

The seal of Scarborough Town Council is circular, featuring a central figure (likely a saint or historical figure) surrounded by the text "SCARBOROUGH TOWN COUNCIL" and "INCORPORATED 1658".

**AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – JANUARY 20, 2010**

**TOWN COUNCIL WORKSHOP WITH  
REPRESENTATIVES ON NEW ENGLAND EXPEDITION – 6:00 P.M.  
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.** General Public Comments. (\*Please see **NOTICE** at the end of the agenda.)

**Item 5.** Minutes: January 6, 2010 – Regular Meeting.

**Item 6.** Adjustment to the Agenda.

**Item 7.** Items to be signed: a. Treasurer's Warrants.

**Procedure for Addressing Council**, please see end of agenda.

**Order No. 10-03, 7:00 p.m. Public hearing** on the proposed amendments to Chapter 601 – Traffic Ordinance, Section 29. Parking Restrictions.

**Resolution 10-01.** Resolution in support of a Community Development Block Grant (CDBG) Application on behalf of the Little Dolphin.

**OLD BUSINESS:**

**Order No. 10-04.** Act on the nominations for the various committees/boards that were posted that the January 6<sup>th</sup> Town Council meeting and recommended by the Appointments Committee.

**NEW BUSINESS:**

**Order No. 10-05.** Act on the recommendations to amend that Fund Balance Policy, as recommended by the Finance Committee.

**Item 8.** Non Action Items.

- Update on Payne Road West Traffic Calming and Dunstan Corner Intersection Improvement Projects.

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

**Item 10.** Town Manager Report.

**Item 11.** Council Member Comments.

**Item 12.** Adjournment.

**\*NOTICE Procedure for Addressing Council.**

**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.

**202.2: 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 limit their comments to (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. If it appears that the public comment period will exceed (30) thirty minutes, public comment may be suspended by the Chair, so the Town Council can conduct its business, in any case to occur prior to adjournment. (amended 10/21/09)

**202.2.b.: Public Hearing Comment:** Persons addressing the Town Council during a public hearing shall limit their comments to the particular agenda item and shall limit their comments to (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; amended 10/21/09)

**202.2.c: Public Comment on Agenda Items:** Following the reading of each agenda item, the Chair shall ask if any member of the public wishes to speak on that item. 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. (amended 10/21/09)

**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.

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 20, 2010**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 10-03.** Move approval of the second reading on the proposed amendments to Chapter 601 – Traffic Ordinance, Section 29. Parking Restrictions.

**CHAPTER 601  
TOWN OF SCARBOROUGH  
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section 29. Parking Restrictions of Chapter 601 - the Traffic Ordinance of the Town of Scarborough, Maine, is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

Section 29.

**A. PARKING RESTRICTIONS**

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**I. NO PARKING AT ANY TIME.**

No person shall stop, stand or park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device.

- (1) No all night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.
- (2) Upon the Pleasant Hill Road from U.S. Route #1 to the Rigby Road.
- (3) Upon the westerly side of the Willowdale Road from U.S. Route #1 to the end of the Town right of way. (Parking permitted on the easterly side).
- (4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. (amended 11/16/94)
- (5) Upon the Boardturn Road within 50' of U.S. Route #1 to end.
- (6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route #1.
- (7) Upon U.S. Route #1 from the South Portland line to the Saco line (both sides).
- (8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route #1. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route #1.
- (9) Upon Pillsbury Drive (entire length).
- (10) East Grand Avenue (east side) one parking space in front of Colony Motel, no parking. Adopted 10/6/76.
- (11) Avenue One (entire length – from King Street to the ocean), amended 6/7/89.

(12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road, amended August 1, 1990.

(13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station, Amended August 1, 1990.

(14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length (Amended August 1, 1990).

(15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way (Amended August 18, 2004).

(16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive (Amended September 7, 2005).

(17) No parking along Bayview Avenue from Houghton Street to Pearl Street

**II. HIGGINS BEACH (from ~~April 1~~ May 1 to ~~October 1~~ September 15 of each year).**

a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).

b. Excepted from paragraph (a) of this subsection are two handicapped parking spaces on Bayview Drive easterly of Morning Street, with no time limit. (amended April 21, 1999)

c. Upon the Northerly side of Spurwink Road (Route #77), from Birch Lane to Dorado Drive Except in accordance with the following:

from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending 250 feet to the West – 15 minute parking. (amended August 21, 2002)

d. Upon the Southerly side from a point opposite Portland Water District Hydrant #162 (located at 85 Spurwink Road) and extending to Piper Road. (amended August 21, 2002) (amended September 1, 2004)

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**G. LOCATIONS FOR “EMERGENCY STOPPING ONLY” SIGNS.**

Pillsbury Drive [the right-of-way between lots 37 and 38].

**G H. POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES**  
[12/01/93]

Any person, firm or corporation who moves or causes the movement of any over-limit load which requires a permit for movement of such load from the Maine Department of Transportation and said permit stipulates that a police escort is required before such move may be made upon any of the streets or highways with the Town of Scarborough, shall arrange for said escort through the Scarborough Police Department. A fee for a police escort shall be charged by the Police Department in accordance with the hourly rate established by the Scarborough Town Council for “*Special Police Services.*” An additional fee shall be charged for the assignment of any police cruiser(s) assigned to said escort also at a rate established by the Scarborough Town Council. Fees collected must be used to defray the costs of providing services.

**H I. STICKERED PARKING [12/01/93]**

Parking on the following locations shall be permitted by stickers for residents and non-resident taxpayers:

- (1) Bi-Centennial Park
- (2) Ferry Beach
- (3) Hurd Memorial Park

**J. Parking Bans During Weather Emergencies**

The purpose of this subsection is to communicate the intent of the Town of Scarborough, as it relates to the banning of vehicles parked on the streets of Scarborough during weather-emergencies.

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.

## **Information Pertaining to Ordinance Committee Motion Regarding Parking at Higgins Beach**

### **No Parking Anytime Along Bayview from Houghton to Pearl**

**In the Summer:** There is **No Parking Anytime** on any street at Higgins Beach. The parking lot that accommodates approximately 100 cars is open and the fee for parking is \$10.00 the same as the town lots at Ferry Beach and Pine Point.

**Off Season:** There is plenty of parking at Higgins Beach. The Parking Lot is open and there are presently no restrictions regarding street parking except during town initiated parking bans.

#### **Concerns regarding allowing cars to park along Bayview adjacent to the sidewalk.**

- When cars park along sidewalk and open doors onto sidewalk – pedestrians must walk in street.
- Residents from Higgins and Piper shores with motorized chairs or wheel chairs cannot access sidewalk when cars are parked. Parents with young children in strollers or wagons cannot get onto the sidewalk.
- Cars and trucks are parking on the sidewalk.
- School bus cannot turn left onto Bayview when cars are parked on that corner
- When cars are parked along sidewalk residents in vehicles can barely get by to access homes. Side mirrors of moving vehicles are extremely close to mirrors of parked vehicles.
- Delivery vehicles and other large vehicles need to drive over new curbs and onto lawns.
- Cars/Vans double park to load and unload – this totally blocks the street.
- At least one resident loses access to driveway when cars are parked.
- This section of Bayview is simply too narrow to allow parking.

\*\*\* No Parking anytime along Bayview from Houghton to Pearl is recommended by the Chief of Police, the Fire Department, the Director of Public Works and the Higgins Beach Sign Committee. This recommended change has also received support following presentations to the Higgins Beach Association and the Higgins Beach Property Owners and is also supported by the Surfrider Foundation.

**Change in Dates: Change the existing ordinance that restricts parking from April 1<sup>st</sup> to October 1<sup>st</sup> to be consistent with other town beaches which is No Parking from May 1<sup>st</sup> to Sept. 15<sup>th</sup>.**

Parking restrictions are different at Higgins Beach, according to Rodney Laughton long time Higgins Beach resident, due to the heavy traffic and resulting street congestion that occurs on warm days in April and throughout September. The other Town beaches have parking lots with easy access to the beach to accommodate off season visitors on nice off season days. Higgins lot is not adjacent to the beach and is therefore not used off season as visitors park on the roads due to the shorter walk to the beach.

\*\*\*This proposed change in dates has opposition from several property owners. Those who have expressed opposition cite the heavy traffic and street congestion during warm days in April and September. They also would like to have more concrete information regarding the town owned parking lot. They think the purchase of the parking lot should be finalized and the impact (fees, hours/months of operation, number of vehicles, etc.) of a town owned lot at Higgins be considered and evaluated prior to changing the existing Ordinance to be consistent with the other town beaches.

Submitted by the Higgins Beach Sign Committee:

Charlie Callahan  
Glennis Chabot  
John Veltri



**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 20, 2010**  
**REGULAR MEETING – 7:00 P.M.**

**Resolution 10-01.** Move approval of Resolution 10-01, in support of a Community Development Block Grant (CDBG) Application on behalf of the Little Dolphin.



*Town of Scarborough, Maine*

To: Town Councilors  
Tom Hall, Town Manager  
From: Jay Chace, Assistant Planner  
Date: January 13, 2010

RE: 2010 Community Development Block Grant (CDBG) Application

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CDBG funds are federal monies made available, on a competitive basis, for the purpose of benefiting low to moderate income persons. Town staff has been approached by the Director of the Little Dolphin School seeking Town support for a 2010 CDBG grant application. A brief description of the proposed project is provided below for Council consideration.

The CDBG program requires that municipalities submit applications on behalf of other interested entities (i.e. sub-grantee). Therefore, although the Little Dolphin School would in essence be the applicant, the application must come from the Town on behalf of the Little Dolphin School. In addition, the CDBG application process requires the municipal governing body officially endorse all grant applications. Should the Council wish to endorse the proposed application, please approve the attached resolution at your January 20, 2010 meeting.

Grant application summary:

“The Little Dolphin Schools (LDS), a nonprofit providing quality early childhood education at our Scarborough campus for Southern Maine's working families, will utilize CDBG funds to increase the accessibility and scope of our program for Low - Moderate Income (LMI) children between 0-6 years old. We are requesting \$30,000 in funding to supplement our tuition-assistance program that currently provides nearly \$115,000 in child care assistance annually to working families.

We currently provide many struggling Scarborough and other Cumberland county families with access to quality care through our tuition assistance programs; in 2009 alone we have provided 13 Scarborough children with \$71,500 in assistance. LDS accepts tuition-assistance vouchers and does not require families to pay the difference between tuition and the voucher subsidy.

Our family strengthening approach helps LMI Scarborough area families meet the needs of their children by providing exceptional early learning opportunities as well as developmental assessments and referrals. It also enables families to keep working knowing that their children are safe and well-cared for at LDS. All children (regardless of ability to pay) participate in a wide variety of enrichment classes (performing/visual arts and health/wellness) in addition to our early literacy and numeracy curriculum. LDS provides healthy meals and snacks at no extra cost to all children enrolled. CDBG funding will help provide vital scholarship and tuition assistance to more LMI Scarborough and neighboring Cumberland county families.”<sup>1</sup>

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<sup>1</sup> Excerpt from Little Dolphin School 2010 CDBG pre-application form

*Town of Scarborough, Maine*

US ROUTE ONE, PO BOX 360  
SCARBOROUGH, MAINE • 04070-0360

**RESOLUTION 10-01**

**COMMUNITY DEVELOPMENT BLOCK  
GRANT APPLICATION**

**Town of Scarborough**

**BE IT RESOLVED**, by the Town Council of the Town of Scarborough, in Town Council assembled that we support the Community Development Block Grant (CDBG) application which will be submitted to the Cumberland County Community Development Program. Through this grant, the Town of Scarborough is seeking funding on behalf of the Little Dolphin School for tuition assistance to low-moderate income families.

Signed and sealed this the 20th day of January, 2010, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

\_\_\_\_\_  
Signed by: Carol Rancourt  
Council Chair

\_\_\_\_\_  
Attested by: Yolande P. Justice  
Town Clerk

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 20, 2010**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 10-04.** Move approval on the nominations for the various committees/boards that were posted that the January 6<sup>th</sup> Town Council meeting and recommended by the Appointments Committee, as follows:

**Board of Assessment Review:**

Re-appoint Kathy Fuente and Guy Gledhill as full voting members,  
with terms to expire in 2012.

**Personnel Appeals Board:**

Re-appoint Edward Blaise as a full voting member, with a term to expire in 2012.  
Move Daniel Dwyer from 1<sup>st</sup> Alternate to full voting member,  
with a term to expire in 2011.

Appoint Barry Lucier as 1<sup>st</sup> Alternate with a term to expire in 2012

**Community Services and Recreation Advisory Board:**

Re-appoint Mary Dyer as a full voting member, with a term to expire in 2012.  
Move Iver Carlsen from 1<sup>st</sup> Alternate to full voting member with a term to  
expire in 2010.

Appoint Barry Lucier, to 2<sup>nd</sup> Alternate with a term to expires in 2011.

**Planning Board:**

Re-appoint Cory Fellows as a full voting member, with a term to expire in 2012.  
Move Ronald Mazer from 1<sup>st</sup> Alternate to full voting member,  
with a term to expire in 2010.

Move Susan Auglis from 2<sup>nd</sup> Alternate to 1<sup>st</sup> Alternate, with a term to  
expire in 2011.

Appoint Richard Sullivan as 2<sup>nd</sup> Alternate, with a term to expire in 2012.

**Zoning Board of Appeals:**

Re-appoint Leroy Crockett, Rick Loisel and John Massengill as full  
voting members, with terms to expire in 2012.

Move Jim Stark from 1<sup>st</sup> Alternate to a full voting member with a  
term to expire in 2011.

Appoint Art Dillon as 1<sup>st</sup> Alternate, with a term to expire in 2011.

**Shellfish Conservation Committee:**

Re-appoint Stefanie Dylewski & Matthew Toohey as full voting members,  
with terms to expire in 2012.

**Cable Television Committee:**

Appoint Art Dillon as a full voting member, with a term to expire in 2012.

**Seniors Program Advisory Board:**

Re-appoint Cynthia Taylor, Deborah DiDominicis and Tinamarie Smith as full  
voting members, with terms to expire in 2012.

**Housing Alliance:**

Re-appoint Sue-Foley Ferguson as full voting member, with a term  
to expire in 2012.

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – JANUARY 20, 2010**  
**REGULAR MEETING – 7:00 P.M.**

**Order No. 10-05.** Move approval on the recommendations to amend that Fund Balance Policy, as recommended by the Finance Committee, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Fund Balance Policy of the Town of Scarborough, Maine, is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

**TOWN OF SCARBOROUGH**  
**FUND BALANCE POLICY**  
[Adopted September 17, 1997]  
Proposed Changes as of January 6, 2010

**Section 1. Definitions**

The following definitions shall apply to the Fund Balance Policy:

**Unrestricted Fund Balance:**

The total of committed fund balance, assigned fund balance and unassigned fund balance.

**Non-spendable Fund Balance:**

Portion of fund balance that is inherently unspendable.

**Restricted Fund Balance:**

Externally enforceable limitations of use (limitations imposed by grantors, creditors, or other governments).

**Committed Fund Balance:**

Self-imposed limitations set in place prior to the end of the fiscal year (required by the Town Council).

**Assigned Fund Balance:**

The portion of fund balance reflecting the Town's intended use of resources. (Town Manager of Finance Committee), such as carry forward or purchase orders encumbered at year-end.

**Unassigned Fund Balance:**

Total fund balance in excess (shortage) of nonspendable, restricted, committed and assigned fund balance.

**Operating Budget:**

The total General Fund Budget are all budgets, including amendments, as adopted by the Town Council. The General Fund Budget shall include all budgets included in funds 1100 and 7100:

Municipal Gross Budget

Education Gross

Adult Learning

Community Services – All Divisions

Capital Equipment

Debt Service

County Assessment

Overlay

Tax Increment Financing Districts

Credit Enhancement Agreements

Other State Finance Programs (BETE)

## **Section 2. Fund Balance Policy**

The Town of Scarborough recognizes the importance of maintaining an appropriate level of ~~undesignated~~ unrestricted 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 hereby ~~established~~ the following goals regarding ~~to~~ the ~~undesignated~~ unrestricted fund balances of the general fund of the Town of Scarborough, Maine:

The ~~level of fund balance that the~~ Town ~~has set a goal, wishes~~ to maintain the level of as ~~undesignated unrestricted fund balance~~ is an amount equal to 8.3% (1/12) of Scarborough's Operating Budget for the prior fiscal year and to not fall below 5%.

Once the Town achieves an ~~undesignated~~ unrestricted fund balance equal to 8.3% (1/12) of Scarborough's Operating Budget, any excess above 10% will be ~~designated assigned~~ for capital needs or for property tax stabilization of the Town. By ~~designating assigning~~ any excess for capital improvements, the Town will reduce the amount ~~required to be necessary for bond~~ financing and in turn, the related interest costs.

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 unrestricted to be and~~ carried over to the next year. Annually, the Finance Director ~~is to will~~ present ~~to~~ the Town Manager a list of items for approval to be ~~undesignated to be~~ carried forward.

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

In the event resources are not available to maintain the goal established by the Town Council, the unrestricted fund balance target shall be achieved through savings within each budget year that will add to the unrestricted fund balance or through appropriations. The Town will endeavor to realize the minimum required balance over a period not to exceed five (5) fiscal years.