

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – DECEMBER 17, 2003  
REGULAR MEETING – 7:30 P.M.**

**Item 1. Call to Order.** Chairman O'Reilly called the regular meeting of the Scarborough Town Council to order at 7:34 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Marcia McGinnis, Deputy Town Clerk. Ronald W. Owens, Town Manager, was also present.

Jeffrey A. Messer	Steve N. Ross
Robert E. Patch	Sylvia J. Most, Vice Chair
Carol S. Rancourt	Shawn A. Babine
Patrick J. O'Reilly, Chairman	

**Item 4. Minutes: December 3, 2003.** Motion by Councillor Babine, seconded by Chairman O'Reilly, to move approval of the minutes of the December 3, 2003, Town Council meeting.

Councillor Most noted that on Page 1 under Order No. 03-132 the first statement should read: "Councillor Most stated that the proposed amendments to Chapter 406, the Subdivision Regulations, are a product of many months of work." On Page 2 she stated that in the second motion on the page, the number 13 should be added so that it reads: "Motion by Councillor Most, seconded by Chairman O'Reilly, to amend the main motion to replace Section 13 in its entirety . . ." She further noted that on Page 3 (just prior to the "Vote on amendment") during Council discussion of the waiver section – a major substantive change to the ordinance – it would be important to add further verbiage, as noted in her following motion:

Motion by Councillor Most, seconded by Councillor Babine, to amend the motion by further stating in the minutes the following: "There was Council discussion regarding that this language entitles the Planning Board to make judgmental decisions. This language clarifies for the Planning Board the scope of their authority."

Councillor Most stated there were a few other incidental changes she would mention to the Clerk.

Vote on amendment: 7 yeas.

Vote on main motion as amended: 7 yeas.

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

**Order No. 03-171, 7:30 p.m. Public hearing on the following renewal applications for Junkyards: 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. John B. Dickinson, 34 Running Hill Road; 5. Scarborough Auto Parts, 40 Holmes Road; 6. Regional Waste Systems, Off Running Hill Road & Green Roads; 7. Speedway Auto, 343 Payne Road.** Chairman O'Reilly opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:38 p.m.

Motion by Councillor Messer, seconded by Councillor Babine, to divide the question by considering Items 1 through 6 and then consider Item 7, Speedway Auto, 343 Payne Road, separately.

Vote: 7 yeas.

Motion by Chairman O'Reilly, seconded by Councillor Most, to move approval of the following renewal applications for Junkyards: 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. John B. Dickinson, 34 Running Hill Road; 5. Scarborough Auto Parts, 40 Holmes Road; 6. Regional Waste Systems, Off Running Hill Road & Green Roads.

Vote: 7 yeas.

Motion by Chairman O'Reilly, seconded by Councillor Messer, to table Item 7, Speedway Auto, 343 Payne Road.

Vote: 6 yeas.

1 nay (Councillor Babine).

**Order No. 03-172, 7:30 p.m. Public hearing on the following renewal applications for Manufactured Housing Communities: 1. Crystal Springs Manufactured Housing Community, David & 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.** Chairman O'Reilly opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:40 p.m.

Motion by Councillor Messer, seconded by Chairman O'Reilly, to move approval of the following renewal applications for Manufactured Housing Communities: 1. Crystal Springs Manufactured Housing Community, David & 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.

As a side note, Chairman O'Reilly stated that the Planning Department had approved a re-submitted application for expansion of Hillcrest Manufactured Housing. He noted that discussion would follow later in tonight's meeting to set a time for a joint meeting with the Planning Board for further discussion of this contract zone application.

Vote: 7 yeas.

**Resolution 03-24. Resolution honoring Rick Shinay for his service to the Town of Scarborough.** Motion by Councillor Messer, seconded by Chairman O'Reilly, to move approval of Resolution 03-24 honoring Rick Shinay for his service to the Town of Scarborough, as follows:

#### **RESOLUTION 03-24**

#### **RECOGNITION OF RICHARD SHINAY FOR HIS OUTSTANDING CONTRIBUTIONS TO THE TOWN OF SCARBOROUGH**

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

*Whereas*, from time to time an individual demonstrates an extraordinary level of commitment to the Town of Scarborough; and,

*Whereas*, Richard Shinay has served the town with honor and distinction as a member of the Planning Board since March 1, 1995, to the present; and,

*Whereas*, Richard Shinay has displayed excellent leadership skills in his service as Chairman of the Planning Board for the past four years; and,

*Whereas*, Richard Shinay has previously served the town as Co-Chairman of the Growth and Services Committee, Chairman of the Intermediate School Land Search Committee, and as a member of the Open Space Committee; and,

*Whereas*, Richard J. Shinay's professional skills as a real estate attorney were a valuable asset to the town throughout all his years of public service; and,

*Whereas*, Richard Shinay has worked diligently to help make Scarborough a better place to work and live; and,

***Now, therefore, be it Resolved***, by the Scarborough Town Council, in Town Council assembled, that the Town of Scarborough does hereby recognize and honor Richard Shinay for his outstanding contributions to the Scarborough community.

Signed and sealed this the 17th day of December, 2003, on behalf of the Scarborough Town Council of Scarborough, Maine.

Councillor Messer thanked Mr. Shinay for his service to this community and his positive impact on the Planning Board.

Councillor Ross stated this town has been fortunate to have Mr. Shinay on the Planning Board and referred to his law expertise.

Councillor Most noted that her involvement in the town has been as a result of her very positive experience on the Growth and Services Committee with Mr. Shinay.

Chairman O'Reilly stated he also had a great experience on the Growth and Services Committee with Mr. Shinay. He stated the town is deeply in Mr. Shinay's debt for his service on the Planning Board and other town committees on which he has served.

Chairman O'Reilly and Mr. Ziepniewski, Town Planner, at this point presented the resolution and a plaque to Mr. Shinay.

Joseph Ziepniewski, Town Planner, praised Mr. Shinay for his work ethic and thanked him.

Bud Hanson, Planning Board member, stated he has great respect for Mr. Shinay and his work and wished him well.

Susan Auglis, Planning Board member, thanked Mr. Shinay for his guidance.

Mike Wood, Planning Board member, thanked Mr. Shinay for his outstanding service.

Rick Shinay stated it has been a privilege to serve the Town and feels very honored this evening. He expressed his gratitude to all other Board members for their time also and all other volunteers and officials in the town who add to the fabric of the Scarborough community.

Vote: 7 yeas.

### **OLD BUSINESS:**

**Order No. 03-113. Second reading on the proposed Rules and Policy Manual.** Councillor Babine gave a brief overview by noting the Committee took an organizational approach to the manual, addressed the indexing, and deleted a duplication.

Motion by Councillor Babine, seconded by Councillor Most, to move approval of the proposed Rules and Policy Manual as presented.

Motion by Councillor Messer, seconded by Councillor Babine, amend the main motion by including *Proclamations* to Section 109 so that it would read “Section 109.0: Enactment: Form. The Town Council shall act only by ordinance, order, resolve, or proclamation.

Vote on amendment: 7 yeas.

Councillor Most stated that in the title of Section 300 the word “Policies” was misspelled. Discussion continued regarding further work that might be considered in the future.

Main motion as amended:

## **SCARBOROUGH TOWN COUNCIL RULES, POLICIES & PROCEDURES MANUAL**

### **Section 100: TOWN COUNCIL RULES OF ORDER**

**101.0: Preface:** The Scarborough Town Council will maintain this Rules, Policy & 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.

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

**102.1: 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.

**102.2: 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.

**102.3: 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.

**102.4: 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.

**102.5: Proclamations** are expressions of support, recognition or sentiments on behalf of the Town of Scarborough.

**102.6: 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.

**102.7: 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.

**103.0: Organization.** The Scarborough Town Council Rules and Policy Manual shall be organized by general sectioning, such that those sections will be titled:

- a) **Section A:** Town Council Rules of Order
- b) **Section B:** Town Council Policies and Procedures
- c) **Section C:** Administrative Policies and Procedures (Approved by the Town Council)
- d) **Section D:** Town Council Resolutions and Proclamations (Index).

**104.0: 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 7:30 P.M., Eastern Standard Time, on the first and third Wednesdays of each calendar month, except that during periods of Daylight Saving Time said meeting shall be held one hour earlier.

**104.1:** 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.

**104.2:** 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.

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

**105.0: 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.

**105.1:** 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.

**105.2:** 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.

**105.3:** Members of the media will be notified in person, by telephone or facsimile transmission. [adopted 02/28/1998]

**106.0: 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.

**106.1:** 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.

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

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

**107.0: Quorum: Adjourned Meetings.** A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

**107.1:** 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.

**108.0: 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. Acceptance of minutes.
5. Items to be signed; i.e., treasurer's warrants.
6. Public Hearings.
7. Consent Agendas. (amended 04/04/01)
8. Resolves.
9. Unfinished Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings.
10. New business: Ordinances and orders.
11. Non-Action Items. (amended 04/19/00)
12. Standing committee reports.
13. Special committee reports.
14. Liaison reports.
15. Public Comments.
16. Council member comments.
17. Adjournment.
18. Executive sessions, which may be scheduled or held anywhere on the agenda.

**109.0: Enactment: Form.** . The Town Council shall act only by ordinance, order, resolve, or proclamation.

**109.1:** 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.

**110.0: 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."*

- 111.0: 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.”
- 112.0: 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.
- 112.1:** 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 \_\_\_\_\_.”*
- 112.2:** 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.
- 113.0: 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.
- 114.0: 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.
- 115.0: 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.
- 116.0: 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 effective as specified in Section 118.
- 117.0: Order, Resolve: Effective When** all orders or resolves shall take effect after passage.
- 118.0: 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.
- 119.0: 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 10 o’clock in the morning on the Friday prior to the regular meeting held on Wednesday and before 10 o’clock in the morning of the business day next prior to the day of any other special meeting.
- 119.1:** In the event that the Town Clerk’s Office is not open on Friday, then the deadline for filing will fall at 10 o’clock in the morning on the last regular business day preceding Friday. 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)

- 120.0: 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.
- 121.0: 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).
- 122.0: 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.
- 123.0: 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.
- 124.0: 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.
- 125.0: 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.
- 126.0: 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.
- 126.1:** 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.
- 126.2:** 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.
- 126.3:** A member of the Town Council, voting with the majority on the original petition, shall be privileged to reintroduce such a petition.
- 127.0: 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?”*

**127.1:** 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.

**128.0: Not to be Debated or Amended.** No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment.

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

**129.0: 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.

**130.0: Not to Interrupt.** No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

**131.0: Breach of Rules and Orders.** 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 therefore, and shall not be allowed to vote, or speak except by way of excuse, until such satisfaction has been made.

**132.0: 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.

**132.1:** 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.

**133.0: Motion to be Reduced to Writing: When.** Every motion shall be reduced to writing, if the Chair shall so direct.

**134.0: Division of Question.** Any member may require the division of a question when the sense will admit it.

**135.0: 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.

**136.0: Priority of Business.** All questions relating to priority of business to be acted upon shall be decided without debate.

**137.0: 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.

**137.1:** 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**

**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]

**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:

**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).

**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.

**202.2.a:** Persons addressing the Town Council during the public comment period at the end of the meeting shall be permitted to speak only once and limit their remarks to five minutes.

**202.2.b:** Persons addressing the Town Council during a public hearing shall limit their remarks to five minutes may be allowed to speak more than once at the discretion of the Chair. (amended 04/18/01).

**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:** 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).

**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:

- a. 3 members to the Finance Committee
- b. 3 members to the Appointments Committee
- c. 3 members to the Ordinance Committee
- d. 3 members to the Rules and Policies Committee

**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.

**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.

**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.

**203.4:** Citizens will be allowed to give input at the discretion of the Committee Chair.

- 203.4.e:** A quorum of a Town Council Committee shall consist of two members of that Committee.
- 204.0: 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.
- 205.0: 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 Councillors' 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.)
- 205.1:** 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.
- 205.2:** 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.
- 205.3:** This procedure does not apply to commercial mail, such as solicitations, brochures, etc.
- 206.0: 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.
- 206.1:** 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.
- 206.2:** 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.
- 206.2.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.
- 206.2.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.

**206.2.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.

**207.0: 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.

**207.1:** The Finance Committee will make a recommendation to the Town Council.

**207.2:** There shall be an annual meeting with legal counsel to discuss legal services.

**207.3:** 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.

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

**208.1: 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.

**208.1.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.

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

**208.1.c:** Two methods are available to the Councillors for reimbursement:

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

**208.2.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.

**208.2.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.

**208.2.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.

**208.2.c.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.

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

- 208.3.a:** 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.
- 208.3.b:** 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.c:** 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.
- 208.3.d:** 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.
- 208.3.e:** Alcohol is not a reimbursable expense.

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

**209.1: 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.

**209.2: 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.

- 209.2.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.
- 209.2.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.
- 209.2.c:** The Town Manager, and as necessary in consultation with the Town Attorneys, shall review each property identified on the list and determine:
- 209.2.d:** 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; and,
- 209.2.e:** 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,
- 209.2.f:** 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.

**209.2.g:** 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.

**209.3: 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 one notification, preference shall be granted to the organization of record in the prior year."

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

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

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

<b>NUMBER</b>	<b>RESOLUTION TITLE</b>
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 350<sup>th</sup> 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
- 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]
- 97-09 Scarborough High School Boys Outdoor Track Team [Recognition]
- 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]
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- 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)

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97-05 Scarborough High School Academic Decathlon Team [Recognition]

97-02 Scarborough High School Academic Decathlon Team [Recognition]

01-05 Scarborough High School Boys Indoor Track Team [Recognition]

00-04 Scarborough High School Boys Indoor Track Team [Recognition]

98-04 Scarborough High School Boys Indoor Track Team [Recognition]

97-01 Scarborough High School Boys Indoor Track Team [Recognition]

97-09 Scarborough High School Boys Outdoor Track Team [Recognition]

99-16 Scarborough High School Boys Soccer Team [Recognition]

98-03 Scarborough High School Cheering Squad [Recognition]

02-19 Scarborough High School Football Team [Recognition]

99-14 Scarborough High School Girls Cross-Country Team [Recognition]

98-14 Scarborough High School Girls Cross-Country Team [Recognition]

99-05 Scarborough High School Girls Indoor Track Team [Recognition]

98-10 Scarborough High School Girls Outdoor Track Team [Recognition]

97-08 Scarborough High School Girls Outdoor Track Team [Recognition]

99-15 Scarborough High School Girls Soccer Team [Recognition]

98-13 Scarborough High School Girls Soccer Team [Recognition]

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00-10 Tax-Acquired Property -- Authorization to Sell Tax-Acquired  
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97-06 Wentworth Intermediate School Grade 5 Math Teams [Recognition]

## APPENDIX A: POLICY MATRIX

Type	Intended Audience	Process to Enact	Votes to Pass	Council Rules	Charter	Statutory
<b>Council Rules &amp; Orders</b>	Council Members	2 Council Meetings	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.						
<b>Resolutions/Resolves</b>	Staff and/or general public	1 Council Meeting	Simple Majority	Section 100: Sub. 102.4 <b>Section 210 (PENDING).</b>	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.						
<b>Orders</b>				Section 109-117	No	No
General or if authorizing expenditure under \$500	Staff and/or general public	1 Council Meeting	Simple Majority	Section 111, 115	No	No.
\$500 or more	Staff	2 Council Meetings	Simple Majority <sup>1</sup>	Section 111, 115	No	No
<b>Ordinances</b>	General public – enforcement by staff	First reading, a public hearing, second reading. <sup>3</sup>	Simple Majority <sup>2</sup>	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.						
<b>Petitions</b>						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.						

<sup>1</sup> There are exceptions to a simple majority vote, such as to suspend the rules and waive 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.

<sup>2</sup> 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).

<sup>3</sup> The second reading can be held the same night as the public hearing.

<b>Proclamations</b>	Staff and/or general public	Staff – if authority delegated		Section 100: Sub. 102.5 <b>Section 210 (PENDING)</b>	No	No
Defined As: Recognition, expression of support or sentiment on behalf of the Town of Scarborough.						
<b>Policies</b>	Council	1 Council Meeting	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.						

Vote: 7 yeas.

**NEW BUSINESS:**

**Order No. 03-173. Act on the request to approve the Shellfish allocations for 2004, as recommended by the Shellfish Committee and approved by the Department of Marine Resources.** Motion by Chairman O'Reilly, seconded by Councillor Most, to move approval on the request to approve the Shellfish allocations for 2004, as recommended by the Shellfish Committee and approved by the Department of Marine Resources. Allocations are as follows:

**ALLOCATIONS FOR 2004**

<b>Class</b>	<b>Subclass</b>	<b><u>Number</u></b>	<b><u>Cost</u></b>
Commercial	Resident	24	\$200.00
Commercial	Non-Resident (10%)	4	400.00
Recreational	Resident	220	25.00
Recreational	Non-Resident (10%)	22	50.00
Recreational	Day/Week/Month Resident	10	5.00
Commercial	Student/Junior Non-Resident	1	200.00
Commercial	Student/Junior Resident	10	100.00
Recreational	Day/Week/Month Non-Resident	2	10.00
Commercial	Senior Resident	3	100.00

A brief discussion ensued.

Vote: 7 yeas.

**Order No. 03-174. Act to approve an Administrative Policy regarding “Parking Bans During Snow Emergencies.”** Ronald W. Owens, Town Manager, gave a brief overview, noting also the main purpose of placing it on the agenda is for Council sanctioning of the policy and for the purpose of introducing it to the public. Mr. Owens read it into the record.

**TOWN OF SCARBOROUGH  
POLICY  
ON PARKING BANS DURING SNOW EMERGENCIES**

The purpose of this policy is to communicate the intent of the Town of Scarborough, as it relates to the banning of cars parked on the streets of Scarborough during snow emergencies.

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.

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).

The Town of Scarborough strictly enforces parking bans – all vehicles in violation WILL BE towed at the owner’s expense.

Motion by Councillor Messer, seconded by Councillor Babine, to move approval of the Administrative Policy regarding *Parking Bans During Snow Emergencies*.

Motion by Chairman O'Reilly, seconded by Councillor Babine, to amend the main motion by making the following changes so that all weather emergencies would be covered which would then give more latitude to the Public Works Director and/or Chief of Police: The title should be changed to *Policy on Parking Bans During ~~Snow~~-Weather Emergencies* and in the first sentence the end should read "... Scarborough during ~~snow~~-weather emergencies." In the second paragraph it should read: "In order to properly remove snow and debris and to provide safer travel conditions . . ." In the second sentence of the second paragraph the sentence should be changed to the following: "... the Chief of Police shall decide to impose a parking ban when serious weather and/or extended snowfall is forecast."

Discussion ensued regarding whether this proposed change would be needed, towing situations, and giving the public fair warning of this change before implementation. To a question posed by Councillor Messer, Mr. Owens stated it would not hurt to broaden the scope to weather events of all sorts for purposes of clarity.

Vote on amendment: 7 yeas.

There was a brief discussion regarding designated areas for parking during a ban, notification to residents of specific parking bans, and limitation of putting a timely message on the town website during a weekend. Councillor Most requested of the Town Manager that the IS Department be involved in discussions regarding requirements for upgrading our service so that a staff member could put an announcement on the website from his/her home when necessary. Mr. Owens also assured the Council there would be fair warning to the community before it is implemented.

Motion by Councillor Babine, seconded by Chairman O'Reilly, to amend the main motion by numbering this policy 301 and each paragraph then 301.1, 301.2 with each paragraph in sequential order for purposes of conforming to the new Rules and Policies Manual.

Vote on amendment: 7 yeas.

Councillor Messer suggested at this point that a message be put on the website directing residents to check the parking ban telephone number (883-7760-SNO [766]) during inclement weather. He also suggested that Channel 3 post a message from November through April to refer to the above-noted telephone number. Councillor Ross requested that the Rules and Policies Committee consider listing all administrative policies within the manual.

Main motion as amended:

**TOWN OF SCARBOROUGH**  
**301: POLICY**  
**ON PARKING BANS DURING WEATHER EMERGENCIES**

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

**301.2:** In order to properly remove snow and debris 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 weather and/or 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.

Vote: 7 yeas.

**Order No. 03-175. Act to approve the request of the Police Chief with regards to acceptance of drug forfeiture money in the amount of \$752.00.** Motion by Chairman O'Reilly, seconded by Councillor Babine, to move approval on the request of the Police Chief with regards to acceptance of drug forfeiture money in the amount of \$752.00.

Vote: 7 yeas.

**Item 6. Non-Action Items.** None.

**Item 7. Standing Committee Reports.**

**a. Appointments Committee.** Councillor Babine stated he hopes to schedule his first meeting for January 7. He stated he would like a listing of all committee members, their terms, and attendance records.

**b. Finance Committee.** Councillor Messer stated the first meeting would be scheduled sometime the second week of January at which time the Town Manager and department heads will update Finance Committee members on any problem issues they foresee.

**c. Ordinance Committee.** Councillor Ross stated he would announce the next Ordinance Committee meeting at the next Town Council meeting.

**d. Rules & Policies Committee.** No report at this time.

**Item 8. Special Committee Reports.** Councillor Most stated that the Council Subdivision Site Plan Ordinance Review Committee would be coming back to the Council with a name change for the committee. She stated this committee will start meeting the first week in January on a weekly basis for one hour at lunchtime on Mondays, and at the first meeting the committee will set the agenda for the new year.

**Item 9. Liaison Reports.**

- Councillor Babine stated the next meeting of the 350th Anniversary Committee will be January 6, 2004, at 6 :30 p.m. in Council Chambers.
- Councillor Messer read the following statement into the record :

Date        December 17, 2003  
To:         Town Council  
From:       Councilor Messer  
Subject:    RWS Update

Three months ago to the day I gave the Town Council a detailed analysis of the operations and decision making of RWS since the incinerator commenced operations in 1988. I would like to take this opportunity to update the

Town Council on this report, as well as other issues that have taken place during the interim.

My report was mailed to all members of the Board of Directors by staff at RWS with a memo stating that they would be providing a written response to the report [1] Since no response has been given and three months have elapsed, I can only assume that all the information contained in the report is correct. The Portland Press Herald published a lengthy front page article about RWS based on this report.[2]

Interesting observations from several individuals appeared in the article, including former CMP CEO David Flanagan. Further research concerning the Gorham site found that the Ross Grant Partnership paid only \$517,000 (not \$2.2 million as previously reported) for the property that was resold two years later to RWS at \$3,475,000. In summary, the report raised serious concerns over past decisions and the processes used to arrive at these decisions.

This continues to be a concern with the current discussions about the proposed ashfill expansion. As my report indicated, the Executive Committee authorized \$750,000 for permitting.[3] This expenditure needed a 3/4 vote of the Board of Directors. In addition, \$1.4 million has already been expended, which exceeds the approved figure by \$650,000.[4]

The data provided by RWS staff seems to be flawed. The Close Ashfill/Ship Ash Off Site (Table 2) chart includes expenses for closure and postclosure of the current ashfill/bale fill. These expenses have already been incurred regardless of which option is chosen. The Construct Ashfill Expansion (Table 4) chart has no closure and postclosure costs for the expansion. This changes the financial picture significantly.[5]

The Board of Directors had a workshop concerning this issue last week. No supplemental material was provided to board members. One slide was shown with five alternatives. It was only provided via mail days later.[6] No details were given on how the numbers were calculated. The lack of information and flawed data continues to be a major concern.

The encouraging news from the workshop was the bid for off site disposal came in at \$44.10 per ton for a 10 year period.[7] This is well below the \$62 figure used in RWS Table 2. The discouraging news from this workshop is that Town Manager Ron Owens (and member of the RWS Board of Directors) requested the per ton figure the day before and was told it wasn't available. However, it was obvious many other members were given this information based on the sparse turnout for the workshop. It's unacceptable that information isn't shared equally among board members. The Board of Directors has yet to have a public discussion about the feasibility of shipping ash off site even though \$1.4 million has already been expended.

The questions I submitted on 11/29 to the Chairman concerning re-financing have yet to be answered.[8] The Town Manager of Gray also submitted a list of questions concerning this issue.[9]

I would like to think that these questions will receive a reply soon since time supposedly is of the essence. I will keep the Town Council updated as we move forward. I was optimistic that things would change as far as process and

procedure. Unfortunately, that optimism has been dashed. Hopefully, we'll see a positive change in the coming year.

Councillor Babine asked if the Council could have a workshop to discuss its current position regarding RWS and the alternatives. He stated he would like a serious discussion about Scarborough's course of action. Councillor Messer agreed this request has merit and would talk with the Manager about it. Chairman O'Reilly stated he felt it would be appropriate to have representation from someone at RWS.

- Chairman O'Reilly stated he met with Mr. Beneman, Mr. Michaud, Mr. Doyle, and Mr. Owens and held fruitful discussions regarding the school CIP coming forward, municipal facilities beyond the high school, along with a number of other issues. He stated they have nearly completed their CIP budget for submission to the Manager.
- Councillor Ross stated that the Community Services and Recreation Advisory Board postponed a meeting scheduled for last Monday, December 15, to this Monday, December 22, 2003, at 6:00 p.m., noting it was postponed due to inclement weather. The meeting will include a presentation regarding artificial surface for the competition field, and Councillor Ross emphasized that it is not for the "football field" but the "competition field."
- Councillor Ross also stated that the Parks and Conservation Land Advisory Board will be meeting quite soon and the date will be announced shortly.

**Item 10. Public Comments.** None.

**Item 11. Council Member Comments.**

1. Councillor Ross wished a Merry Christmas and a Happy Holidays to his colleagues and town employees.
2. Councillor Most stated that on Wednesday, December 10, 2003, she had the attended the Maine Neighborhoods Building Strong Communities Conference – the first annual state-wide conference – at the Holiday Inn regarding community organizing and organizing neighborhood advocacy groups, noting that some neighborhood groups have already formed or are currently forming in Scarborough (i.e., Higgins Beach, the Pine Point area). She stated that as the community grows there is more value in having neighborhood organizations because it helps the town government have a body to communicate with when there is an issue affecting a particular part of town. She has the agenda and notes regarding the meeting if anyone is interested.
3. Councillor Babine explained he voted against tabling the issue of the second grouping of the junkyard permits because this is the second year it has been tabled and no action has been taken. He stated it has been the same issue and problem with this junkyard, it has not been compliant with state law or local ordinances, and, further, the Manager's recommendation was that Council authorize the town staff to pursue legal action. He hopes this Council will authorize the Manager to do that since this junkyard has already had a one-year grace period. He also wished everyone a Merry Christmas.
4. Councillor Messer stated that the racino issue will be up for a vote in Saco and Westbrook on December 30 and encouraged residents in those towns to educate themselves on all the information and data available. He referred to some comments made by the Mayor of Saco in relation to how the racino would affect Scarborough if approved in Saco. He thanked staff at Public Works for their terrific job during the first two massive snowstorms in Scarborough and for their preparation in anticipation of another storm. He stated that there needs to be a plan for the high snow banks on Route One. He congratulated Rick Shinay and thanked him for all of his years of service, particularly for his legal expertise. He wished everyone Happy Holidays.

5. Councillor Patch wished everyone Happy Holidays and a Merry Christmas. He stated he hoped to have more information on the Firing Range Committee and Shellfish Committee at the next Council meeting.
6. Chairman O'Reilly stated a card and note from Susan deGrandpre (who facilitated the off-site meeting last winter) had been received. He referred to the quick response of Santa to his daughter. He stated that the Eastern Trail Alliance newsletter came out which referred to the Scarborough Marsh project and the completion of the sections through Scarborough. He applauded Tom Daley for his work in leading the local group of this alliance; he also announced membership costs. For more information on this group, he referred to its website at [www.easterntail.org](http://www.easterntail.org); telephone 284.9260. He stated he would provide additional information later regarding a conference he attended – information regarding cell towers in municipalities, affordable housing, municipalities hiring lobbyists at the state level, elderly and senior services towns can provide. He also has information relative to public/private leasing arrangements.

**Order No. 03-176. Act on the request for an executive session concerning legal litigation, ALC Development Corporation, et al., v. Town of Scarborough, Docket No. CV-03-498.** Motion by Chairman O'Reilly, seconded by Councillor Rancourt, to move approval on the request for an executive session concerning legal litigation, ALC Development Corporation, et al., v. Town of Scarborough, Docket No. CV-03-498.

Vote: 7 yeas.

Chairman O'Reilly stated the Council would reconvene to public session from the Town Manager's Conference Room and would adjourn from there. Meeting adjourned to executive session at 8:50 p.m.

**Item 12. Adjournment.** Motion by Councillor Babine, seconded by Chairman O'Reilly, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 yeas.

Meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Marcia Foster McGinnis  
Deputy Town Clerk