal services every three years and determine if an RFP is warranted.~~

~~206.1: The Finance Committee will make a recommendation to the Town Council.~~

~~206.2: There shall be an annual meeting with legal counsel to discuss legal services.~~

~~206.3: The Councillors will advise the Town Manager's office of any contact they have with the Town's legal counsel, and a written response from the Town's legal counsel should be sent to the Town Clerk's Office for distribution to each Councillor.~~

~~207.0~~ **303.0: Town Council Travel Policy (adopted 02/18/98)(amended 04/19/00)**

303.1: Council Policy for Conference/Workshop Expenditures (adopted 04/19/00).

From time to time members of the Town Council are expected to attend workshops or conferences related to their roles as elected representatives of the citizens of Scarborough. Participation at these events will be with the prior knowledge of the full Council and the costs will be covered within the current municipal budget.

~~207.1.a~~**303.1.a:** Expenditures may include: associated travel costs (long distance and local), registration fees, lodging, meals, tips, publications and other reasonable costs associated with the event. Materials purchased will remain the property of the Town.

~~207.1.b~~**303.1.b:** Some costs will be handled by Councillors personally with the expectation that reimbursement will be made by the Town.

~~207.1.e~~**303.1.c:** Two methods are available to the Councillors for reimbursement:

~~207.2~~**303.2: Request for Advance Payment.**

If desired a Councillor may submit a Request for Advance Payment based on a detail of estimated expenditures.

303.2.a: In this case a reconciliation of the Advance will be completed by the Councillor, including all receipts, and submitted to the Manager's Assistant within 60 days after the event.

303.2.b: If the expenditures exceed the amount of the advance the Town will reimburse the difference to the Councillor within 20 days of receipt of the reconciliation.

303.2.c: If expenditures are less than the amount of the advance the Councillor will reimburse the Town within 20 days of submission of the reconciliation.

303.2.a.1: Note: If receipts are not submitted within 60 days of the event, the amount of the advance will be reported as personal income to the Councillor per IRS regulations.

208.0 304.0: Reimbursement.

A Councillor may elect to cover related costs and submit all receipts after the event for reimbursement.

~~208.1~~**304.1:** Requests for reimbursement must be made within 60 days after the event. Reimbursement will be made by the Town within the same 20-day period as described above.

~~208.2~~**304.2:** Requests for reimbursement must be completed no later than 30 days after the end of the fiscal year in which the expenditure was incurred.

~~208.3~~**304.3:** Reasonable attempts will be made to secure accommodations and long distance travel fares at competitive rates for the location of the conference/workshop. Councillors are encouraged to take advantage of early registration rates when possible.

~~208.4~~**304.4:** When meals are included in registration fees paid the Town will not reimburse for these same meals unless scheduling conflicts did not allow the Councillor to take advantage of the included meals.

~~208.5~~**304.5:** Alcohol is not a reimbursable expense.

305.0: Policy on Minute Taking (adopted 04/04/01)

~~209.1~~ **BE IT RESOLVED** by the Council of the Town of Scarborough, Maine, in Town Council assembled, that,

~~305.1:~~ **WHEREAS,** The Town Clerk's Office will continue to provide a recording secretary for the Town Council and its standing committees.

~~305.2:~~ **WHEREAS,** The Town Clerk's Office is responsible for maintaining records of all Town committees and boards and maintain uniformity of record-keeping; and

~~305.3:~~ **WHEREAS,** It will be Town Council policy that minutes shall be in as brief a form as possible and that handouts/distributions will be attached to the minutes as part of the official record.

~~305.4:~~ **NOW, THEREFORE, BE IT RESOLVED,** that The Town Council policy for minute taking be adopted as recommended by staff for voluntary committees. This will entail voluntary committees completing a *Minutes/Notes of Meeting* form (Attachment A)

by designating one member of the committee to complete the form at the time of the meeting. The Town Clerk's Office will provide the form for each committee meeting, and the form is also available on the Town of Scarborough web site (www.scarborough.me.us) or can be e-mailed to the appropriate committee member.

Signed and dated this 4th day of April, 2001, by the Scarborough Town Council and the Town Manager.

208.0: ~~Policy For The Disposition of Tax Acquired Property (adopted 10/16/02)~~

208.1: ~~Article 1: General.~~

~~The purpose of this Policy is to establish procedures for the efficient and fair management, administration and disposition of real property acquired under the tax lien procedures set forth in Title 36 M.R.S.A. Sections 942. Nothing in this policy shall be interpreted to give additional substantive or procedural rights to owners or former owners of properties forfeited for non-payment of taxes.~~

208.2: ~~Article 2: Actions Concerning Tax-Acquired Property Pending Final Disposition.~~

~~Following the foreclosure of any tax lien mortgage, the Town Treasurer shall by first class mail notify the last known owner of record that his or her right to redeem the tax lien mortgage securing the collection of property taxes has expired.~~

~~208.2.a: The notification shall also advise that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification.~~

~~208.2.b: Each year the Treasurer shall prepare a list of properties acquired due to non-payment of property taxes and foreclosure of tax liens and provide this list to the Town Manager.~~

~~208.2.c: The Town Manager, and as necessary in consultation with the Town Attorneys, shall review each property identified on the list and determine:~~

~~208.2.c.1. The potential liabilities (environmental, structural safety, health or other hazards associated with the property) that the Town might assume by taking possession or by operating the property and whether the Town's interests in light of such potential liabilities would be best served by immediately disposing of the property or retaining it~~

~~208.2.c.2. The level of insurance required to protect the Town's interest in the property and to protect the Town from liability in the event that the property is retained; and~~

~~208.2.c.3. Whether the property is currently occupied and the likelihood of requiring legal assistance (and estimated costs of the same) to require the occupants to quit the premises.~~

~~208.2.d: In the event that a tax acquired property remains or becomes vacant for 60 consecutive days following the date of foreclosure of the tax liens under which the Town becomes the owner of a property, the Town Manager shall obtain liability coverage for the property.~~

~~**208.3: Article 3: Review and Disposition of Tax Acquired Properties.**~~

~~The Town Manager shall forward a copy of the list of tax acquired properties to the members of the Town Council, Chairman of the Planning Board, the Public Works Director, the Police Chief, the Fire Chief, the Community Services Director, the Conservation Commission, the Emergency Services Director, The Municipal Engineer, other Town department heads, the Scarborough Historical Society and the Parks and Conservation Land Board.~~

~~209.3.a: The Chairman of the Planning Board, the Public Works Director, the Police Chief, the Fire Chief, the Community Services Director, the Conservation Commission, the Emergency Services Director, The Municipal Engineer and other Town department heads shall, within 21 days of the receipt of the list, review the list of tax acquired properties and identify those properties that each believes should be considered as a candidate to be retained for public use and provide a brief statement of the reasons therefore.~~

~~209.3.b: The Town Manager shall collect and summarize these recommendations, summarize the results of his or her review of each such property as per Section 2.3 of this Policy and make one of the following recommendations~~

~~209.3.c: For non residential, commercial, or residential property that is not the owner's or the member of the owner's immediate family's primary residence, to:~~

~~209.3.d: Retain the property for a particular purpose identified by one of the above-identified department heads or other Town officials. The Town Manager, in consultation with the Town Attorney shall review and pursue, if appropriate or required, judicial confirmation of the Town's right, title or interests in the subject property under 36 M.R.S.A. section 946; or~~

~~209.3.d.1. Sell the property with or without conditions.~~

~~209.3.d.2. If the Property is a single family residence occupied by the owner or the owner's immediate family members, to enter into arrangements to secure just and prompt payment of outstanding and current taxes, related interests and costs.~~

~~209.3.d.2.1. If this option of disposition is pursued, the Town Manager shall present the taxpayer with a written plan and an installment sales contract for payment of past due and currently due taxes, interests, and costs under the tax lien process and all outstanding sewer charges, assessments and other lawful charges as are due and owing to the Town.~~

~~209.4: The installment sales contract shall require the owner of the property to maintain property insurance and provide proof of the same to the Town and to reimburse the Town for its costs and expenses in negotiating and executing such agreements and installment sales contract.~~

~~209.5: The Town's costs shall include all costs incurred or to be incurred by the Town in addition to those incurred in the tax lien process and shall include, but not be limited to, insurance costs, registry filing and mailing costs, advertisement costs, and attorney's fees.~~

~~209.6: The owner must timely sign the written plan and installment sales contract and affirmatively acknowledge in writing that title to the property belongs to the Town and shall remain with the Town until such time as the terms of the installment sales contract are successfully and timely completed, and further acknowledge that the owner will strictly comply with the terms of the plan and installment sales contract.~~

~~209.7: Failure of an owner to timely enter into an installment sales contract with the Town (within thirty (30) days) or strictly comply with the plan and terms of the installment sales contract will result in a forfeiture of the plan and installment sales contract and result in the property being either retained by the Town or sold under the other provisions of this policy.~~

~~209.8: The Town Manager shall forward his or her reviews, recommendations and determinations regarding each property to the Town Council. The Town Council may override a particular recommendation of the Town Manager to retain a property but shall otherwise direct that the property be processed in conformance with the terms of this Policy.~~

~~209.9: Any sale of tax acquired property shall be through a public sale. The Town Manager shall otherwise oversee the exact terms and conditions of such sale and use his or her best judgment to seek the best and most expedient method of sale and return on the sale for the Town.~~

210.0: ~~Holiday Sign at Town Hall (adopted 04/16/2002).~~

~~The purpose of this policy is to communicate the intent of the Scarborough Town Council, as it relates to Christmas holiday signs and to serve as a reaffirmation of the Council's approval to permit the placement of a single, "Merry Christmas" or "Happy Holidays" sign on municipal property.~~

~~210.1: Such a sign may be placed in front of Town Hall and not be erected before the first Sunday following Thanksgiving and shall be removed no later than the first Sunday following New Years. Any organization desiring to place such a sign shall make their intentions known to the Town Manager annually. In the event the Town Manager receives more than notification, preference shall be granted to the organization of record in the prior year."~~

~~Section 300: ADMINISTRATIVE POLICIES & PROCEDURES (APPROVED BY THE TOWN COUNCIL)~~

~~*Administrative Policy on Parking Bans During Weather Emergencies (adopted 12/17/03)*~~

~~**301.1:** The purpose of this policy is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during weather emergencies.~~

~~**301.2:** In order to properly remove snow and to provide safer travel conditions, the Town of Scarborough does implement parking bans during inclement weather. After consultation with the Director of Public Works, the Chief of Police shall decide to impose a parking ban when serious and extended snowfall is forecast. During an emergency parking ban, all vehicles are prohibited from parking on any street within the Town of Scarborough unless the ban is specifically described and advertised as being limited to a particular area.~~

~~**301.3:** Once a parking ban has been imposed, the local broadcast media will immediately be notified of the ban and of the estimated time frame that the ban will remain in effect. If you are unsure if there is a parking ban in effect, you can call our hotline at 883-7760-SNO (766).~~

~~**301.4:** The Town of Scarborough strictly enforces parking bans—all vehicles in violation WILL BE TOWED at the owner's expense.~~

**Section 400: TOWN COUNCIL RESOLUTIONS AND PROCLAMATIONS
(INDEX)**

**~~Resolutions and Proclamations
Index (Number Order)~~**

NUMBER	RESOLUTION TITLE
00-01	Public Safety Employees, Honoring of—January 13, 2001, manhunt for three armed suspects [Recognition]
00-02	Myers, William H., Honoring of, Scarborough Fire Department [Recognition]
00-03	Scarborough High School Academic Decathlon Team [Recognition]
00-04	Scarborough High School Boys Indoor Track Team [Recognition]
00-05	Postal Distribution Center, Supporting the Location of (in Scarborough)
00-06	Avenue 7—Discontinuing a Portion of Avenue 7 (at the request of Jeffrey P. Thurlow)
00-07	Betterley, Carl—Acceptance and acknowledgment of Carl Betterley's letter of retirement as Town Manager
00-08	Betterley, Carl, Retirement and Severance Agreement
00-09	Constitution Week—Sponsored by the Daughters of the American Revolution—September 18-22, 2000 [Proclamation]
00-10	Tax Acquired Property—Authorization to Sell Tax Acquired Property
00-11	Pine Tree Waste, Inc.—requesting Board of Environmental Protection Assume Jurisdiction over Applicant, Grant The Town of Scarborough Intervenor Status in Licensing Procedures and Conduct Public Hearings on Proposed Project
01-01	Retirement Plan—Establishing a Money Purchase Retirement Plan (ICMA) for Employees
01-02	Visa Agreement—Maine Bank & Trust Business Card Corporate Borrowing Resolution
01-03	Tax Collector Appointment of Ruth Porter [Ratification and Confirmation]
01-04	Scarborough High School Academic Decathlon Team [Recognition]
01-05	Scarborough High School Boys Indoor Track Team [Recognition]
01-06	Gabriel Electronics—Community Development Block Grant Business Assistance Program for Gabriel Electronics [Authorization]
01-07	Minute Taking Policy for Town Council
01-08	Emergency Plan for the Town of Scarborough [Approval and Authorization]
01-09	Child Abuse Prevention Proclamation
01-10	National Small Cities "Investing in Communities" Day Proclamation for Friday, June 22, 2001
01-11	Tax Acquired Property—Authorization to Sell Tax Acquired Property
01-12	Carson, Fire Chief Robert, Recognition and Honor
01-13	Constitution Week—Sponsored by the Daughters of the American Revolution—September 17-23, 2001 [Proclamation]
02-01	Maine Municipal Employees Health Trust (MMEHT), Authorization for Participation in

- 02-02 Procurement Card Program—J.P. Morgan Chase Commercial Procurement Card Program [Authorization]
- 02-03 Deferred Compensation Plan, Amendments to [Authorization]
- 02-04 Pension Plan—Concerning the Amendment of the Money Pension Plan Called the Town Manager's Plan [Authorization]
- 02-05 Pension Plan—Concerning the Amendment of the Money Pension Plan Called the Nonesuch Plan [Authorization]
- 02-06 School Tax Reform—Supporting the Comprehensive School Tax Reform
- 02-07 Special Sales Tax—Calling upon the state legislature to Adopt an Act to Permit Municipalities to Adopt a Limited Special Sales Tax -- **TABLED INDEFINITELY**
- 02-08 Haigis Parkway Sewer—Authorize the town manager to enter into an agreement with the Sanitary District for the Design of the Haigis Parkway Sewer
- 02-09 Transportation Improvement Priorities (Six Year) [Support]
- 02-10 Disaster Aid Agreement—Authorize the town manager to enter into a regional disaster aid agreement for Cumberland County
- 02-11 Scarborough High School Academic Decathlon Team [Recognition]
- 02-12 Employee Appreciation Day Declaration for Friday, July 5, 2002
- 02-13 Highland Avenue Bike/Pedestrian Shoulder—Authorizing the town manager to file an application for transportation Enhancement funds for a bike/pedestrian shoulder on Highland Avenue
- 02-14 Appropriations Transfers—Order approving Transfers of Appropriation
- 02-15 Great American Neighborhood—Review points for the Great American Neighborhood
- 02-16 Constitution Week—Sponsored by the Daughters of the American Revolution—September 16-20, 2002 [Proclamation]
- 02-17 Property Taxes—Supporting an act to reduce Property Taxes Statewide
- 02-18 Maine Recycles Week Recognition for November 8-15, 2002
- 02-19 Scarborough High School Football Team [Recognition]

- 03-01 Libby, Leonard, Honoring of (Scarborough Lions Club) [Recognition and Honor]
- 03-02 Park Plan for the Drive-In Property [Support and Sanction]
- 03-03 Ad Hoc 350th Anniversary Committee Formation [Support and Approval]
- 03-04 American Red Cross Month [Recognition]
- 03-05 Scarborough High School Academic Decathlon Team [Recognition]
- 03-06 Scarborough High School Girls Swim Team [Recognition]
- 03-07 Flaherty, Sean, Recognition of [Recognition]
- 03-08 Fire Department Grant and Donation Account [Authorization]
- 03-09 National D.A.R.E. Day—April 10, 2003 [Proclamation]
- 03-10 Water District Act—An Act to Establish the Locally Governed Water District Act Resolution
- 03-11 Opposition to LD 389 (Act to prohibit retroactive invalidation by citizen initiative or referendum of any land use which had received final municipal approval)

~~03-12 Support for the East Coast Greenway~~
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~~03-23 Approve the Formation of a Comprehensive Plan Update Committee~~

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~~04-12 Creation of Retirement Health Savings Account Plan Number 800992~~
~~04-13 Establishing Scarborough Parks and Recreation Areas as Tobacco Free Zones~~

~~05-1 Scarborough High School Girls Indoor Track Team~~
~~05-2 Scarborough High School Girls Swim Team~~
~~05-3 A Trails Bond for a Healthy Maine~~
~~05-4 Spring Cleaning Day~~
~~05-5 Cumberland County Hazard Mitigation Plan~~
~~05-6 Fire Fighters Award [Proclamation]~~
~~05-7 Scarborough High School Academic Decathlon Team [Recognition]~~
~~05-8 Scarborough’s Kid Day~~
~~05-9 Honoring the Scarborough Soldiers of the 133rd Engineer Battalion~~
~~05-10 Clifford C. “Kippy” Mitchell Sports Complex~~
~~05-11 Order Approving Transfers of Appropriations~~
~~05-12 Constitution Week Sponsored by the Daughters of the American Revolution~~
~~05-13 Support for Scarborough Public Library Construction Bond~~
~~05-14 All Hazard Emergency Operations Plan and National Incident Management System Adoption~~
~~05-15 Scarborough High School Boys Cross Country Team [Recognition]~~
~~05-16 School Building Committee~~

~~05-17 Senior Services Study Committee Resolution~~
~~05-18 Scarborough High School Boys Soccer Team~~
~~05-19 Support the Expansion of County Commissioners~~

~~06-1 Spring Cleaning Day for Scarborough's Marsh and Beaches~~
~~06-2 Scarborough High School Girls Indoor Track Team~~
~~06-3 Scarborough High School Academic Decathlon Team~~
~~06-4 Recognition of Mark Coulston~~
~~06-5 Scarborough High School Speech and Debate Team~~
~~06-6 Scarborough's Kids Day~~
~~06-7 Urging Amendment to Opposition to LD 1481~~
~~06-8 Scarborough High School Girls Outdoor Track Team~~
~~06-9 Scarborough High School Girls Lacrosse Team~~
~~06-10 Scarborough High School Boys Lacrosse Team~~
~~06-11 Tax Payer Bill of Rights~~
~~06-12 Constitution Week Sponsored by the Daughter of the American Revolution~~

~~07-01 Community Development Block Grant Application~~
~~07-02 Sustainable Access to the Spurwink River~~
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~~07-10 Scarborough Small Business Week~~
~~07-11 Maine Turnpike Authority Study on a Westerly Access Road from U.S. Route 1 and the Maine Turnpike~~
~~07-12 Recognition to those who assisted with the Patriots' Day Nor'Easter~~
~~07-13 Scarborough Kids Day~~
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~~08-01 CDBG Grant~~
~~08-02 Pine Point Pier Project [Recognition]~~
~~08-03 Scarborough High School Girls Indoor Track Team [Recognition]~~
~~08-04 Scarborough High School Debate Team [Recognition]~~
~~08-05 Scarborough High School Academic Decathlon Team [Recognition]~~
~~08-06 Spring Cleaning Day~~
~~08-07 Foster Care~~
~~08-08 2010-2011 BTIP~~
~~08-09 Chamber 30th Anniversary~~
~~08-11 Cable TV~~
~~08-12 350th Anniversary Committee~~

- ~~08-13~~ ~~Maine MITF Program~~
- ~~08-14~~ ~~Scarborough Girls Little League~~
- ~~97-01~~ ~~Scarborough High School Boys Indoor Track Team [Recognition]~~
- ~~97-02~~ ~~Scarborough High School Academic Decathlon Team [Recognition]~~
- ~~97-04~~ ~~Scarborough Middle School Future Problem Solvers [Recognition]~~
- ~~97-05~~ ~~Scarborough High School Academic Decathlon Team [Recognition]~~
- ~~97-06~~ ~~Scarborough Middle School Math Teams [Recognition]~~
- ~~97-06~~ ~~Wentworth Intermediate School Grade 5 Math Teams [Recognition]~~
- ~~97-08~~ ~~Scarborough High School Girls Outdoor Track Team [Recognition]~~
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- ~~97-10~~ ~~Scarborough High School Girls Softball Team [Recognition]~~
- ~~97-11~~ ~~Fair Housing Resolution (Relative to Title VII of the 1968 Civil Rights Act—
Federal Fair Housing Law)~~
- ~~98-01~~ ~~Drive-In Property—Support of the Purchase of the Former Drive-In Property
at the Special Advisory
Referendum Election 02-10-98~~
- ~~98-02~~ ~~Ice Storm Recognition and Appreciation of Police, Fire/Rescue, Fire/Police,
Public Works, Student Rescue and other Individuals~~
- ~~98-03~~ ~~Scarborough High School Cheering Squad [Recognition]~~
- ~~98-04~~ ~~Scarborough High School Boys Indoor Track Team [Recognition]~~
- ~~98-05~~ ~~Homestead Exemption and General Purpose Aid to Education—Supporting a
Homestead Exemption and an Increase in General Purpose Aid to Education
for forwarding to Governor Angus King and the Legislative Delegation~~
- ~~98-06~~ ~~Older Americans Month Proclamation for May, 1998~~
- ~~98-07~~ ~~Piping Plover—Recognition of the Presentation of the Piping Plover and
Adopting the Piping Plover as the Official Town Bird~~
- ~~98-08~~ ~~Old Eastern Railroad Bed—Supporting policies that protect this right-of-way
as a town trail to be connected to the East Coast Alliance Greenway and
authorizing Town Manager to negotiate easements with the Scarborough
Land Conservation Trust~~
- ~~98-09~~ ~~Scarborough High School Academic Decathlon Team [Recognition]~~
- ~~98-10~~ ~~Scarborough High School Girls Outdoor Track Team [Recognition]~~
- ~~98-11~~ ~~National Truck Driver Appreciation Week August 9-15, 1998 [Proclamation]~~
- ~~98-12~~ ~~Constitution Week—Sponsored by the Daughters of the American Revolution
—September 17-23, 1998 [Proclamation]~~
- ~~98-13~~ ~~Scarborough High School Girls Soccer Team [Recognition]~~
- ~~98-14~~ ~~Scarborough High School Girls Cross-Country Team [Recognition]~~
- ~~99-01~~ ~~Maine Turnpike Mainline Toll Barrier—Proclamation opposing the
construction and operation of a Mainline Toll Barrier on the Maine Turnpike
in the Town of Scarborough~~
- ~~99-02~~ ~~McCandless, Rebecca K., Commendation for singing the National Anthem at
the Inauguration of
Maine's Governor Angus S. King~~
- ~~99-03~~ ~~King, Governor William—Declaring Governor William King Day on
Sunday, February 7, 1999, in honor of Scarborough's distinguished Native
Son~~

99-04	Higgins Beach Public Improvements Committee—Recognizing and commending the committee in preparing the 1998 Higgins Beach Management Plan
99-05	Scarborough High School Girls Indoor Track Team [Recognition]
99-06	Scarborough Public Library, Honoring Volunteers at [Recognition]
99-07	Robotics Competition Recognition and Commendation in the 1999 New England Regional FIRST Robotics Competition
99-08	Scarborough Beach Purchase—Supporting Purchase of Scarborough Beach by the State of Maine
99-09	Scarborough Government Access Television—Recognizing Members of Scarborough Government Access Television
99-10	Tax Acquired Property—Authorization to Sell Tax Acquired Property
99-11	Scarborough River Wildlife Sanctuary, Supporting the Establishment of
99-12	Constitution Week—Sponsored by the Daughters of the American Revolution—September 17-23, 1999 [Proclamation]
99-13	Kachmar, Patricia A., Honoring of [Recognition]
99-14	Scarborough High School Girls Cross-Country Team [Recognition]
99-15	Scarborough High School Girls Soccer Team [Recognition]
99-16	Scarborough High School Boys Soccer Team [Recognition]
99-17	Cross-Country Individual Sports Recognition (Jerry Johnson and Coach Jim Harmon)

Resolutions and Proclamations Index (Alpha-Order, by Subject Matter)

NUMBER	RESOLUTION TITLE
08-08	2010-2011 BTIP
03-03	Ad-Hoc 350 th Anniversary Committee Formation [Support and Approval]
04-03	Amended Loan Guidelines to Permit On-Line Loans
03-04	American Red-Cross Month [Recognition]
05-11	Approving Transfers of Appropriations—Order approving Transfers of Appropriation
02-14	Appropriations Transfers—Order approving Transfers of Appropriation
03-15	Appropriations Transfers—Order approving Transfers of Appropriation
03-23	Approve the Formation of a Comprehensive Plan Update Committee
00-06	Avenue 7—Discontinuing a Portion of Avenue 7 (at the request of Jeffrey P. Thurlow)
00-07	Betterley, Carl—Acceptance and acknowledgment of Carl Betterley's letter of retirement as Town Manager
00-08	Betterley, Carl, Retirement and Severance Agreement
08-12	350 th Anniversary Committee
08-11	Cable-TV
01-12	Carson, Fire Chief Robert, Recognition and Honor
08-01	Community Development Block Grant Application
01-09	Child Abuse Prevention Proclamation

08-09 Chamber 30th Anniversary
 05-10 Clifford C. "Kippy" Mitchell sports Complex
 07-01 Community Development Block Grant Application
 04-05 Comprehensive Plan Update Committee
 07-14 Confirmation of Dan Bacon, Town Planner of the Town of Scarborough
 02-16 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 16-20, 2002 [Proclamation]
 98-12 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 17-23, 1998 [Proclamation]
 99-12 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 17-23, 1999 [Proclamation]
 01-13 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 17-23, 2001 [Proclamation]
 00-09 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 18-22, 2000 [Proclamation]
 03-16 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 15-19, 2003 [Proclamation]
 04-09 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 17-23, 2004 [Proclamation]
 05-12 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 17-23, 2005 [Proclamation]
 06-12 Constitution Week—Sponsored by the Daughters of the American Revolution
 —September 17-23, 2006 [Proclamation]
 04-12 Creation of Retirement Health Savings Account Plan Number 800992
 99-17 Cross-Country Individual Sports Recognition (Jerry Johnson and Coach Jim
 Harmon)
 05-5 Cumberland County Hazard Mitigation Plan
 04-08 Dedicate Funds Made Available as a Result of Referendum Question #1 to
 MIL Rate Reduction
 02-03 Deferred Compensation Plan, Amendments to [Authorization]
 02-10 Disaster Aid Agreement—Authorize the town manager to enter into a regional
 disaster aid agreement for Cumberland County
 03-22 Diversity in Housing Resolution
 98-01 Drive-In Property—Support of the Purchase of the Former Drive-In Property
 at the Special Advisory
 Referendum Election 02-10-98
 01-08 Emergency Plan for the Town of Scarborough [Approval and Authorization]
 02-12 Employee Appreciation Day Declaration for Friday, July 5, 2002
 03-17 Encourage MDOT to Continue with the funding for the Dunstan Intersection
 04-13 Establishing Scarborough Parks and Recreation Athletic Facilities as Tobacco-
 free zones
 03-18 Ethical Purchases and Procurement
 97-11 Fair Housing Resolution (Relative to Title VII of the 1968 Civil Rights Act—
 Federal Fair Housing Law)
 03-08 Fire Department Grant and Donation Account [Authorization]
 05-6 Fire Fighters Award

~~03-07 Flaherty, Sean, Recognition of [Recognition]~~
~~01-06 Gabriel Electronics—Community Development Block Grant Business Assistance Program for Gabriel Electronics [Authorization]~~
~~08-07 Foster Care~~
~~02-15 Great American Neighborhood—Review points for the Great American Neighborhood~~
~~02-08 Haigis Parkway Sewer—Authorize the town manager to enter into an agreement with the Sanitary District for the Design of the Haigis Parkway Sewer~~
~~99-04 Higgins Beach Public Improvements Committee—Recognizing and commending the committee in preparing the 1998 Higgins Beach Management Plan~~
~~02-13 Highland Avenue Bike/Pedestrian Shoulder—Authorizing the town manager to file an application for transportation enhancement funds for a bike/pedestrian shoulder on Highland Avenue~~
~~98-05 Homestead Exemption and General Purpose Aid to Education—Supporting a Homestead Exemption and an Increase in General Purpose Aid to Education for forwarding to Governor Angus King and the Legislative Delegation~~
~~04-01 Honoring Andrew R. Dolloff—2004 Maine High School Principal of the Year~~
~~03-19 Honoring Fire Police Lieutenant Frank Melcher~~
~~05-9 Honoring the Scarborough Soldiers of the 133rd Engineer Battalion~~
~~03-21 Honoring William D. Giguere~~
~~04-07 Honoring Kenneth H. Dolloff~~
~~98-02 Ice Storm Recognition and Appreciation of Police, Fire/Rescue, Fire/Police, Public Works, Student Rescue and other Individuals~~
~~99-13 Kachmar, Patricia A., Honoring of [Recognition]~~
~~99-03 King, Governor William—Declaring Governor William King Day on Sunday, February 7, 1999, in honor of Scarborough's Distinguished Native Son~~
~~03-01 Libby, Leonard, Honoring of (Scarborough Lions Club) [Recognition and Honor]~~
~~08-13 Maine MITF Program~~
~~04-06 Maine Municipal Association Question 1~~
~~02-01 Maine Municipal Employees Health Trust (MMEHT), Authorization for Participation in~~
~~02-18 Maine Recycles Week Recognition for November 8-15, 2002~~
~~07-11 Maine Turnpike Authority Study on a Westerly Access Road from U.S. Route 1 and the Maine Turnpike~~
~~99-01 Maine Turnpike Mainline Toll Barrier—Proclamation opposing the construction and operation of a Mainline Toll Barrier on the Maine Turnpike in the Town of Scarborough~~
~~99-02 McCandless, Rebecca K., Commendation for singing the National Anthem at the Inauguration of
Maine's Governor Angus S. King~~
~~01-07 Minute-Taking Policy for Town Council~~

~~00-02 Myers, William H., Honoring of, Scarborough Fire Department [Recognition]~~
~~03-20 National Alcohol and Drug Addiction Recovery Month~~
~~03-09 National D.A.R.E. Day—April 10, 2003 [Proclamation]~~
~~04-04 National D.A.R.E. Day—April 8, 2004~~
~~04-10 National Observance of Veterans Day, November 11, 2004~~
~~01-10 National Small Cities "Investing in Communities" Day Proclamation for Friday, June 22, 2001~~
~~03-13 National Small Cities "Investing in Communities" Day Proclamation for Friday, June 20, 2003~~
~~98-11 National Truck Driver Appreciation Week August 9-15, 1998 [Proclamation]~~
~~98-08 Old Eastern Railroad Bed—Supporting policies that protect this right of way as a town trail to be connected to the East Coast Alliance Greenway and authorizing Town Manager to negotiate easements with the Scarborough Land Conservation Trust~~
~~98-06 Older Americans Month Proclamation for May, 1998~~
~~03-02 Park Plan for the Drive In Property [Support and Sanction]~~
~~02-05 Pension Plan—Concerning the Amendment of the Money Pension Plan Called the Nonesuch Plan [Authorization]~~
~~02-04 Pension Plan—Concerning the Amendment of the Money Pension Plan Called the Town Manager's Plan [Authorization]~~
~~08-02 Pine Point Pier Project~~
~~00-11 Pine Tree Waste, Inc.—requesting Board of Environmental Protection Assume Jurisdiction over Applicant, Grant the Town of Scarborough Intervenor Status in Licensing Procedures and Conduct Public Hearings on Proposed Project~~
~~98-07 Piping Plover—Recognition of the Presentation of the Piping Plover and Adopting the Piping Plover as the Official Town Bird~~
~~00-05 Postal Distribution Center, Supporting the Location of (in Scarborough)~~
~~02-02 Procurement Card Program—J.P. Morgan Chase Commercial Procurement Card Program [Authorization]~~
~~02-17 Property Taxes—Supporting an act to reduce Property Taxes Statewide~~
~~00-01 Public Safety Employees, Honoring of—January 13, 2001, manhunt for three armed suspects [Recognition]~~
~~06-4 Recognition of Mark Coulston~~
~~07-12 Recognition to those who assisted with the Patriots' Day Nor'Easter~~
~~01-01 Retirement Plan—Establishing a Money Purchase Retirement Plan (ICMA) for Employees~~
~~99-07 Robotics Competition Recognition and Commendation in the 1999 New England Regional FIRST Robotics Competition~~
~~99-08 Scarborough Beach Purchase—Supporting Purchase of Scarborough Beach by the State of Maine~~
~~03-14 Scarborough Estuarine Ecosystem Curriculum (SEEC) Project~~
~~99-09 Scarborough Government Access Television—Recognizing Members of Scarborough Government Access Television~~
~~08-05 Scarborough High School Academic Decathlon Team [Recognition]~~
~~07-03 Scarborough High School Academic Decathlon Team [Recognition]~~
~~06-3 Scarborough High School Academic Decathlon Team [Recognition]~~

05-7 Scarborough High School Academic Decathlon Team [Recognition]
 03-05 Scarborough High School Academic Decathlon Team [Recognition]
 02-11 Scarborough High School Academic Decathlon Team [Recognition]
 01-04 Scarborough High School Academic Decathlon Team [Recognition]
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 97-01 Scarborough High School Boys Indoor Track Team [Recognition]
 06-10 Scarborough High School Boys Lacrosse Team [Recognition]
 97-09 Scarborough High School Boys Outdoor Track Team [Recognition]
 99-16 Scarborough High School Boys Soccer Team [Recognition]
 05-18 Scarborough High School Boys Soccer Team [Recognition]
 98-03 Scarborough High School Cheering Squad [Recognition]
 08-04 Scarborough High School Debate Team [Recognition]
 02-19 Scarborough High School Football Team [Recognition]
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 06-2 Scarborough High School Girls Indoor Track Team [Recognition] ——
 99-05 Scarborough High School Girls Indoor Track Team [Recognition] ——
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 06-9 Scarborough High School Girls Lacrosse Team [Recognition]
 98-10 Scarborough High School Girls Outdoor Track Team [Recognition]
 97-08 Scarborough High School Girls Outdoor Track Team [Recognition]
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 06-5 Scarborough High School Speech and Debate Team [Recognition]
 03-06 Scarborough High School Girls Swim Team [Recognition]
 05-2 Scarborough High School Girls Swim Team [Recognition]
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 97-04 Scarborough Middle School Future Problem Solvers [Recognition]

~~97-06 Scarborough Middle School Math Teams [Recognition]~~
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~~07-13 Scarborough's Kids Day~~
~~06-6 Scarborough's Kids Day~~
~~05-8 Scarborough's Kids Day~~
~~05-16 School Building Committee~~
~~02-06 School Tax Reform—Supporting the Comprehensive School Tax Reform~~
~~05-17 Senior Services Study Committee Resolution~~
~~02-07 Special Sales Tax—Calling upon the state legislature to Adopt an Act to~~
~~Permit Municipalities to Adopt a Limited Special Sales Tax—TABLED~~
~~INDEFINITELY~~
~~08-06 Spring Cleaning Day for Scarborough's Marsh and Beaches~~
~~07-03 Spring Cleaning Day for Scarborough's Marsh and Beaches~~
~~06-1 Spring Cleaning Day for Scarborough's Marsh and Beaches~~
~~05-4 Spring Cleaning Day~~
~~03-12 Support for the East Coast Greenway~~
~~05-13 Support for Scarborough Public Library Construction Bond~~
~~05-18 Support the Expansion of County Commissioners~~
~~07-02 Sustainable Access to the Spurwink River~~
~~01-03 Tax Collector Appointment of Ruth Porter [Ratification and Confirmation]~~
~~01-11 Tax Acquired Property—Authorization to Sell Tax Acquired Property~~
~~00-10 Tax Acquired Property—Authorization to Sell Tax Acquired Property~~
~~99-10 Tax Acquired Property—Authorization to Sell Tax Acquired Property~~
~~06-11 Tax Payer Bill of Rights~~
~~05-3 Trails Bond for a Healthy Maine~~
~~05-11 Approving Transfers of Appropriations~~
~~02-09 Transportation Improvement Priorities (Six-Year) [Support]~~
~~04-02 Transportation Improvement Program Project List~~
~~01-02 Visa Agreement—Maine Bank & Trust Business Card Corporate Borrowing~~
~~Resolution~~
~~03-10 Water District Act—An Act to Establish the Locally Governed Water District~~
~~Act Resolution~~
~~97-06 Wentworth Intermediate School Grade 5 Math Teams [Recognition]~~
~~03-11 Urging Amendment or Opposition to LD 389~~

Attachment – A

Minutes/Notes of Meeting Forum Below

MINUTES/NOTES OF MEETING

Meeting Name: _____

Date: _____

Meeting called to order by: _____

Start time: _____

Committee members present (*please list here*): _____

Also present (other than committee members): _____

If there is no quorum, please sign here. _____

Minutes – Approved

Meeting date of minutes: _____ Approved: Yes ___ No ___

List any changes approved: _____

GENERAL TOPIC DISCUSSED: _____

Motion by: _____ Seconded by: _____

Please write motion here: _____

Number of members approve: _____ Number disapprove: _____

GENERAL TOPIC DISCUSSED: _____

Motion by: _____ Seconded by: _____

Please write motion here: _____

Number of members approve: _____ Number disapprove: _____

GENERAL TOPIC DISCUSSED: _____

Motion by: _____ Seconded by: _____

Please write motion here: _____

Number of members approve: _____ Number disapprove: _____

Time meeting adjourned: _____

Signed by: _____

(Meeting Official)

Please use additional pages, if

Please leave these notes at the Town Clerk’s Office.

APPENDIX A: POLICY MATRIX

Type	Intended Audience	Process to Enact	Votes to Pass	Council Rules	Charter	Statutory
Council Rules & Order	Council Members	2 Council Mtg.	Simple Majority	Section 100: Sub.102	Section. 212	No
Defined As: General procedural rules and orders adopted by the Council Members for the members of the Council to follow.						
Resolutions/Resolves	Staff and/or General Public	1 Council Mtg.	Simple Majority	Section 100: Sub. 102.4	No	No
Defined As: An expression of opinion, principles, facts or purposes adopted by the Council as direction to the staff and/or general public.						
Orders				Section 109-117	No	No
General or if authorizing expenditure under \$500	Staff and/or General Public	1 Council Mtg.	Simple Majority	Section 111, 115	No	No.
\$500 or more	Staff	2 Council Mtg.	Simple Majority ¹	Section 111, 115	No	No
Ordinances	General Public – enforcement by staff	1 Council Mtg., Public Hearing & 2 nd Meeting ²	Simple Majority ³	Section 109-117.	Section. 213	Title 30A, Part 2
Defined As: By-law, law or legal requirement adopted by the Council, as authorized by state statute and town charter to exercise any power or function which the Legislature has power to confer upon it.						
Petitions						No
General or if requesting a reversal of a Council decision.	Council Members, Staff and/or General Public	See Town Charter	Council vote not required.		Article IX: Section 903	No
If not requesting a reversal of a Council decision.	Council Members, Staff and/or General Public			Section 100: Sub. 102.7		No.
Defined As: Formal written requests addressed to a person(s) in authority that asks for some action or benefit, or the redress of a grievance. A petition may also be a formal application in writing made to the Council requesting action concerning some matter.						
Proclamations	Staff and/or Gen. Public	Staff – if authority delegated		Section 100: Sub. 102.5	No	No
Defined As: Recognition, expression of support or sentiment on behalf of the Town of Scarborough.						
Policies	Council	1 Council Mtg.	Simple Majority	Section 100: Sub. 102.2	No	No
Defined As: A plan or course of action, guiding principle, or procedure considered being expedient, prudent or advantageous.						

¹ There are exceptions to a simple majority vote, such as to suspend the rules and wave the second reading or to add a new project or expenditure once the budget has been adopted. These exceptions require a minimum affirmative vote of five members of the Council.

² A second reading can be held on the same night as the public hearing.

³ There are exceptions to a simple majority vote such as the approval of a Contract Zoning Request (which requires a minimum affirmative vote of two thirds of the Council Members but not less than four) or the enactment of an Emergency Ordinance (which requires a minimum affirmative vote of five members of the Council to adopt it).

Vote: 6 Yeas.

Order No. 09-118. Act to authorize the Town Manager to sign an agreement concerning Reciprocal Licensing of Horses on the Beach. Motion by Councillor Roy, seconded by Councillor Babine, to move approval to authorize the Town Manager to sign an agreement concerning Reciprocal Licensing of Horses on the Beach, as follows:

**AGREEMENT CONCERNING RECIPROCAL
LICENSING OF HORSES ON THE BEACH**

This Agreement is made as of this _____ day of _____, 2009, by and between the Town of Scarborough and the Town of Old Orchard Beach.

WHEREAS, the Town of Scarborough and the Town of Old Orchard Beach recognize that Pine Point Beach and Old Orchard Beach form a continuous strand of sand beach stretching from the mouth of the Scarborough River to the Saco city line; and,

WHEREAS, both Towns have for many years required permits for horses on the beach; and,

WHEREAS, riders and horse owners tend to use the entire beach, without regard to town lines; and,

WHEREAS, a system of reciprocal licensing for horses on the beach will be more efficient and in the best interests of both Towns; and,

NOW, THEREFORE, and in consideration of the mutual covenants and promises made herein, the Town of Scarborough and the Town of Old Orchard Beach agree as follows:

1. Each Town either has enacted or will enact and will maintain in effect during the term of this Agreement an ordinance requiring permits for horses on the beach.
2. Each Town will recognize and give full effect to permits issued by the other Town for horses on the beach.
3. Prior to October 15th of each year, the Towns will agree upon and implement a uniform permit fee for horses on the beach.
4. The Towns will share equally all permit fees collected for horses on the beach. Each Town which receives a horse/beach permit fee shall deposit that fee in a separate account and then remit 50% of all such fees to the other Town no later than October 15th each year.
5. This Agreement shall remain in effect until terminated by mutual agreement or terminated by either Town upon thirty (30) days written notice to the other Town.
6. This Agreement shall automatically terminate if any of the following occurs:
 - (a) the Towns do not agree on a uniform license fee for horses on the beach prior to October 15th in any year;
 - (b) either Town ceases to require permits for horses on the beach; or
 - (c) either Town elects to prohibit horses on the beach.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date first written above. By the Town of Scarborough and the Town of Old Orchard Beach.

Vote: 6 yeas.

Order No. 09-119. Act on the request to amend Chapter 311- Schedule of Fees by amending the fee relating to Horse Beach Permits. Motion by Councillor Roy, seconded by Councillor Babine, to move approval to amend Chapter 311- Schedule of Fees by amending the fee relating to Horse Beach Permits, as follows:

**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 strikeover and adding the underscored text, as shown below:

<u>Horse Beach Permit (per rider) (adopted 10/02/02)</u>	Fee
All Permits (amended 05/06/09)	<u>\$10.00</u>
	<u>\$20.00</u>

Vote: 6 Yeas.

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

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

- Councillor Roy, Chair of the Appointments Committee, noted that there were still committee/board vacancies and for those interested in serving they should contact the Town Clerk’s office.
- Councillor Rancourt noted the next Ordinance Committee meeting is scheduled for Tuesday, September 29, 2009, at 4:30 p.m. here at Town Hall.
- Chairman Wood noted the next Rules and Policies meeting is scheduled for Monday, September 28, 2009, at noon in Chamber A here at Town Hall.
- Councillor D’Andrea noted that Kevin Roche of ecomaine will be that October 21st Town Council meeting to present a report to the Council.

Item 8. Public Comments.

- David Hopkinson, owner of Henry VIII voiced his concerns with regards to the makeup of the committee.
- Kerry Corthell of 1 Wedgewood Street commented on the proposed changes to the Rules and Policies Manual.
- Jane St. Pierre owner of Kitchen and Cork located in the Cabela complex also commented the Payne Road issue.
- Barney Martin of Foxwell Drive made comments relating to the Payne Road issue and comments that were made at the last Council meeting.
- Jim Flaherty of Scottow Hill and co-owner of Flaherty’s Farm, formerly asked the Council for a workshop to discuss the issues around the Payne Road Study Committee.

Item 9. Town Manager Report. Thomas J. Hall, Town Manager, spoke on the following:

- He noted that he had the opportunity of attending the ICMA Conference – it was very informative and he was able to network with other Managers.
- FEMA will be reimbursing the Town just over \$169,000 for the debris pickup – he thanked all who were involved.

- There will be a small group working with the Town Manager to develop design options for Pine Point.

Item 10. Council Member Comments.

- Councillor Rancourt noted that Erlene Ahlquist Chadbourn of Scarborough has just published her first book and will be the book signing at the Dyer Library in Saco this week. The Scarborough High School Alumni Committee will be hosting a Golf Tournament in memory of Phil Haigis - 10:00 a.m. on September 27th at the Willowdale Golf Course – monies will go toward the Alumni Scholarship.
- Councillor Babine noted that he would not be able to attend the next Council meeting due to a conflict. He responded to comments regarding the Payne Road issue.
- Councillor D’Andrea reminded residents to sign up for the Town of Scarborough News Letter and the Council meetings can now be viewed on the Town’s website and the Farmer’s Market has two more Sundays left and she encouraged everyone to come and enjoy this event.
- Councillor Sullivan also responded to comments regarding the Payne Road Study issue.
- Councillor Roy congratulated Eldred Harmon on being the recipient of the Boston Post Cane, Mr. Harmon is 99. She went on to agree with Mr. Flaherty with regards to scheduling a workshop. She would like to see the “issues” addressed before it gets out of control.
- Chairman Wood also responded to some of the comments that were made regarding the Payne Road Study Committee.

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

Vote: 6 Yeas.

Meeting adjourned at 9:05 p.m.

Respectfully submitted,
Yolande P. Justice, Town Clerk