



**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – OCTOBER 7, 2009**  
**REGULAR MEETING – 7:00 P.M.**

**NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.**

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** Minutes: September 16, 2009 – Regular Meeting.
- Item 5.** Items to be signed: a. Treasurer’s Warrants.

**Procedure for Addressing Council.**

**Order No. 09-117, 7:00 p.m. Public hearing** on the proposed amendment to Chapter 302, Council Rules and Policies Manual, as recommended by the Rules and Policies Committee.

**Order No. 09-120, 7:00 p.m. Public hearing** and action on the designation of the BOR [Business Office Research] Zone Municipal Development and Tax Increment Financing District and adoption of a development program for the district and the execution of a credit enhancement agreement, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

**Item 6.** Presentation from Mr. Griffin’s class from the Middle School.

**Resolution 09-08.** Resolution in opposition to the initiated Bill LD 974 – *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency.*

**OLD BUSINESS:** None at this time.

**NEW BUSINESS:**

**Order No. 09-121.** First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4).

**Order No. 09-122.** Act to amend the number of members of Charter Review Committee.

**Order No. 09-123.** Act to authorize the Town Manager to sign documents authorizing acceptance of \$11,266.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department’s equitable share of seizures obtained in recent drug cases].

**Item 7. Committee Reports:**

1. Standing Committee Reports.
  - a. Appointments Committee
  - b. Finance Committee.
  - c. Ordinance Committee.
  - d. Rules and Policies Committee.
2. Other Committee Reports.

**Item 8. Public Comments.**

**Item 9. Town Manager Report.**

**Item 10. Council Member Comments.**

**Item 11. Adjournment.**

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – OCTOBER 7, 2009 REGULAR MEETING – 7:00 P.M.**

**Order No. 09-117.** The second reading on the proposed amendment to Chapter 302, Council Rules and Policies Manual, as recommended by the Rules and Policies Committee will be scheduled for Wednesday, October 21, 2009.

## **Proposed Amendments to Chapter 302**

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

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Chapter 302, the Town Council Rules, Policies and Procedures Manual of the Town of Scarborough, Maine, be and hereby is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

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

##### **100.0: Preface.**

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

##### **101.0: Definitions.**

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

##### **101.1: Rules of Order**

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

##### **101.2: Policy(ies)**

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

##### **101.3: Procedures**

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

##### **101.4: Resolutions**

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

##### **101.5: Proclamations**

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

**101.6: Orders**

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

**101.7: Petitions**

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

**101.8: Majority**

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

**101.9: Quorum**

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

**101.10: Abstain**

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

**102.0: Organization.**

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

- a) **Section 100:** Town Council Rules of Order
- b) **Section 200:** Town Council Meeting(s) Policies and Procedures
- c) **Section 300:** Other Town Council Policies

**103.0: Regular Meetings.**

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

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

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

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

**104.0: Special Meetings.**

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

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

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

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

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

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

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

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

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

**106.0: Quorum: Adjourned Meetings.**

A majority of the members of the Town Council shall constitute a quorum for the purpose of calling the meeting to adjourn to a date specific.

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

**107.0: Agendas.**

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

1. Call to order by the Chair
2. Pledge of Allegiance
3. Roll call by the recording secretary
4. General Public Comments [limited to ~~(5) five~~ three (3) minutes or less - refer to Section 202]
5. Acceptance of minutes
6. Items to be signed; i.e., treasurer's warrants
7. Public Hearings
8. Consent Agendas (amended 04/04/01)
9. Resolves
10. Unfinished Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings [limited to (3) three minutes – refer to Section 202]
11. New business: Ordinances and orders [limited to 3 three minutes – refer to Section 202]
12. Non-Action Items. (amended 04/19/00)
13. Standing and Special Committee Reports and Liaison Reports
14. Town Manager's Report
15. Council member comments [limited to ~~(5) five~~ ten 10 minutes]
16. Adjournment
17. Executive sessions, which may be scheduled or held anywhere on the agenda

**108.0: Enactment: Form.**

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

**108.1:** All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

**109.0: Ordinances: Style.**

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

*"Be it ordained by the Town Council of the Town of Scarborough, Maine,  
in Town Council assembled."*

**110.0: Order and Resolve: Style.**

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

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

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

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

*“Move approval of the first (second) reading of \_\_\_\_\_.”*

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

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

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

**113.0: First Reading: Waiver.**

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

**114.0: Yeas and Nays Taken: When.**

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

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

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

**116.0: Order, Resolve: Effective When.**

All orders or resolves shall take effect after passage.

**117.0: Emergency Ordinances.**

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

**118.0: Item for Meetings: Filed When.**

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

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

**119.0: Chair to be Presiding Officer.**

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

**120.0: Role of Vice Chair.**

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

**121.0: Preserve Order: Decide All Questions of Order.**

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

**122.0: Declare Votes: Cause Return of Votes.**

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

**123.0: Debate: Rules of.**

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

**124.0: Motion to Adjourn: Lay on Table.**

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

**125.0: Reconsideration.**

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

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

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

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

**126.0: Motion for Previous Question.**

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

*“Shall the main question be put?”*

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

**127.0: Not to be Debated or Amended.**

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

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

**128.0: Manner of Speaking.**

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

**129.0: Not to Interrupt.**

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

**130.0: Breach of Rules and Orders.**

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

**131.0: Member Excused from Voting: When.**

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

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

**132.0: Motion to be Reduced to Writing: When.**

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

**133.0: Division of Question.**

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

**134.0: Motion for Referral.**

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

**135.0: Priority of Business.**

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

**136.0: Suspension of Rules: Amendment or Repeal.**

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

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

**SECTION 200: TOWN COUNCIL POLICIES & PROCEDURES**

**200.0: Breach of Rules and Orders.**

The proper operation of democratic government requires that Town Councilors be fair, impartial and responsive to the needs of the people and each other in the performance of the respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors which is not intended to deny Council members their constitutional rights nor violate their civil rights.

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

**200.2: Conflicts of Interest.** No Councilor shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with the Town, except that he/she may be allowed to submit bids for same in accordance with the Town ordinances; and

under the laws of the State of Maine, where to his/her knowledge there is a financial interest, or special interest other than that possessed by the public generally, in such purchase or award, held by:

**200.2.a:** himself/herself or a member of his/her immediate family;

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

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

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

**200.4:** Gifts and Favors. No Town Councilor shall accept any **valuable** gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor: (1) accept any gift, favor or thing **of value** that tends to influence him/her in the discharge of his/her official duties; or (2) grant in the discharge of his/her official duties any improper favor, service or thing **of value**.

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

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

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

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

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

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

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

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

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

**200.8.a:** No Town Councilor may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he/she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens.

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

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

## **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.**

A Public Comment Period shall be conducted prior to the start of any Council business at each regular Town Council meeting, at which time citizens shall be given the opportunity to be heard on matters concerning Town business in general. Additional public comment shall be allowed during public hearings and on agenda items. Such public forums and/or public comment periods may be waived if no member of the public wishes to speak. Persons wishing to speak will preface their comments by giving their name and address.

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

### **202.2: Time Limit.**

All such public forums, public comment periods and public hearings shall be conducted under the following guidelines:

**202.2.a: General Public Comment:** Persons addressing the Town Council during the public comment period at the beginning of the meeting shall be permitted to speak only once and limit their comments to ~~(5) five~~ (3) three minutes. Individuals may be permitted to speak more than once at the discretion of the Chair of the Council. The first (30) thirty minutes of the Council meeting will be allocated for general public comment and if needed, this time can be extended by vote of the Council.

**202.2.b.: Public Hearing Comment:** Persons addressing the Town Council during a public hearing shall limit their ~~remarks~~ comments to the particular agenda item and shall limit their comments to ~~(5) five~~ (3) three minutes. Individuals may be permitted to speak more than once at the discretion of the Chair of the Council. (amended 04/18/01).

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

**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.

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

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

**203.0: Council Standing Committees (amended 01/07/98).**

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

**203.0.a: 3 Members to the Finance Committee:**

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

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

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

**203.0.b: 3 Members to the Appointments Committee:**

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

**203.0.c.: 3 Members to the Ordinance Committee:**

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

Minor amendments [those that do not alter the substance] to ordinances generated from other standing committees may be recommended administratively to the Council without review by the Ordinance Committee. From time to time the Town Council may appoint a committee that may not require ~~their~~ its recommendations to be reviewed by the Ordinance Committee.

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

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

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

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

**204.0: Other Committees/Boards.**

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

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

**SECTION 300.0: OTHER TOWN COUNCIL POLICIES**

**301.0: 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.

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

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

the originator has copied all Councillors, the Clerk will simply note this information on the correspondence unless the originator has done so.)

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

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

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

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

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

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

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

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

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

#### **303.2: Request for Advance Payment.**

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

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

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

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

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

### **304.0: Reimbursement.**

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

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

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

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

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

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

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

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

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

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

**305.4:** The Town Council policy for minute taking be adopted as recommended by staff for voluntary committees. This will entail voluntary committees completing a *Minutes/Notes of Meeting* form (Attachment A) by designating one member of the committee to complete the form at the time of the meeting. The Town Clerk's Office will provide the form for each committee meeting, and the form is also available on the Town of Scarborough web site ([www.scarborough.me.us](http://www.scarborough.me.us)) or can be e-mailed to the appropriate committee member.

**Attachment – A**

*Minutes/Notes of Meeting Forum Below*

**MINUTES/NOTES OF MEETING**

**Meeting Name:** \_

**Date:** \_

**Meeting called to order by:** \_

**Start time:** \_

**Committee members present** *(please list here):* \_\_\_\_\_

Also present (other than committee members): \_\_\_\_\_

If there is no quorum, please sign here. \_\_\_\_\_

---

**Minutes – Approved**

Meeting date of minutes: \_

Approved: Yes \_\_\_ No \_\_\_

List any changes approved: \_

---

**GENERAL TOPIC DISCUSSED:** \_

Motion by: \_

Seconded by: \_\_\_\_\_

Please write motion here: \_

Number of members approve: \_\_\_\_\_ Number disapprove: \_\_\_\_\_

---

**GENERAL TOPIC DISCUSSED:** \_

Motion by: \_

Seconded by: \_\_\_\_\_

Please write motion here: \_

Number of members approve: \_\_\_\_\_ Number disapprove: \_\_\_\_\_

---

**GENERAL TOPIC DISCUSSED:** \_

Motion by: \_

Seconded by: \_\_\_\_\_

Please write motion here: \_

Number of members approve: \_\_\_\_\_ Number disapprove: \_\_\_\_\_

Time meeting adjourned: \_

Signed by: \_  
Official)

(Meeting

Please use additional pages, if

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

## APPENDIX A: POLICY MATRIX

Type	Intended Audience	Process to Enact	Votes to Pass	Council Rules	Charter	Statutory
<b>Council Rules &amp; Order</b>	Council Members	2 Council Mtg.	Simple Majority	Section 100: Sub.102	Section. 212	No
Defined As: General procedural rules and orders adopted by the Council Members for the members of the Council to follow.						
<b>Resolutions/Resolves</b>	Staff and/or General Public	1 Council Mtg.	Simple Majority	Section 100: Sub. 102.4	No	No
Defined As: An expression of opinion, principles, facts or purposes adopted by the Council as direction to the staff and/or general public.						
<b>Orders</b>				Section 109-117	No	No
General or if authorizing expenditure under \$500	Staff and/or General Public	1 Council Mtg.	Simple Majority	Section 111, 115	No	No.
\$500 or more	Staff	2 Council Mtg.	Simple Majority <sup>1</sup>	Section 111, 115	No	No
<b>Ordinances</b>	General Public – enforcement by staff	1 Council Mtg., Public Hearing & 2 <sup>nd</sup> Meeting <sup>2</sup>	Simple Majority <sup>3</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.						
<b>Proclamations</b>	Staff and/or Gen. Public	Staff – if authority delegated		Section 100: Sub. 102.5	No	No
Defined As: Recognition, expression of support or sentiment on behalf of the Town of Scarborough.						
<b>Policies</b>	Council	1 Council Mtg.	Simple Majority	Section 100: Sub. 102.2	No	No
Defined As: A plan or course of action, guiding principle, or procedure considered being expedient, prudent or advantageous.						

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

<sup>2</sup> A second reading can be held on the same night as the public hearing.

<sup>3</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).

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – OCTOBER 7, 2009 REGULAR MEETING – 7:00 P.M.**

**Order No. 09-120.** Move approval on the designation of the BOR [Business Office Research] Zone Municipal Development and Tax Increment Financing District and adoption of a development program for the district and the execution of a credit enhancement agreement, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

**ORDER DESIGNATING THE BOR ZONE MUNICIPAL DEVELOPMENT AND TAX  
INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT  
PROGRAM FOR THE DISTRICT**

WHEREAS, the Town of Scarborough, Maine (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as a Municipal Development and Tax Increment Financing District and to adopt a Development Program for such District; and

WHEREAS, there is a need for additional commercial development in the Town; and

WHEREAS, Foundation Center, LLC intends to make certain improvements to the proposed BOR Zone Municipal Development and Tax Increment Financing District (the "District"); and

WHEREAS, the unique design, location and current zoning make this particular property economically challenging to develop; and

WHEREAS, Foundation Center, LLC is required to complete certain public improvement components to its development project including the relocation of the intersection of Route 1 and Science Park Road and the closing of the existing Route 1 entrance to the property, as more fully described in the Development Program; and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, there is a need to encourage the development, expansion and improvement of commercial facilities within the Town through the establishment of Municipal Development Districts and Tax Increment Financing Districts in accordance with the provisions of Chapter 206 of Title 30-A; and

WHEREAS, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. Section 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate the BOR Zone Municipal Development and Tax Increment Financing District and adopt a Development Program for such District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Development Program for the District.

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE TOWN COUNCIL OF THE  
TOWN OF SCARBOROUGH, MAINE AS FOLLOWS:**

Section 1. The Town hereby finds and determines that:

- (a) At least 25%, by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses as defined in 30-A M.R.S.A. Section 5223; and,
- (b) The total area of the District does not exceed 2% of the total acreage of the Town, and the total area of all development districts within the Town (including the District) does not exceed 5% of the total acreage of the Town; and,
- (c) The aggregate value of equalized taxable property of the District as of April 1, 2009 does not exceed 5% of the total value of equalized taxable property within the Town as of April 1, 2009; and,
- (d) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the BOR Zone Municipal Development and Tax Increment Financing District, designated and described as more particularly set forth in the Development Program presented to this meeting of the Town Council and as set forth in Exhibit A attached hereto; and such Development Program is hereby adopted by the Town and incorporated by reference into this Order as the Development Program for the District (the "Development Program").

Section 3. The Town Manager is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. §5221 et. seq., and to make revisions to the application materials as requested by the State Department of Economic and Community Development, so long as the substantive components of the Development Program remain unchanged.

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Commissioner of the Department of Economic and Community Development, without requirements of further action by the Town, the Town Council or any other party.

Section 6. Upon approval of the designation of the District and adoption of the Development Program by the Commissioner of the Department of Economic and Community Development, the Town Manager, with the advice of the Town Attorney, is hereby authorized to enter into a credit enhancement agreement with Foundation Center, LLC containing such terms and conditions, consistent with the provisions of the Development Program, as the Town Manager may deem to be in the best interests of the Town of Scarborough, Maine.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – OCTOBER 7, 2009 REGULAR MEETING – 7:00 P.M.**

**Resolution 09-08.** Move approval of Resolution 09-08, in opposition to the initiated Bill LD 974 – *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency, as follows:*

**RESOLUTION 09-08**

***IN OPPOSITION TO THE INITIATED BILL LD 974  
AN ACT TO DECREASE THE AUTOMOBILE EXCISE TAX AND  
PROMOTE ENERGY EFFICIENCY***

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

**WHEREAS**, the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*, would cut over \$80 million of revenue each year to Maine's towns and cities that is used to plow, treat, construct, repair and maintain over 13,000 miles of local roads and over 800 local bridges; and,

**WHEREAS**, LD 974 would cut approximately \$2.7 million [\$1.6 million the first year and \$1.1 million the second year] in revenue Scarborough uses every year to assist in the repair and maintain 172 miles of local roads and 2,100 drainage structures; and,

**WHEREAS**, the motor vehicle excise tax revenue is vitally necessary to adequately maintain this infrastructure for reasons of public safety and welfare and economic development; and,

**WHEREAS**, the adoption of the excise tax initiative would likely lead to a significantly deteriorated transportation system in this community or, in the alternative, lead to a tax shift through increases to the property tax rate; and,

**WHEREAS**, the excise tax initiative would allow substantial benefits to the owners of newer and specialized motor vehicles while providing no tax benefits to the owners of motor vehicles that are older than five years of age, which represent the majority of registered motor vehicles; and,

**WHEREAS**, the excise tax initiative is falsely presented as a "green" initiative while at the same time seriously impairing the capacity of the towns and cities in Maine to construct and maintain road systems that appropriately protect Maine's water quality.

**NOW, THEREFORE, BE IT RESOLVED**, that the Scarborough Town Council, in Town Council assembled, does hereby express its grave concern about impact that the initiated Bill [LD 974], if approved, will have on the Town's ability to adequately maintain and improve our local roads without a significant increase in local property taxes; and further agrees to provide information to the voters of Scarborough regarding the potential negative impacts of this initiated legislation and authorizes the municipal staff to participate in such activities that are deemed necessary and appropriate in the furtherance of this resolution.

Signed and dated this 7th day of October, 2009, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – OCTOBER 7, 2009 REGULAR MEETING – 7:00 P.M.**

**Order No. 09-121.** Move approval of the first reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4) and schedule a public hearing and second reading for Wednesday, October 21, 2009 – supporting information on file with the Town Clerk.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – OCTOBER 7, 2009 REGULAR MEETING – 7:00 P.M.**

**Order No. 09-122.** Move approval to amend the number of members of Charter Review Committee to include an alternate member bring the total to seven full voting members and first alternate.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – OCTOBER 7, 2009 REGULAR MEETING – 7:00 P.M.**

**Order No. 09-123.** Move approval to authorize the Town Manager to sign documents authorizing acceptance of \$11,266.00 or any portion thereof, to be placed in the Asset Forfeiture Account.

# *Scarborough Police Department*

## *Memorandum*

**To:** Thomas Hall, Town Manager  
**From:** Robert Moulton, Chief of Police *RMM*  
**Date:** Friday, October 02, 2009  
**Ref:** Asset Forfeiture  
**CC:**

As a result of the Scarborough Police Department's on-going participation in multi-jurisdictional drug investigations, I have received the attached letter and form. The form needs to be approved and signed by the Scarborough Town Council in order to receive an equitable sharing distribution of the seizure obtained in the case of State of Maine vs. Shaun Doyle.

I would respectfully request that the Scarborough Town Council approve and sign the attached form.

JANET T. MILLS  
ATTORNEY GENERAL

TEL: (207) 626-8800  
TTY: 1-888-577-6690



STATE OF MAINE  
OFFICE OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006  
September 30, 2009

REGIONAL OFFICES:  
84 HARLOW ST., 2ND FLOOR  
BANGOR, MAINE 04401  
TEL: (207) 941-3070  
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR  
PORTLAND, MAINE 04101-3014  
TEL: (207) 822-0260  
FAX: (207) 822-0259  
TDD: (877) 428-8800

14 ACCESS HIGHWAY, STE. 1  
CARIBOU, MAINE 04736  
TEL: (207) 496-3792  
FAX: (207) 496-3291

Chief Robert Moulton  
Scarborough Police Department  
246 US Route 1  
Scarborough, ME 04074

RE: State v. Shaun Doyle, CR-06-33426  
Town of Scarborough Approval

Dear Chief Moulton:

Enclosed please find a Town of Scarborough Approval form for the forfeiture of the currency seized in this case. As you can see, the Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer the property that was seized to the Town of Scarborough. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL  
State of Maine  
By: *Lea-Anne Sutton*  
Lea-Anne Sutton  
Assistant Attorney General

STATE OF MAINE  
Cumberland, SS

State of Maine

v.

Shaun Doyle,  
Defendant

UNIFIED CRIMINAL DOCKET  
Criminal Action  
Docket No. CR-06-3426

}  
}  
} City/Town Of Scarborough  
} Approval Of Transfer  
} 15 M.R.S.A. §5824(3)  
} and §5826(6)  
}  
}

AND  
\$2,966.00 US CURRENCY, DEFENDANT IN REM #1  
\$8,300.00 US CURRENCY, DEFENDANT IN REM #2

**NOW COMES** the City/Town of Scarborough, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$2,966.00 US Currency and \$8,300.00 US Currency, **or any portion thereof**, on grounds that the City/Town of Scarborough Police Department did make a substantial contribution to the investigation of this or a related criminal case.

**WHEREFORE**, the City/Town of Scarborough Town Council does hereby approve of the transfer of the Defendant(s) *In Rem*, **or any portion thereof**, to the City/Town of Scarborough, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)