

MINUTES

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

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

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Rolled was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Ronald D. Ahlquist

Jessica L. Holbrook

Michael J. Wood

Judith L. Roy, Vice Chair

Shawn A. Babine

Karen A. D'Andrea [Absent]

Carol S. Rancourt, Council Chair

Item 4. General Public Comments.

- Judy Shirk of Avenue Four at Pine Point read a portion of a statement to the Council regarding the parking lot for the Light House Motel and that the plan for the expansion is of a non-conforming commercial property and is in violation of the town ordinances.
- Sue Perrino of 22 Driftwood Lane continued reading the prepared statement regarding the non-conforming commercial property and the violation of town ordinances.
- Marty Marcisso of 697 US Route One voiced his concerns with the process regarding in-home businesses.
- Robert Baizley of Dunstan Landing spoke on the Pine Point issue and his concerns with regards to the land swap at Pine Point and noted that he was not aware of any DEP Permits that had been issued for the propose parking lot and thought that there should be.
- Tom Bennett of 18 Chamberlain Road asked what the process would be after the Ordinance Committee had moved the Pawnbroker Ordinance on to the Council. He then voiced his concerns with regards to the size of signs along Route One, stating that businesses need to be able to advertise and the size allowance currently in place really did not accommodate what businesses need.

Item 5. Minutes: December 2, 2009 – Regular Meeting. Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the minutes of the December 2, 2009, Town Council meeting as written.

Vote: 6 Yeas.

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

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

Order No. 09-144, 7:00 p.m. Public Hearing on the following renewal requests for a Manufactured Housing Community Permit:

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Donna Alexander	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

Council Chair Rancourt opened the public hearing. As there were no comments either for or against the hearing was closed at 7:19 p.m.

Motion by Councillor Roy, seconded by Councillor Babine, to move approval on the renewal requests for a Manufactured Housing Community permit, as noted above.

Vote: 6 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 09-145. Act on the request to approve the new Procedures Manual for Town Committees/Boards, as recommended by the Rules and Policies Committee. Councillor Wood gave a brief overview on the proposed Procedures Manual for Town Committees/Boards.

Motion by Councillor Babine, seconded by Councillor Roy, to move approval of the new Procedures Manual for Town Committees/Boards.

Motion by Council Chair Rancourt, seconded by Councillor Holbrook, to move approval to amend the main motion to reword the section on Interaction with the Media as follows:

Interaction with the Media

~~Before a Any member of any Town committee/board who speaks to the media relating to an issue with a particular committee/board, they should first contact the Council Liaison or Town Manager to appraise them of said interview.~~

After a brief discussion among Council members the above amendment was withdrawn and the following amendment was made:

Motion by Councillor Wood, seconded by Councillor Babine, to move approval to amend the main motion by striking the following wording from the manual:

Interaction with the Media

~~Before a member of any Town committee/board speaks to the media relating to an issue with a particular committee/board, they should first contact the Council Liaison or Town Manager.~~

Vote on Amendment: 6 Yeas.

Main motion as amended:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Procedures Manual for the Town Committees/Boards is hereby adopted, as follows:

**PROCEDURE MANUAL
FOR
TOWN COMMITTEES/BOARD**

Purpose

This Guide is to give ~~you~~ Town Committee/Board members an overview of ~~the various Town Committees/Boards in the Town of Scarborough and~~ what is to be expected from each Committees/Boards. The Town Clerk's Office is the first point of contact by the public when requesting information and it is very important that we maintain a complete and accurate record of all meetings.

Appointment/Re-Appointment

Once an application for a committee/board is received in the Town Clerk's Office, it is then copied and sent to the Appointments Committee for review. The Appointments Committee will then refer its recommendation(s) to the Council. And Pursuant to Section 2010.00 of Chapter 302 – the Rules and Policyies Manual for the Scarborough Town Council: "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."

Once names are posted, notices are sent notifying the individuals their names have been posted and that upon approval by the Town Council another notice will be sent notifying the individuals that they have been appointed, when their term expires and they must be sworn in before they can participate at the committee/board meetings.

New members will receive a copy of the members and the charge for the committee/board they are serving on.

Agenda

Those who are elected as Chair for each committee/board are responsible for conducting the meeting, preparing the agendas and ~~making~~ esing sure there is a record of each meeting. In order to be consistent with Council guidelines, it is required that any meeting agendas, whether it is a regular or special meeting, and any supporting documentation must be filed in the Town Clerk's Office by 2:00 p.m. seven days prior to the next scheduled meeting. Attached you will find Exhibit A – an example on how to structure an Agenda

Notice of any special meetings must be posted at least 24 hours before the meeting. Such notice will state the time and place of such meeting and business to be transacted.

Minutes

The meeting minutes shall be motion/action minutes only. The only items recorded in the minutes are those in attendance, the motions made and the action taken [vote]. Attached you will find Exhibit B - Minute/Notes for Meeting Form – page 25.

Please be reminded that *approved* minutes must need be filed with the Town Clerk, along with any information that may have been handed out at the meeting, within seven (7) days of the meeting. Any information that is passed on via e-mail must also be forwarded to the Town Clerk's Office.

The only exceptions regarding filing of the minutes are the Planning Board and the Zoning Board of Appeals in which instance, the Clerk's Office would only need the agendas to any meetings.

Quorum

A quorum is defined in the majority of the Council Charges for each committee/board. In the event that the quorum is not defined in the committee/board charge it would then be defined as the majority of the members appointed to that committee/board.

All committees/boards must have a quorum in order to conduct any business. If there is no quorum of the members then the meeting will be considered a workshop and no business shall be conducted.

Alternate Member[s]

Alternate members may participate in the discussion of a meeting; however, they can not vote. The only time an alternate member can vote is if they are replacing a full voting member who is absent.

In the absence of a full voting member, unless otherwise stated in the Council Charge, the Chair of said committee/board shall allow the first [or second] alternate to participate and vote on committee/board business. Therefore, it is strongly recommended that Alternates receive all meeting materials and attend all meetings.

Attendance Requirement

Pursuant to the Town Charter, Section 204.11. The Town Council may remove any board appointee and appoint a successor for the unexpired term of any member who fails to attend four (4) consecutive regular meetings or who fails to attend seventy-five percent (75%) of all meetings during the preceding twelve (12) month period of the appointee's board. The Town Council may waive attendance provisions for due cause.

Vacancy on Committees/Boards

Any vacancy during the unexpired term of any member appointed to any committee/board by the Town Council shall be filled by the Town Council for the remainder of the term. The Town Clerk's Office shall be notified, in writing, by either the Chair of the committee/board or by the individual wishing to resign.

Copying

Any copies that need to be made should be provided to the Clerk’s Office the day before the meeting so that we may fit it into our daily schedule.

Room Requests & Public Notice

Due to the high volume of room requests, it is important that set meeting schedules be followed. We realize that it is not always possible for all members to attend every meeting. Meeting dates are posted in the area newspapers for public notice; therefore, the committee/board should make every effort to hold its scheduled meeting. Any cancelled meetings that are to be rescheduled must be put in writing by the Chair and submitted to the Town Clerk’s Office. Please be aware that cancelled meetings must be posted for the public at least 24 hours in advance. **ALL ROOM REQUESTS MUST GO THROUGH THE CLERK’S OFFICE.**

ADA ADVISORY COMMITTEE
Article XXI of the Town of Scarborough Administration Code
[Adopted February 16, 2001]

Established.

There is hereby established the ADA Advisory Committee, consisting of five members appointed by the Town Council.

Purpose.

The purpose of the Committee is to assist the Town in meeting its obligations under the provisions of Title II of the Americans with Disabilities Act and its implementing regulations.

Organization and/or Membership.

Members shall be appointed for three-year terms, except for the initial appointments, which shall be two members for terms of one year, two members for terms of two years and one member for [a] term of three years. Members whose terms expire shall continue to serve until their successors are appointed and qualified. The Council shall endeavor to appoint Committee members who have apparent or hidden disabilities or are members of a family including a person or persons with apparent or hidden disabilities.

The Town Council shall appoint one of its members to serve as Council liaison to the Committee. The Town’s ADA Compliance Officer shall serve as staff liaison to the Committee. Neither shall be a voting member.

Duties and Powers.

The functions of the Committee shall be as follows:

- Staff Training. Committee members may attend and participate in staff and departmental training, including staff awareness programs policies regarding

enforcement of Title III issues, and may recommend to staff and Council that periodic or specialized training take place.

- Self-Evaluation. The Committee shall serve as a resource to the ADA Compliance Office in effectuating the Town's self-evaluation procedures pursuant to federal regulation.
- Program of Public Awareness In order to promote ADA awareness for the general public, the Committee may:
 - Work with Staff and others to make presentations to service groups;
 - Subject to Town Council funding, prepare public service ads and press releases;
 - Serve as a resource to the private sector for awareness training relating to Title III;
 - Assist in development of public/private partnerships that will promote universal design for accessibility.
 - Adoption of Grievance Procedures. The Committee shall serve as a resource to the ADA Compliance Officer in the adoption of grievance procedures pursuant to federal regulation

Procedures.

Three members of the Committee constitute a quorum. The Committee shall select one of its members to serve as chair. The Committee shall set its own schedule for meetings, provided the Committee meets with staff at least quarterly. The Committee shall maintain a record of its activities.

Definitions. None.

**BOARD OF ASSESSMENT REVIEW
Section 602 of Chapter 200 – the Town Charter**

Established.

There shall be a Board of Assessment Review consisting of five (5) regular members and two (2) alternate members who shall be appointed by the Town Council.

Purpose. None

Organization and/or Membership.

Members shall be appointed for a term of 3 years. Compensation, if any, to such members, shall be determined by the Town Council. Vacancies in the membership of such board shall be filled by appointment by the Town Council for the unexpired term.

Duties and Powers.

The Board of Assessment Review shall:

- Review appeals from decisions of the Assessor regarding applications for abatements of property taxes and make determinations with respect to assessments in accordance with the general laws of the State of Maine.
- Have the power to administer oaths, take testimony, and hold hearings as may be required in carrying out its functions.
- Adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business.

Procedures. None

Definitions. None

**THE CATV ORDINANCE AMENDMENT
TO TOWN OF SCARBOROUGH CABLE TELEVISION ORDINANCE**

Chapter 1007 - Town of Scarborough Ordinances

[Adopted August 4, 1976 – Amended September 6, 1995]

Established.

An Ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, above, over and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Scarborough, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Scarborough of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV Operation.

There shall be a Scarborough Cable Television System, the head of which shall be the Scarborough Cable Television Committee, the members of which shall be appointed by the Scarborough Town Council. As of June 1985, the Cable Television Committee was placed directly under the Department of Community Services of the Town Government.

Purpose.

The Scarborough Cable Television Committee is responsible for providing the citizens of Scarborough with such coverage of civil and public events, as the interest of the public and the availability of equipment and citizen volunteers permits.

Organization and/or Membership.

The Scarborough Cable Television Committee shall consist of seven (7) members of the public appointed at large who shall be responsible to the Town Council for the legal and proper management of Scarborough’s Cable Television System.

The initial appointments shall be: three members to serve until June 30, 1985; two members to serve until June 30, 1986; and two members to serve until June 20, 1987.

All subsequent appointments, other than those required to fill unexpired terms of office, shall be for a term of three years.

Advisory Members - One advisory non-voting member each shall be designated by the Town Manager and the Superintendent of Schools, such members to serve until replaced by the designating authority concerned.

Public Involvement - The Scarborough Cable Television Committee is authorized and responsible for the establishment, modification, supervision, and disestablishment of such subordinate committees, groups, and teams as that committee may deem necessary; to appoint and remove volunteers to and from such committees, groups and teams; and to perform the foregoing functions in accordance with the By-laws [copy below] to be adopted by the Scarborough Cable Television Committee as approved by the Town Council.

Volunteer Personnel - No member of the Committee shall, without Town Council approval, receive compensation or reimbursement for his/her services nor shall the Committee, without Town Council approval, hire paid employees.

Duties and Powers. None

Procedures.

Financial Procedure - The Committee is authorized to receive donations and contributions for the purpose of operating, maintaining, and expanding the television system of Scarborough. Recognition may be given by appropriate acknowledgments of the sources of partial funding, providing that all receipts and expenditures shall be included within the budget approved by the Scarborough Town Council within the fiscal year of the Town of Scarborough.

Definitions.

C.A.T.V.: Shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

Cable Television Co.: Shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Scarborough, sometimes hereinafter referred to as “the company”.

Town: Shall mean the Town of Scarborough organized and existing under the laws in the State of Maine and the area within its territorial limits.

COMMUNITY SERVICES AND RECREATION ADVISORY BOARD

Article XII of the Town of Scarborough Administrative Code

[Adopted August 2, 2000]

Established.

There is hereby established a Recreation Advisory Committee.

Purpose. None

Organization and/or Membership.

The Committee shall consist of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for three year terms, staggered according to the expiration dates currently in effect at the time of enactment of this ordinance. The Director of Community Services shall attend the meetings of the Board. Those members serving on the Recreation Advisory Committee at the time of enactment of this ordinance shall continue as members until their terms expire. A member of the Town Council shall serve as liaison to the Board. The Community Services and Recreation Advisory Board shall replace the Recreation Advisory Committee established by the Town Council in 1970.

Duties and Powers.

The Board shall advise the Town Council on matters pertaining to the planning, developing, financing and implementation of Community Services recreational programs and facilities for the benefit of residents of Scarborough. Each year the Board shall prepare a proposed work plan for presentation to and approval by the Town Council. This plan may be updated by the direction of the Town Council and/or a change in Board priorities.

Procedures.

The committee shall adopt rules and regulations for the transaction of its business, which shall be subject to Council approval.

Definitions. None

COMP PLAN IMPLEMENTATION COMMITTEE

As recommended by the Comprehensive Plan Study Committee

[Adopted on June 28, 2006]

Established.

To create a Comprehensive Plan Implementation Committee (CPIC).

Purpose. None

Organization and/or Membership.

The Committee shall consist of five members appointed by the Council Chair, subject to approval of the Town Council, for a term ending June 30, 2009. Three members shall be chosen from the Comprehensive Plan Update Committee and one member each appointed from the Planning Board and the Town Council.

Duties and Powers.

The CPIC shall be assigned the responsibility for coordinating the submission of the Update to the State Planning Office; preparing recommended revisions to the plan as may be required by the State Planning Office to bring the plan into compliance with state law; and developing an implementation process as outlined in this resolution.

The implementation process shall consist of the following tasks:

- The CPIC shall prepare an annual work plan for submission to the Town Council no later than September 15th of 2006, and then no later than the first Council meeting of June in each of the subsequent two fiscal years.
- The work plan should outline specific ordinance amendments that are to be developed and discussed during the fiscal plan year and a timeline for presenting their recommendations to the Ordinance Committee.
- The CPIC shall report to the Ordinance Committee at least on a quarterly basis and such report shall consist of specific ordinance proposals to be considered by the Ordinance Committee during the quarter following the issuance of the report.
- The first report shall be issued no later than December 31, 2006, and then at least quarterly thereafter; the Committee will also issue an annual report to the Town Council on their work and the accomplishments achieved during the fiscal year. The annual report is to be submitted by September 1st of each year.

Procedures. None

Definitions. None

CONSERVATION COMMISSION

Article XIII of the Town of Scarborough Administrative Code

[Adopted August 2, 2000, Amended July 18, 2001; Amended 09/03/2008]

Established.

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

Purpose. None

Organization and/or Membership.

The Conservation Commission shall consist of seven members appointed by the Town Council for three-year terms.

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

Duties and Powers.

The Conservation Commission shall:

- Keep minutes of meetings including those attending; adopt procedures for conducting business; file minutes and procedures with the Town Clerk and submit an annual report to the Town Council;
- Coordinate activities and programming with other conservation groups within the community;
- Keep an index of all open areas within the Town of Scarborough, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development of use of those open areas. The Conservation Commission may recommend to the Town Council or any municipal body or board, or any body politic or public agency of the State with prior knowledge of the Town Council, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements;
- Assist various town agencies with Open Space Land Planning and with establishing Acquisition Priorities for Open Space purposes;
- Publicize the Development Transfer Program and work with Rural Landowners to both educate and encourage their use of the program in accordance with the Comprehensive Plan and the Town of Scarborough Zoning Ordinance;
- Encourage Trail Planning and promote Connectivity of a town-wide trail system;
- Collaborate with other Town Council appointed committees on Environmental/Conservation Related Regulations and Standards;
- Promote and encourage local environmental initiatives, such as education and encouraging the public with respect to environmentally sensitive lawn products, native landscaping, residential buffers to natural resources, water conservation and similar measures;
- Initiate critical environmental studies and projects; and,
- Develop Land Management Plans for Town Conservation Land in collaboration with the Scarborough Conservation Land Trust and applicable Town Departments.

The Conservation Commission may:

- Advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets, which it considers necessary;
- Receive gifts in the name of the Town of Scarborough for any of the Commission's purposes with the approval of the Town of Scarborough and the Commission shall administer such gifts for those purposes subject to the terms of the gifts.

- Act as an advisory board to the Scarborough Town Council on types and sources of coastal pollution within the Town of Scarborough and to conduct research and develop data on the sources of pollutants within the coastal areas of the Town.
- Act as an advisory board to the Scarborough Town Council and applicable Town Departments on the acquisition of land for open space purposes, the implementation of land management plans of Town owned property, and the expansion of a town-wide trial system.
- The Conservation Commission shall review subdivision plans, site plans or other Planning Board reviews or studies upon the requested by either the Town Council or the Planning Board.

Procedures.

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

Definitions. None

MUNICIPAL FACILITIES COMMITTEE
Article XV of the Town of Scarborough Administrative Code
[Adopted July 6, 1994; Amended June 19, 2002]

Established.

There shall be a Municipal Facilities Committee. To consist of five members appointed by the Town Council. Members shall be appointed to three year terms, except for the initial appointments, which shall be one member for a term of one year, two members for terms of two years each and two members for terms of three years each. In addition there shall be two non-voting members, one of which shall be a member of the Town Council and one of whom shall be a member of the Board of Education, appointed by the Town Council and the Board of Education, respectively.

Purpose. None

Organization and/or Membership.

The Municipal Facilities Committee shall consist of five members appointed by the Town Council. Members shall be appointed to three year terms, except for the initial appointments, which shall be one member for a term of one year, two members for terms of two years each and two members for terms of three years each. In addition there shall be two non-voting members, one of which shall be a member of the Town Council and one of whom shall be a member of the Board of Education, appointed by the Town Council and the Board of Education, respectively.

The Municipal Facilities Committee shall meet when requested by the Town Manager or at the direction of the Council. The Committee may establish a schedule of more frequent meetings and may conduct meetings in addition to regularly scheduled meetings as needed from time to

time. All meetings of the Committee shall be conducted as public proceedings under the Maine Freedom of Access Law.

The head of each department of Town government shall appoint a staff person (which may be the department head) to serve as a contact person with the Municipal Facilities Committee.

Repeal Of Prior Ordinances - The Municipal Facilities Committee replaces and supersedes the School Building Committee, which shall cease to exist upon the effective date of this Article XV. This Ordinance repeals all previous orders, ordinances and any other actions of the Town whereby the School Building Committee was created.

Duties and Powers.

The Municipal Facilities Committee shall serve as an advisory committee to the Town Council on the use, maintenance, construction and planning of all municipal buildings and facilities. In performing that function, the Committee shall:

- Prepare an inventory of existing municipal buildings and facilities
- Determine future building and facility needs.
- Evaluate electrical, plumbing and other maintenance needs of existing buildings and facilities.
- Prepare maintenance schedules for existing buildings and facilities, including long-range plans for repairs and renovations.
- Present a maintenance plan to the Town Manager in January of each year for consideration in preparation of the municipal budget.

In performing its duties, the Committee may:

- Consult with municipal staff employees.
- Conduct inspections of buildings and facilities.
- Obtain architectural plans for existing buildings and facilities and, where new buildings or facilities are proposed, require submission of architectural plans.
- Request that the Town Manager provide the Committee with technical assistance for specific problems.
- Make recommendations to the Town Council as to which existing buildings and facilities are viable and which should not be used.

Procedures. None

Definitions.

Facilities: As used in this Article XV, the term “facilities” means: buildings, structures or other physical improvements to property which are built or constructed to serve a municipal purpose such as, but not limited to, Town offices, school administrative offices, public works garages, fire stations, police stations, schools, recreational and playing fields, parking facilities, and the like.

PARKS AND CONSERVATION LAND BOARD [An Advisory Body to the Town Council]
Article XXII of the Town of Scarborough Administrative Code
[Adopted August 15, 2001, Amended March 20, 2002, Amended November 6, 2002]

Established.

There is hereby established a Parks and Conservation Land Board (the Board) as a standing committee and an advisory body to the Town Council. (Amended 11/06/02)

Land Acquisition Reserve Fund - Establishment. There is hereby established a Town of Scarborough Land Acquisition Reserve Fund as recommended by the Parks and Conservation Land Advisory Board. That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented, a permanent reserve fund of the Town of Scarborough, Maine, to be known as the Parks and Conservation Land Acquisition Reserve Fund, hereinafter called the Fund is hereby established.

Expenditures from the Fund shall be used to acquire real estate, or interests in real estate, as defined in Article XXII (Parks and Conservation Land Board), in order to:

- Preserve land in its natural state; or,
- Protect a natural resource, or a historic site; or,
- Provide for recreational use.

Deposits approved by the vote of the Town Council and appropriated to the Fund may include but are not limited to:

- Any grant received on behalf of the Fund and interest from deposits and investments of the Fund;
- Unspent appropriations from town committees, such as the Conservation Commission and Shellfish Conservation Commission;
- Voluntary contributions of money or other liquid assets;
- Interest from deposits and investments of other town funds;
- Proceeds from the disposal of real or personal property interests such as from the sale of tax-acquired property;
- Bonds or notes issued not exceeding amounts established by Town Charter; and
- Other municipal funds such as impact fees and density offset contributions.

Purpose. None

Organization and/or Membership.

The Board shall consist of seven (7) members appointed by the Town Council for a term of three (3) years. The terms shall be staggered with three (3) members serving an initial one (1) year term, two (2) members serving a two (2) year term, and two (2) members serving a three (3) year term. The members of the Board shall elect a Chair and Vice-Chair. In the event of resignation or other incapacity of the Chair, the Vice-Chair shall act as Chair until a new Chair is selected. The Town Manager or his or her designee shall be an ad hoc member of the Board. A member of the Town Council shall serve as a Liaison to the Board. (Amended 3/20/02)

Duties and Powers.

The duties of the Board shall be as follows: (Amended 11/06/02)

- To develop a written Acquisition Evaluation Process (AEP) consistent with the Parks and Land Conservation Bond Taskforce Report. The AEP will be used to evaluate potential acquisitions in a consistent manner. The Board will maintain a goal and assign priority to acquisitions where private funding can be used to match public funding.
- To recommend and advise the Town Council on land acquisitions identified by the Acquisition Evaluation Process.
- To recommend any conditions, restrictions or protective measures appropriate for Council consideration on land identified for acquisition.

The Board shall assist and advise the Town Council in the acquisition of properties or rights to properties considered for the following: (a) to provide or maintain public access; (b) to allow passive or active recreation; (c) to conserve water quality, natural areas; (d) to provide easements for walking or biking trails; (e) to preserve significant scenic, cultural or historic sites; (f) to preserve sites which are considered part of the character of the community; and (g) to add to existing conservation and public areas.

Council Acceptance - The written recommendations of the Board shall be included in the Council Order authorizing any land or rights acquisition. (Amended 11/06/02)

Procedures.

The committee shall meet at least quarterly and provide an annual report to the Town Manager and Town Council on its activities in addition to any recommendations presented throughout the year. The Chair shall call meetings as required and when requested to do so by a majority of the members of the Board, the Town Manager or the Town Council. The Chair shall preside at all the meetings of the Board. Permanent records of the minutes of the all Board meetings and all correspondence of the Board shall be maintained and filed by and in the office of the Town Clerk.

Definitions.

Natural Resources: Natural resource areas are lands that have been identified in Town, State or Federal planning processes for their unique natural resource importance, and those that have not yet been identified but may meet natural resource criteria. These areas include, but not limited to, the Scarborough Marsh, the coast and beach areas, estuaries and major rivers (Nonesuch, Scarborough, Libby and Dunstan), wetlands and brooks, wildlife areas, and unique agricultural and forest lands (with emphasis on large tracts of undeveloped land).

Linkages, Buffers and Additions to Conservation or Other Public Lands: These lands include parcels that connect or abut existing conservation or public lands or private lands for public use. Buffer lands are those which afford an extra level of protection to these parcels from surrounding encroachments.

Public Access: Public access lands are parcels conducive to public use and enjoyment. These areas may include small properties that provide the sole legal source of public ingress and egress to larger conservation or public lands, or private lands, which allow public use. These public access areas may also include lands or rights or privileges for the public to use Scarborough's coast, ponds, rivers, streams and brooks.

Active and Passive Recreation: Active recreation areas are lands, such as ball fields, that have been significantly altered (and that require ongoing maintenance) for the use and enjoyment of the public. Passive recreation areas are lands that are generally unimproved but may be

managed for forestry, wildlife or agricultural purposes or enjoyed in their natural state for a variety of activities i.e. hiking, exploring, hunting and fishing, scenic purposes, and other uses.

Community Character and Historical Significance: Lands of community character are areas that are of unique and exceptional importance to the Town of Scarborough's landscape, culture and history. Historical areas included, but not limited to, lands, structures, sites and monuments that have been or may be identified by the Scarborough Historical Society for their historical importance.

PERSONNEL APPEALS BOARD

Article X of Chapter 200 the Town Charter

Established.

There shall be a Personnel Appeals Board.

Purpose. None

Organization and/or Membership.

The Personnel Appeals Board shall consist of five (5) regular members and two (2) alternate members appointed by the Town Council from among the qualified voters of the Town for staggered terms of three (3) years. The majority of the whole number of the Personnel Appeals Board shall be a quorum, and every decision shall require the affirmative vote of at least three (3) members of the Board.

Duties and Powers. None

Procedures.

Any officer or employee, to whom the Town Manager, or a head of any office, department or agency, may appoint a successor, may be removed or suspended without pay by the Town Manager, or other appointing officer. Removals by the Town Manager shall require ratification by the Town Council. Removals or suspensions without pay by the head of any office, department, or agency shall require ratification by the Town Manager only. All removals or suspensions without pay shall be subject to appeal to the Personnel Appeals Board provided such officer or employee submits an appeal within ten (10) days of ratification as provided herein.

The Personnel Appeals Board shall meet within ten (10) days from receipt of a notice of appeal for the initial consideration of the appeal. The Personnel Appeals Board shall issue its written decision within ten (10) days after the conclusion of the hearing on the appeal. Continuances may be granted by the Board for good cause shown. The Board may adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business.

Within ninety (90) days after the effective date of this Charter, the Town Council shall enact a personnel ordinance setting forth standards of conduct for Town employees and establishing generally recognized principles of progressive discipline.

Definitions. None

SCARBOROUGH HOUSING ALLIANCE

Article XVI of the Town of Scarborough Administrative Code

[Adopted May 15, 1991, Amended October 15, 2003, Amended February 18, 2004, Amended April 6, 2005]

Established. None

Purpose.

The purpose of the Council in establishing the Alliance is to create a broadly-based community group to:

- work together to develop and recommend a local affordable housing agenda to the Town Council; and,
- implement a local affordable housing program under the guidance of the Town Council; and,
- perform such other duties as may be assigned by the Town Council from time to time.

State Recognition - It is the intent of the Scarborough Town Council that the Scarborough Housing Alliance shall constitute the “Local Housing Alliance” of the Town of Scarborough for purposes of State law and regulations. [amended 10/15/03]

Organization and/or Membership.

Members of the Alliance shall be comprised of seven (7) residents of the Town who shall be appointed by the Town Council for staggered three-year terms. Members shall be appointed from both the public and private sectors and may include such individuals as town councillors, bankers, business people, clergy, housing activists, real estate brokers, builders, comprehensive planning committee members, interested citizens, and representatives from community action programs, human service organizations, and other non-profit organizations. Of the seven (7) members first appointed, one (1) member shall be appointed for a term of one year, three (3) members for a term of two years, and three (3) members for a term of three years. Thereafter, replacement appointments shall be for a term of three years. A Council Liaison will be appointed as a non-voting member. [amended 10/15/03] [amended 02/18/04]

Vacancies and Removal - Any vacancy shall be filled for the remainder of the unexpired term by the Town Council. The Town Council may remove any member of the Alliance by vote of a majority of its members for misconduct or nonperformance of duty.

Quorum and Voting - A quorum shall consist of four (4) members. The concurrence of a majority of the members of the Alliance present and voting shall be necessary to decide any questions before the Alliance. [amended 10/15/03] [amended 04/06/05]

Duties and Powers.

It is the intent of the Council that the Alliance will develop sufficient knowledge and expertise about housing issues in Scarborough to act as a resource for the Town and as an advocate for affordable housing, if the Alliance determines such advocacy is needed and appropriate. To that end, the Alliance’s activities may include but are not limited to the following:

- Develop an inventory of existing housing with particular emphasis on quality and affordability for a cross-section of residents.
- Identify any deficiencies in housing stock and develop recommendations for the Town Council as to how best to address any such deficiencies.

- Investigate the suitability of existing Town or other publicly owned properties for housing needs.
- Consider the feasibility of a demonstration affordable housing project, either Town Sponsored or in cooperation with a non-profit or for profit developer.
- Analyze existing land use regulations and patterns of development and recommend modifications to the Comprehensive Planning Committee, the Planning Board and the Town Council.
- Develop programs and ideas for assisting elderly residents to remain in their homes and/or in the community.
- Recommend a public education program to promote understanding of the need for and acceptance of affordable housing. [amended 10/15/03]
- With the approval of the Town Council aggressively identify any available state and federal funding, particularly under the various Department of Economic and Community Development affordable housing grant programs. [amended 10/15/03]

Procedures.

Officers

The Alliance shall annually elect a Chair, Vice-Chair, and Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Alliance, including the right to vote.

Meeting and Records

The Alliance shall meet at least monthly at a regular date and time specified by vote of a majority of the Alliance at its annual organizational meeting. Other meetings shall be called by the Chair, provided that the Chair shall call a meeting of the Alliance upon request of at least two (2) members. The Alliance shall keep minutes of all its meetings. [amended 10/15/03]

Definitions. None

Seniors Program Advisory Board

[Adopted September 5, 2007]

Established. None

Purpose.

Provide directional advice for development of seniors programs and services to the Seniors Program Coordinator.

Organization and/or Membership.

Appointment & Qualifications

- Shall have nine voting members.
- Members will be appointed by the Town Council in three-year terms.
- The terms shall be staggered with three members with terms to expire in 2008, three members with terms expire in 2009 and three with terms to expire in 2010.
- Members shall serve without pay.

- Preference will be given to people who have not served on previous Senior Study Committee or Implementation Committee.
- Exactly one voting seat must be filled by a former Senior Series Board member for the first term of service.
- Each of the remaining six voting seats must be filled by community members who have expertise in the following areas as they pertain to senior interests:
- Activities
 - Education
 - Intergenerational
 - Health and Wellness
 - Outreach
 - Communications
 - Funding
 - Transportation
 - Facilities

Duties and Powers.

- Meet at a consistent time agreed upon by members of the Board to discuss the planning, development, and implementation of senior programs, taking into consideration the monthly volunteer committee reports presented to the Board by the Seniors Program Coordinator.
- Review budget at all meetings.
- Special subcommittees of the Board shall be created by the Board as needs arise.
- Conduct periodic reviews of Senior Center Without Walls programs and services using data such as attendance records, cost analysis, and program evaluations.
- In cooperation with the Seniors Program Coordinator, develop an annual work plan for the Senior Center Without Walls.
- Keep accurate records of monthly meetings to be filed with the Seniors Program Coordinator.

Procedures.

- The Board shall conduct its meetings using Robert’s Rules of Order or such other rules of procedure as the Board may adopt from time to time.
- Any recommendations or advice issued by the Board must come out of a majority decision.
- Five members of the Board constitute a quorum at any regular or special meeting.
- All meetings are open to the public and shall be advertised as required.

Chair and Vice-Chair

- A Chair and Vice-Chair shall be elected by the Board each year during the August meeting.
- The Chair shall preside at all meetings of the Board, represent the Board at public affairs, and shall maintain the dignity and efficiency of the Board in all possible ways.
- The Chair may cancel a monthly meeting of the Board should there be no business to transact.
- The Chair may call a special meeting of the Board.
- The Vice-Chair shall have all duties of the Chair, should the Chair be unable, for any reason, to fulfill his or her duties, whether on a one-time basis or long term.
- The Vice-Chair will be responsible for keeping meeting minutes.

Definitions. None

Shellfish Conservation Commission

Chapter 1002 – the Town of Scarborough Shellfish Conservation Ordinance

Established. None

Purpose. None

Organization and/or Membership.

The Shellfish Conservation Commission shall consist of 7 members to be appointed by the Town Council for terms of 3 years.

Duties and Powers.

- The Commission shall develop a Shellfish Conservation Program for the Town of Scarborough and will be administered by The Committee.
- Establishing annually in conjunction with the Dept. of Marine Resources, the number of shellfish digging licenses to be issued.
- Surveying the clam flats to maintain current information on shellfish resources.
- Submitting to the Town Council, proposals for the expenditures of funds for the purpose of shellfish conservation.
- Keeping this Ordinance under review and making recommendations for its amendments.
- Securing and maintaining records of shellfish harvest from the Town’s managed shellfish areas and closed areas that are conditionally opened by the D.M.R.
- Approving conservation closures and openings in conjunction with the Area Biologists of the D.M.R. [amended 01/03/01].
- Submitting an annual report to the Municipality and the D.M.R. covering the above topics and all other committee activities.

Procedures. None

Definitions. None

Exhibit A

AGENDA

Name of Committee/Board
Day of week and Meeting Date
Time of Meeting
Location of Meeting

- Item 1.** Call to Order
- Item 2.** Attendance.
- Item 3.** Approval of Minutes.
- Item 4.** Old Business
- Item 5.** Items for Discussion. –
All items shall be listed separately.
- Item 6.** Adjournment.

Exhibit B
MINUTES/NOTES OF MEETING

Meeting Name: _____

Date: _____

Meeting called to order by: _____

Start time: _____

Committee members present (please check names off if present): _____

Also present: _____

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.

Vote: 6 Yeas.

Item 8. Non Action Items.

a. Vision Presentation from SEDCO and Scarborough Community Chamber. Jim Damicis, member of the Board of Trustees for Economic Development Corporation and Kevin Freeman, member of the Scarborough Community Chamber. They each thanked those individuals who helped with the process. The last year had been spent developing the Vision. The Committee sought feedback from the businesses, key community stake holders and the public. One of the primary rationales was to supplement and complement the Town's Comprehensive Plan and enhance its economic development section. The Vision is also intended to be a forward-thinking document. The document is broken down into ten key Vision areas (not in any priority order): Marketing and Communications; Planning & Development Process; Energy & Green Development; Land Use/Zoning; Regional Cooperation; Education; Quality of Life; Cost of Doing Business & Financial Assistance; Type of Development and Transportation & Infrastructure. To review the complete report, please go to www.sedco.scarborough.me.us

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

- Councillor Wood noted that the Council had received the CPIC Annual Summary in the Council Packet and then reviewed what the Committee had accomplished over the past year. He mentioned that the Library Board of Trustees are very aware of the upcoming budget year and are doing everything they can to present a workable budget for 2010. The Scarborough 350th book can be purchased at the library and the library will be closed on Thursday, December 24th; Friday, December 25th and will be open at 10:00 a.m. on Saturday, December 26th. He also noted that story time will be back at the end of January.
- Councillor Roy noted that the Ad-Hoc Energy Committee will meet Thursday, December 18th at 8:45 a.m. in the Town Manager's Conference Room. It is the goal of the committee to have its final report to the Town Council for the January 20th Council meeting. In the absence to Councillor D'Andrea, Councillor Roy noted that the next Ordinance Committee meeting is scheduled for Tuesday, December 29th at 4:30 p.m. in Council Chamber B. There will be discussion around the Food Handlers Ordinance and a possible new Pawnbroker Ordinance. The Finance Committee would be setting meeting dates very soon to start the budget process.
- Council Chair Rancourt noted that there would be workshop between the Town Council and Board of Education on January 13th at 7:00 p.m. regarding the upcoming budget.
- Councillor Babine noted that there will be an Appointments Committee meeting at 6:30 p.m. prior to the next on Wednesday, January 6th.
- Councillor Ahlquist asked if the Conservation Commission had received the Vernal Pool Report and if so, when would the Council receive a copy? He went on to state the he would be taking a tour of ecomaine on Monday, December 21st at 9:00 a.m.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave a brief update on the following:

- The public meetings on the proposed Pine Point Beach access are scheduled for Tuesday, December 22nd and Thursday, January 7th from 6:30 to 8:00 p.m. at Engine 4 and the third and final meeting will be held on Tuesday, January 12th from 7:00 to 8:30 p.m. at the Municipal Building in Council Chambers. With direction from the Town Council the Town Manager will stay the course with regards to the processing of the deeds on the land swap, unless information from the Town Attorney is different than what he had stated earlier regarding the non-conforming use and the DEP permitting.
- He presented the Council with a report from the Town Assessor pertaining to the Rebate Program; there were 256 senior residents who received the tax rebate through the town.

- He congratulated the Sedco Board and the Scarborough Chamber for the report presented this evening on the Vision for the Town of Scarborough.
- The proposed Pawnshop Ordinance will be on the next Ordinance Committee agenda for discussion.

Item 11. Council Member Comments.

- Councillor Ahlquist voiced his pleasure on the report from the Town Assessor regarding the rebate program through the town. He wished everyone a Merry Christmas.
- Councillor Holbrook wished everyone Merry Christmas and Happy Holidays. She went on to mention that she had received information from Bruce Bell showing proposed reductions that possibly could be made in the upcoming budget year.
- Councillor Babine had questions regarding the state curtailment for the school and asked that the School Department provided better clarification as what they might be recommending to cut. He then wished a Merry Christmas and Happy Holidays to everyone.
- Councillor Wood sent a thank you out to everyone; noting that 2009 had been very challenging – more challenging than what had been predicted and he wanted to thank everyone for doing their part. He noted that the 2010 Budget Year would be a difficult one and that everyone needs to work together. He noted that the passed Planning Board meeting had been challenging and thanked Corey Fellows for taking charge in the absence of the Chair and keeping everyone on track. He looks forward to being on the Ordinance Committee and then wished a Happy Hanukah and a Merry Christmas.
- Councillor Roy also commented about the School’s reduction it receives from the State and asked all cards are on the table during budget deliberations. She then wished a Happy Ramadan; Happy Hanukah and a Merry Christmas.
- Council Chair Rancourt announced that there would be an H1N1 Clinic held at St. Max here in Scarborough on Wednesday, December 30th from 10:30 a.m. to 4:30 p.m. There will also be a Seasonal Flu Clinic at St. Pius on Tuesday, December 22nd from 9:00 a.m. to 4:30 p.m. She was pleased to hear how many Seniors received a tax rebate through the town and noted that the State’s Circuit Breaker program had been reduced by 20%. She reviewed the PACTS information that the Council had received and noted that of the four intersections listed for Scarborough only one had a good rating. She recognized that 65 years ago on December 16th the Battle of the Bulge started and thanked all the World War II Veterans for their service to their country.

Order No. 09-146. Act on the request for an executive session to conduct the Town Manager’s Evaluation, pursuant, to Title 1, M.R.S.A. §405(6)(a) - relating to a personnel matter. Motion by Councillor Babine, seconded by Councillor Roy, to move approval on the request for an executive session to conduct the Town Manager’s Evaluation, pursuant, to Title 1, M.R.S.A. §405(6)(a) - relating to a personnel matter; to come back to public session for adjournment.

Vote: 6 Yeas.

Meeting recessed to executive session at 8:43 p.m. Council Chair Rancourt reconvened the regular meeting of the Scarborough Town Council at 9:41 p.m.

Item 13. Adjournment. Motion by Councillor Babine, seconded by Councillor Wood, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 6 Yeas.

Respectfully submitted, Yolande P. Justice -Town Clerk