



**AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 3, 2010**

**APPOINTMENTS COMMITTEE MEETING – 6:30 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 20, 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. 10-06, 7:00 p.m. Public hearing** on the request from the Town Clerk to change the location of Polling area, pursuant to M.R.S.A. Title 21-A, §631, from High School Plummer Gym to the Municipal Building [Council Chamber A] located at 259 U.S. Route One, for the School Validation Referendum only.

**Order No. 10-07, 7:00 p.m. Public hearing** on the application for a new request for a Food Handle Permit from Cang Thach, d/b/a Kim’s Seafood Trading, located at 19 Snow Canning Road.

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

**NEW BUSINESS:**

**Order No. 10-08.** First reading and refer to the Planning Board the proposed fourth amendment to Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance.

**Order No. 10-09.** First reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Zoning Ordinance, as follows: Section VI. Definitions. Pawn Broker; Section XIX. Regional Business District – Subsection C. Permitted Uses and Section XIXA. General Business District B-3. Permitted Uses.

**Order No. 10-10.** First reading and schedule a public hearing on the proposed new ordinance entitled Chapter 1017 – the Town of Scarborough Pawnbroker Ordinance.

**Order No. 10-11.** First reading and schedule a second reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2009-2010.

**Order No. 10-12.** First reading and schedule a second reading on the Bond Order for the School Capital Improvements Projects for FY 2009-2010.

**Order No. 10-13.** Act on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 22nd to May 14th.

**Order No. 10-14.** Act to authorize the Town Manager to sign release deeds on property located at 354 Payne Road Map 039 - Lot 235 and 359 Payne Road Map 038 - Lot 3

**Order No. 10-15.** Act to accept the 2010 Town Council Goals.

**Order No. 10-16.** Act to authorize the Town Manager to sign the Maine Department of Transportation Three-Party Partnership Agreement - PIN 17343.00, "Scarborough, Dunstan Corner".

**Item 8.** Non Action Items.

**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:

**202.2a: 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 – FEBRUARY 3, 2010**

**Order No. 10-06.** Move approval on the request from the Town Clerk to change the location of Polling area, pursuant to M.R.S.A. Title 21-A, §631, from the High School Plummer Gym to the Municipal Building [Council Chamber A], located at 259 U.S. Route One, for the School Validation Referendum only.

# Town of Scarborough, Maine

*Town Clerk's Office*

*259 US ROUTE ONE*

*PO BOX 360*

*SCARBOROUGH, MAINE • 04070-0360*

TO: Members of the Scarborough Town Council  
FROM: Yolande P. Justice, Town Clerk  
RE: Relocation of Polling Area for  
2010 School Budget Validation Referendum  
DATE: January 29, 2010

In preparing for the upcoming School Budget Validation Referendum this year, it became apparent that space at the High School would not be available. The Art Show will take place in Plummer Gymnasium during the week of May 9th and there are two new classrooms in the area that had been available for the Validation Referendum last year.

The total voter turnout for the 2008 Validation Referendum was 580 and for the 2009 Validation Referendum was 1,079. Therefore, with no available space at the high school and the low voter turnout in both previous Referendums, it is recommended the location of the 2010 School Budget Validation Referendum be moved from the High School – Plummer Gym – location to Chamber A in the Scarborough Municipal Building, located at 259 U.S. Route One.

cc: Thomas J. Hall, Town Manager

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-07.** Move approval on the application for a new request for a Food Handle Permit from Cang Thach, d/b/a Kim's Seafood Trading, located at 19 Snow Canning Road.

# Town of Scarborough, Maine

*Town Clerk's Office*

*259 US ROUTE ONE*

*PO BOX 360*

*SCARBOROUGH, MAINE • 04070-0360*

**TO:** Town Council Members

**FROM:** Yolande P. Justice, Town Clerk

**DATE:** January 29, 2010

**RE: Request for Food Handlers License**

The following applicant is requesting approval of a new Food Handlers License:

Cang Thach, d/b/a Kim's Seafood Trading,  
located at 10 Snow Canning Road

Applicant is in compliance with the Code Office and there are no outstanding issues. The completed application is on file with Clerk's Office. It is recommended that this license be granted.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-08.** Move approval of the first reading and refer to the Planning Board the proposed fourth amendment to Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board.

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January 26, 2010

Chairwoman Rancourt and Members of the  
Scarborough Town Council  
c/o Thomas J. Hall, Town Manager  
Town of Scarborough  
Scarborough Municipal Building  
259 U.S. Route One  
P.O. Box 360  
Scarborough, Maine 04070-0360

Re: The New England Expedition – Scarborough, LLC and  
The New England Expedition – Scarborough II, LLC/  
Fourth Amendment to Contract Zoning Agreement for  
The Gateway at Scarborough, Payne Road and Haigis  
Parkway, Scarborough, Maine

Dear Chairwoman Rancourt and Members of the Scarborough Town Council:

On behalf of The New England Expedition – Scarborough, LLC (the “New England Expedition”) and The New England Expedition – Scarborough II, LLC (the “New England Expedition II”), and following up on our recent Workshop with the Council and members of the Planning Board, I am enclosing a proposed Fourth Amendment to the Contract Zoning Agreement for The Gateway at Scarborough (the “Agreement”) that amends the Agreement in the following respects:

1. Extends the “substantial completion” deadline under Section 6 of the Agreement as to The Gateway Square for an additional three (3) years to March 12, 2013; and
2. Amends the definition of “substantially complete” as to The Gateway Square to provide that it shall mean the completion of the clearing and rough grading of the building sites and related improvement areas and the internal road system, the installation of utilities, storm drains and sanitary sewer lines and the completion and approval of the foundations for one or more buildings containing in the aggregate not less than one hundred thousand (100,000.00) square feet of gross leaseable area.

All of the above-described work other than the foundation installations has, in fact, now been completed.

Catherine D. Alexander\*  
Daniel Amory\*  
David J. Becker\*  
S. Campbell Badger\*  
Melissa L. Calley†  
Jerrold A. Crotter\*  
George T. Dilworth\*  
Jessica M. Emmons\*  
Peter C. Felmy\*  
Jonathan M. Goodman\*  
Sara S. Hollstedt\*  
Eric R. Herlan††  
Melissa A. Hewey††  
Michael E. High\*  
David M. Kellin\*  
John S. Kaminski\*  
Edward J. Kelleher\*  
Jeanne M. Kincaid††  
Benjamin E. Marcus\*  
Robert P. Nadeau\*  
Daina J. Nathanson\*  
Mark A. Paige†  
Jeffrey T. Pampiano\*  
William L. Plouffe†  
Aaron M. Pratt††  
Harry R. Pringle\*  
Daniel J. Rose††  
Gregory W. Sample\*  
James C. Schwollenbach††  
David S. Sherman, Jr.\*  
Richard A. Shinay\*  
Kathryn Smith, Jr.\*  
Bruce W. Smith\*  
Richard A. Spencer\*  
Christopher G. Stovenson\*  
E. William Steckmeyer\*  
Amy K. Tchaot†  
Joanna B. Tourangeau††  
M. Thomas Trenholm\*  
Matthew H. Upton†  
Amy J. Visentin\*  
Gary D. Vogel†  
Ronald N. Ward\*  
Brian D. Willing\*  
Gerald M. Zelint†

Consultants

Ann S. Chapman  
Policy & Labor Relations

Roger P. Kelley  
Labor Relations &  
Conflict Management

Christopher P. O'Neil  
Governmental Affairs

Michael J. Opuda Ph.D.  
Special Education

Of Counsel

Joseph L. Delefield III\*  
Robert L. Epps\*  
Donald A. Kopp\*  
Hugh G. E. MacMahon\*  
Harold E. Woodsุม, Jr.\*

\* Admitted in Maine  
† Admitted in New Hampshire

Chairwoman Rancourt and Members of the  
Scarborough Town Council  
January 26, 2010  
Page 2

This proposed Fourth Amendment revises Section 6 of the Agreement in its entirety to incorporate the above-described changes and to eliminate inconsistent language.

The New England Expedition II is a party to this Amendment since The Gateway Square portion of the Project has been conveyed to the New England Expedition II by the New England Expedition as part of the ongoing development process for The Gateway Square. Feldco Scarborough, LLC continues to be the sole Member of the New England Expedition and the New England Expedition II and Messrs. Feldman and Beaudoin continue to be the Members of Feldco Scarborough, LLC.

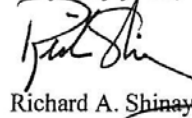
The New England Expedition and the New England Expedition II request that this proposed Fourth Amendment be placed on the Council's February 3, 2010 Agenda for First Reading and referral to the Planning Board for the Board's February 22, 2010, meeting.

Also enclosed is a check in the amount of \$250.00 payable to the Town and representing the required application fee for an amendment to a contract zoning agreement.

We look forward to discussing this Amendment with the Council.

With best regards.

Very truly yours,



Richard A. Shinay

RAS/nm  
Enclosures

cc: Barry E. Feldman  
Eugene Beaudoin

**FOURTH AMENDMENT  
TO  
CONTRACT ZONING AGREEMENT  
BETWEEN THE TOWN OF SCARBOROUGH AND THE NEW ENGLAND  
EXPEDITION – SCARBOROUGH, LLC**

**THE GATEWAY AT SCARBOROUGH**

This Fourth Amendment to Contract Zoning Agreement (hereinafter, this “Amendment”) is made as of the \_\_\_ day of \_\_\_\_\_, 2010 by and among the TOWN OF SCARBOROUGH, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter, the “Town”), THE NEW ENGLAND EXPEDITION – SCARBOROUGH, LLC, a Maine limited liability company with an office at 220 Elm Street, Suite 104, New Canaan, Connecticut 06840 (hereinafter, “New England Expedition”), and THE NEW ENGLAND EXPEDITION – SCARBOROUGH II, LLC, a Maine limited liability company with an office at 220 Elm Street, Suite 104, New Canaan, Connecticut 06840 (hereinafter, “New England Expedition II”), pursuant to the Contract Zoning provisions of Section II, Subsection I of the Zoning Ordinance of the Town of Scarborough (hereinafter, the “Zoning Ordinance”).

WHEREAS, New England Expedition entered into a Contract Zoning Agreement with the Town dated as of the 3<sup>rd</sup> day of January, 2007 (hereinafter, the “Agreement”) creating Contract Zoning District Number 9 (hereinafter, the “District”) as described in Section XXIII of the Zoning Ordinance, said Agreement having been recorded in the Cumberland County Registry of Deeds in Book 24730, Page 25; and

WHEREAS, the Agreement was amended pursuant to the terms and provisions of a First Amendment to Contract Zoning Agreement between the Town and New England Expedition dated as of the 5<sup>th</sup> day of September, 2007, and recorded in said Registry of Deeds in Book 25482, Page 201 (the “First Amendment”); and

WHEREAS, the Agreement was further amended pursuant to the terms and provisions of a Second Amendment to Contract Zoning Agreement between the Town and New England Expedition dated as of the 7<sup>th</sup> day of November, 2007, and recorded in said Registry of Deeds in Book 25610, Page 171 (the “Second Amendment”); and

WHEREAS, the Agreement was further amended pursuant to the terms and provisions of a Third Amendment to Contract Zoning Agreement between the Town and New England Expedition dated as of the 30<sup>th</sup> day of April, 2008, and recorded in said Registry of Deeds in Book 26060, Page 162 (the “Third Amendment”); and

WHEREAS, Section 6 of the Agreement provided that certain improvements within that portion of the Property located on the southeasterly side of Payne Road and the southwesterly side of Haigis Parkway known as “The Gateway Square at Scarborough” be “substantially complete,” as that term is defined in said Section 6 of the Agreement, within two (2) years from the date that New England Expedition received Planning Board approval for the Project; and

WHEREAS, the Town Planner extended said "substantial completion" deadline to March 12, 2010, pursuant to authority granted the Town Planner under said Section 6 of the Agreement; and

WHEREAS that portion of the Property known as The Gateway Square at Scarborough was conveyed by New England Expedition to New England Expedition II by Quitclaim Deed With Covenant dated September 18, 2009, and recorded in said Registry of Deeds in Book 27269, Page 212; and

WHEREAS, the New England Expedition and the New England Expedition II have requested that the Town approve this Amendment to Section 6 of the Agreement (a) further extending said "substantial completion" deadline for an additional three (3) years to March 12, 2013, and (b) amending the definition of "substantially complete" as set forth therein.

NOW THEREFORE, in consideration of the mutual promises made by the parties to each other, the parties covenant and agree as follows:

1. Section 6 of the Agreement is hereby amended in its entirety to read as follows:

6. The Property shall be developed and used only in accordance with the site plan and subdivision plan as finally approved by the Scarborough Planning Board, and as said approved site plan and subdivision plan may be amended from time to time pursuant to the provisions of the Site Plan Review Ordinance of the Town of Scarborough (hereinafter, the "Site Plan Ordinance") and the Subdivision Ordinance of the Town of Scarborough (hereinafter, the "Subdivision Ordinance"), with construction anticipated to proceed in phases commencing with that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road and then progressing to that portion of the Property comprising The Gateway Square at Scarborough located on the southeasterly side of Payne Road and the southwesterly side of Haigis Parkway. The phasing of the construction as outlined above shall be subject to the additional requirement that construction of that portion of the Project comprising The Gateway Square at Scarborough shall be "substantially complete" no later than March 12, 2013. For purposes hereof, "substantially complete" shall mean the completion of the clearing and rough grading of the Project building sites and related improvement areas and the internal road system, the installation of utilities, storm drains and sanitary sewer lines and the completion and approval of the foundations for one or more buildings containing in the aggregate not less than one hundred thousand (100,000.00) square feet of gross leaseable area.

2. The Agreement, as amended by this Amendment and as previously amended by the First Amendment, the Second Amendment and the Third Amendment, remains consistent with the Comprehensive Plan.

3. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

4. This Amendment shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first set forth above.

WITNESS:

TOWN OF SCARBOROUGH

\_\_\_\_\_

By: \_\_\_\_\_  
Thomas J. Hall, its Town Manager (duly  
authorized by vote of the Scarborough  
Town Council on \_\_\_\_\_,  
2010)

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2010

Personally appeared the above named Thomas J. Hall, Town Manager of the Town of Scarborough, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Town of Scarborough.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

\_\_\_\_\_  
Print name

WITNESS:

THE NEW ENGLAND EXPEDITION-  
SCARBOROUGH, LLC

By FELDCO SCARBOROUGH, LLC, its  
Manager

\_\_\_\_\_

By: \_\_\_\_\_  
Barry E. Feldman  
Its Managing Member

STATE OF CONNECTICUT  
COUNTY OF FAIRFIELD, ss.

\_\_\_\_\_, 2010

Personally appeared the above named Barry E. Feldman, in his capacity as the Managing Member of Feldco Scarborough, LLC, the Manager of The New England Expedition - Scarborough, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity, the free act and deed of said Feldco Scarborough, LLC in its said capacity, and the free act and deed of said The New England Expedition - Scarborough, LLC.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print name

WITNESS:

THE NEW ENGLAND EXPEDITION-  
SCARBOROUGH II, LLC

By FELDCO SCARBOROUGH, LLC, its  
Manager

\_\_\_\_\_

By: \_\_\_\_\_  
Barry E. Feldman  
Its Managing Member

STATE OF CONNECTICUT  
COUNTY OF FAIRFIELD, ss.

\_\_\_\_\_, 2010

Personally appeared the above named Barry E. Feldman, in his capacity as the Managing Member of Feldco Scarborough, LLC, the Manager of The New England Expedition – Scarborough II, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity, the free act and deed of said Feldco Scarborough, LLC in its said capacity, and the free act and deed of said The New England Expedition – Scarborough II, LLC.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print name

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-09.** Move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Zoning Ordinance, as follows: Section VI. Definitions. Pawn Broker; Section XIX. Regional Business District – Subsection C. Permitted Uses and Section XIXA. General Business District B-3. Permitted Uses and schedule a public hearing for the next regular meeting following the filing of the recommendations of the Planning Board.

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## Proposed Amendments to the Zoning Ordinance to Amend Pawnbroker Regulations:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Amend Section VI. DEFINITIONS to include the following definitions (additions are underlined):

**Pawnbroker:**

A person who engages in pawn transactions.

**Pawnshop:**

The place of business of a pawnbroker. A pawnshop is not considered a local retail store or retail sales and services under this Ordinance, but shall be subject to the same parking, signage, and space and bulk standards as retail sales establishments.

**Pawn transaction:**

The lending of money on the security of pledged tangible personal property that is delivered to a pawnbroker and held by the pawnbroker. The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

2. Amend subsection C. PERMITTED USE of Section XIX. REGIONAL BUSINESS DISTRICT B-2 to read (additions are underlined):

**Subsection C. PERMITTED USES**

**24. Pawnshop**

3. Amend subsection C. PERMITTED USE of Section XIXA. GENERAL BUSINESS DISTRICT B-3 to read (additions are underlined):

**Subsection C. PERMITTED USES- CONVENTIONAL AND PLANNED DEVELOPMENT  
NON-RESIDENTIAL USES:**

**19. Pawnshop**

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-10.** Move approval of the first reading on the proposed new ordinance entitled Chapter 1017 - the Town of Scarborough Pawnbroker Ordinance and schedule a public hearing and second reading for Wednesday, February 10, 2010.

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following new ordinance entitled Chapter 1017 - the Pawnbroker Ordinance in the Town of Scarborough, Maine, be and hereby adopted, as follows

**CHAPTER 1017  
TOWN OF SCARBOROUGH  
PAWNBROKER ORDINANCE**

**ARTICLE I - Title, Purpose & Definitions**

**Section 101. TITLE**

This Ordinance shall be known and may be cited as the Pawnbroker Ordinance of the Town of Scarborough, Maine.

**Section 102. PURPOSE**

The purpose of this Ordinance is to ensure that any person who is issued a Pawnbroker License by the town follows all local and State requirements.

**Section 103. DEFINITIONS**

The following terms have the following meanings:

103.1 Pawn Transaction.

Means the lending of money on the security of pledged tangible personal property that is delivered to a pawnbroker and held by the pawnbroker. The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

103.2 Pawnbroker.

Means a person who engages in pawn transactions.

103.3. Tangible Personal Property.

Includes motor vehicles, but does not include documents evidencing title to motor vehicles. The term also does not include checks, drafts or similar instruments or real estate.

**ARTICLE II - General**

**Section 201. LICENSE REQUIRED**

No person shall conduct business as a pawnbroker without first obtaining a license pursuant to the following provisions:

**New Licenses**

1. The Town Council may grant licenses to persons of good moral character to be pawnbrokers in the Town if such person demonstrates the following:
  - a. The person is 21 years of age or older
  - b. The person has no record of criminal convictions for crimes of moral turpitude
  - c. The person is not a convicted felon

2. A license shall be obtained by the owner or duly authorized agent of the owner of the business where the pawn transactions will occur by submitting a completed application to the Town Clerk's office upon forms provided for such purposes.
3. The fee for such license shall be as set forth in the Town of Scarborough Schedule of License, Permit and Application Fees.
4. A pawnbroker license issued under this Ordinance shall be valid for no more than one calendar year [January through December].

Applications for all pawnbroker licenses shall state the name of the applicant; residence address; name of the business to be conducted; business address; the nature of the business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony.

No pawnbroker license shall be issued unless the premises to be used for the pawnbroker business comply fully with all applicable ordinances and regulations of the Town of Scarborough.

A pawnbroker license may be issued by the Town Council only after conducting a public hearing. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the meeting at the expense of the applicant.

The Town Council shall not take final action on an application for a pawnbroker license until the Town Clerk has received and reviewed a criminal background check from the State Bureau of Investigation on the applicant and any persons working in the place of business and reported the results of that background check to the Town Council.

### **Renewals**

An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before December 31st. If the holder applies for renewal on or before December 31st, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on December 31st and an application for a new license must be filed. For renewal applications filed on or before December 31st, the Clerk shall process and issue renewal licenses in the same manner as the Town Council processes and issues new licenses, except that no public hearing is required for a renewal. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which shall process the application in the same manner as an application for a new license.

### **Section 202. Display of License, Laws by Pawnbroker; Occupation Sign.**

Every Pawnbroker shall post in a conspicuous location in his or her place of business a copy of the License, this Ordinance and the Statutes of the State of Maine governing pawnbrokers, as well as a business sign in the English language with his or her name and occupation legibly inscribed thereon in large letters.

### **Section 203. Account of Business Done and Disclosure to Consumer.**

Account Kept. Every pawnbroker shall maintain records in which the pawnbroker shall enter:

1. The date, duration, amount, periodic rate of interest and annual percentage rate of every loan that is made;
2. The finance charge, due dates for payment and the total payment needed to redeem or repurchase the pawned property;
3. An accurate account and description of the property pawned;
4. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the consumer to at least one extension of 31 days at the same rate of interest upon request in writing or in person; and,
5. The name and address of the consumer.

Inspection. The pawnbroker shall allow any police officer to inspect these records at any and all times.

Delivery to Consumer. At the time of the pawn transaction, the pawnbroker shall deliver to the consumer a signed, written disclosure complying with the truth-in-lending provisions of the Maine Consumer Credit Code, 9-A M.R.S.A. §8-101 et seq. containing the items required by subsection 1 above and the name and address of the pawnbroker.

**Section 204. List of Transactions; Seller to furnish Proof of Identification.**

Every person licensed as a pawnbroker shall make out, and have available for periodic collection, a legible and correct list, upon blanks furnished by the police chief, containing an accurate description of all articles taken in pawn, purchased or sold, the name, residence and date of birth of the buyer or seller other than the licensee, together with the correct and exact time when such articles were pawned, purchased or sold, and the amount the item was sold for. Before recording the information required by this section, a pawnbroker shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification card, adult liquor identification card or similar item which confirms the person's identification by date of birth and by physical description. The routine reporting shall be submitted to the Chief of Police or his designee within 48 hours of the transaction.

**Section 205. Receiving Articles from Minors, Thieves.**

No one licensed pursuant to this article shall purchase or receive any article from any person under the age of 18 years without the written consent of such person's parent or guardian, or from a person known or suspected to be a thief or a receiver of stolen property.

**Section 206. Retention of Articles Purchased.**

Articles purchased by anyone licensed in accordance with the provisions of this article, excepting pawnbrokers, shall be retained by such license in the same condition in which they were obtained and in an accessible place where such articles can be examined and inspected for at least 15 days before they are disposed of.

**Section 207. State Law to Apply.**

All provisions of the laws of the State of Maine governing pawnbrokers, including, without limitation, 30-A M.R.S.A. §§3960 – 3964-A, as such may be amended from time to time, shall apply in addition to the provisions of this ordinance.

**Section 208. Suspension or Revocation of License.**

The Town Council may, after a public hearing, preceded by notice to interested parties, suspend, or revoke any pawnbroker license on the grounds that the business is considered a detriment to the public

health, safety, or welfare, or violates any municipal ordinances, articles, by-laws, or rules and regulations.

**ARTICLE III - Penalty and Separability.**

**Section 301. PENALTY**

Any person who engages in pawn transactions in the Town of Scarborough without the license required by this Ordinance commits a civil violation punishable by a civil penalty of not more than \$100. Any licensee who violates any provision of this Ordinance commits a civil violation punishable by a penalty of not more than \$500. All civil penalties under this Ordinance are recoverable on complaint, to the use of the Town of Scarborough.

**Section 302. SEPARABILITY**

The invalidity of any provision of this Ordinance shall not invalidate any other part.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-11.** Move approval of the first reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2009-2010 and schedule a second reading for Wednesday, February 10, 2010.

**BOND ORDER FOR  
MUNICIPAL CAPITAL IMPROVEMENTS**

**BE IT ORDERED,** That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, a the following Municipal Capital Items are hereby approved;

Auxiliary Vehicle Replacement Program	\$ 27,000
Motorola Radio Computers & Software	\$ 142,000
PW Sweeper #4200	\$ 238,000
PW PlowTruck #4026	\$ 160,600
Traffic Master System Equipment-Monitor/Control	\$ 25,000
Traffic Signal Generator Connections @ Key Intersections	\$ 15,000
Library Shelving/Fixtures/Computers	\$ 12,000
Library Material Handling Hardware	\$ 28,700
<b>Total 2009-2010 Capital Equipment</b>	<b>\$ 648,300</b>

<b>PUBLIC WORKS / TRANSPORTATION</b>	
Dunstan Corner Transportation Improvement	\$ 90,000
Running Hill Road Transportation Improvement	\$ 50,000
Running Hill Sewer Extension Phase I	\$ 1,450,000
FD Replace Asphalt Fire Station Roofs	\$ 12,700
ADA/Energy Improvement at Dunstan/Black Point Stations	\$ 85,000
Public Safety/Engine 7 Roof Repairs	\$ 92,145
Mid-Level Road Rehabilitation (3 Miles p/yr)	\$ 420,000
Pine Point Road Improvement (E Grand-King St]	\$ 170,000
Running Hill Road Improvements	\$ 591,000
Old Millbrook Drainage Study & Improvement	\$ 35,000
Burnham Rod (Broadturn Road to Saco Line]	\$ 421,000
Old County Road Drainage Study and Improvements	\$ 1,350,000
<b>Total 2009-2010 CIP</b>	<b>\$ 4,766,845</b>

<b>GRAND TOTAL OF TOWN</b>	<b>\$ 5,415,145</b>
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**BE IT FURTHER ORDERED,** That a sum, not to exceed \$5,415,145, is hereby appropriated to provide for the costs of said projects; and,

**BE IT FURTHER ORDERED,** That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$5,415,145 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

**AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-12.** Move approval of the first reading on the Bond Order for the School Capital Improvements Projects for FY 2009-2010 and schedule a second reading for Wednesday, February 10, 2010.

**BOND ORDER FOR  
EDUCATION CAPITAL IMPROVEMENTS**

**BE IT ORDERED,** That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Education Capital Improvement Projects are hereby approved;

<b>School CIP Projects</b>	
IS Equipment Replacement	\$ 260,610
WWI Mechanical and Plumbing	\$ 235,000
DW Roofing	\$ 425,000
Security System Upgrade	\$ 35,000
MS HVAC	\$ 50,000
DW Flooring	\$ 150,000
DW Movable Equipment - Machinery	\$ 75,000
Building Envelope	\$ 65,000
New Technology - Equipment	\$ 18,500
WWI Fencing	\$ 9,000
DW Pavement Maintenance	\$ 29,000
HS Dumpster Pad	\$ 29,100
DW VVAC/Mechanical	\$ 90,000
<b>Total 2009-2010 School CIP</b>	<b>\$ 1,471,210</b>

**BE IT FURTHER ORDERED,** That a sum, not to exceed \$1,471,210, is hereby appropriated to provide for the costs of said projects; and

**BE IT FURTHER ORDERED,** That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$1,471,210 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-13.** Move approval on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 22nd to May 14th.



**Scarborough Public Works Department**

Scarborough Industrial Park • 20 Washington Avenue • Scarborough, ME 04074

www.scarborough.me.us      Tel: 207 730-4400      Fax: 207 730-4405

**M E M O**

TO: Tom Hall, Town Manager  
FROM: Michael E. Shaw, Director of Public Works *MES*  
DATE: January 28, 2010

RE: 2010 ROAD POSTING

To prevent damage to Scarborough's road network by heavy vehicles, it is in Scarborough's best interest to post roads during the annual spring thaw.

Therefore, I am requesting permission to post the following listed roads and others as may be warranted by unforeseen circumstances, when and if necessary, from February 22 - May 14, 2010.

Attachment

MES:tec

Town of Scarborough, ME

**POSTED ROADS  
EFFECTIVE FEBRUARY 22, 2010**

The following roads will be posted through Friday, May 14, 2010 *or until posting is lifted by the Scarborough Public Works Department*. Postings are subject to change at the discretion of the Public Works Director.

Road conditions may change daily due to weather. Because road conditions are variable, we may allow access to posted roads (with limitations usually to morning hours).

Permissions are determined on a daily basis.

Issued after 6:00 a.m. Monday - Friday

Please call the Public Works Department at 730-4400 if you have any questions regarding access to the roads listed below:

STREET	SECTION
Ash Swamp Road	All
Bridges Drive	All
Burnham Road	All
Chamberlain Road	All
Commerce Drive	All
Dresser Road	All
Fogg Road	All
Hanson Road	All
Hearn Road	All
Hidden Creek Drive	All
Highland Avenue	Chamberlain Rd to So. Portland Line
Holmes Road	Beechridge Speedway to Saco Line
Landmark Road	All
Longmeadow Road	All
Milliken Mills Road	All
Mitchell Hill Road	All
Old Blue Point Road	All
Pineledge Road	All
Ross Road	All
Sawyer Road	All
Tapley Road	All
Two Road Road	Payne Rd to Holmes Rd
Ward Street	All
Woodfield Drive	All

Note: Other roads may be posted as deemed necessary by the Public Works Director

## AGENDA

### SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010

**Order No. 10-14.** Move approval to authorize the Town Manager to sign release deeds on property located at 354 Payne Road, Map 039 - Lot 235 and 359 Payne Road, Map 038 - Lot 3.

# Memorandum

**To:** Tom Hall - Town Manager

**CC:** Ruth Porter

**From:** Wendy Frazier- Deputy Tax Collector

**Date:** 02/01/2010

**Re:** Release Deed Parcels - Map R039/Lot 25 & Map R038/Lot 3

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Request permission from the Town Council, to authorize the Town Manager to sign release deeds for the properties listed upon receipt of payment in full of all outstanding tax, interest and fees.

Tax Liens to be released are listed below.

**R039/025**

Book **26129** Page **239** filed 06/16/2008

Book **26999** Page **156** filed 6/17/2009

**R038/003**

Book **26129** Page **238** filed 6/16/2008

Book **26999** Page **157** filed 6/17/2009

Thank you,

## AGENDA

### SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010

**Order No. 10-15.** Move approval to accept the 2010 Town Council Goals, as follows:

#### **2010 Scarborough Town Council Goals**

- ***Develop a Comprehensive Energy Management Plan*** –
- ***Improve Access to Regional Transportation*** – Carry over from 2009; explore affiliation with existing transit systems
- ***Identify and Enhance Opportunities for Bike/Pedestrian Safety and Travel*** -
- ***Promote Open Government*** – community outreach projects; town hall meetings; communication tools to view public meetings
- ***Identify Areas for Public Access to Recreational Water Resources*** -
- ***Prepare a Reasonable Budget*** – maintain services – avoid layoffs – limit increase in mil rate – effective compensation of employees
- ***Develop Employee Incentive Program*** – reward cost savings ideas
- ***Promote Consolidation and Coordination of Services*** – Town/School Services – Town Operations - Regionalize Services
- ***Promote/Champion Green Business/Alternative Energy Technologies***-
- ***Review and Update Growth Management and Impact Fee Ordinances***-
- ***Prioritize Major Capital Building Needs*** – Establish building committees to assess needs and prioritize projects.

\*Goals are listed in no order of priority

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 3, 2010**

**Order No. 10-16.** Move approval to authorize the Town Manager to sign the Maine Department of Transportation Three-Party Partnership Agreement - PIN 17343.00, “Scarborough, Dunstan Corner”.



# Town of Scarborough, Maine

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

## MEMORANDUM

To: Town Council and Town Manager  
From: Dan Bacon, Town Planner  
Date: January 28, 2010

**Re: Dunstan Corner and Haigis Parkway / Route One Intersection Improvement Plans**

Enclosed in your packet should be the latest version of the proposed three-party agreement between the Town, PACTS and Maine DOT, which was discussed as part of the presentation at your last Council meeting. Further, since your last Council meeting the PACTS Policy Committee took action on the Dunstan Corner improvement plan by approving \$2,512,500 of federal and state money for Dunstan Corner engineering and construction funding. This is 75% of the project cost, with the Town being responsible for funding the other 25% (\$837,500). This is great news and a long time coming!

The three-party agreement will solidify these federal, state and local commitments and also includes the funding years, public process, and conditions concerning withdrawing from the project. Once the three-party agreement is executed, Maine DOT will begin the engineering and design process.



## MAINE DEPARTMENT OF TRANSPORTATION THREE-PARTY PARTNERSHIP AGREEMENT

### PIN 17343.00, “Scarborough, Dunstan Corner”

This agreement (the “Agreement”) is entered into among the State of Maine Department of Transportation (the “MaineDOT”), the Portland Area Comprehensive Transportation System (“PACTS”) and the Town of Scarborough (the “Town”), collectively known as the “Parties.”

**Whereas,** The Dunstan Corner intersection located in Scarborough is in need of improvements that will facilitate local and regional travel, improve pedestrian movements, address safety issues in high crash locations, and allow for future growth and development. See Attachment A; and,

**Whereas,** PACTS programmed PIN 17343.00 for inclusion in the Maine Department of Transportation (“MaineDOT”) Biennial Capital Work Plan for FY 2010-2011, using federal and state capital improvement funding allocated through MaineDOT; and,

**Whereas,** the Town supports the PACTS decision to program PIN 17343.00 (the “Project”); and,

**Whereas,** the Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the budget programmed, using a process that maximizes communication and cooperation.

**Now Therefore,** the Parties agree that this document will cover the responsibilities of each during the design, permitting and right-of-way stages of the Project through completion of final Plans, Specifications and Estimate (“PS&E”), as follows:

- 1.) The total estimated cost of the Project is \$3,350,000, and the Parties agree to share costs – for the duration of the Project – as follows:
  - **PACTS** (federal share) – 65% of federally participating costs, capped at \$2,177,500. PACTS will program \$170,950 in FY 2010-2011 and \$2,006,550 in FY 2012-2013.
  - **MaineDOT** (state share) – 10%, of federally participating costs, capped at \$335,000. MaineDOT will program \$26,300 in FY 2010-2011 and \$308,700 in FY 2012-2013.
  - **Town** (local share) – 25% of federally participating costs, or \$837,500. The Town will program \$65,750 in FY 2010-2011 and \$771,750 in FY 2012-2013. Additionally, the town agrees to cover with local funds 100% of all Project costs exceeding \$3,350,000.
- 2.) MaineDOT will develop construction plans and specifications for PIN 17343.00 within the scope provided by PACTS, following MaineDOT’s standard project development process to ensure optimum federal participation and adherence to federal and state regulations.
- 3.) After the final PS&E package is prepared, MaineDOT and the Town will execute a formal Municipal/State Agreement covering the advertising, award, construction and construction engineering phases of the Project. The Municipal/State Agreement will include a schedule for collection of the Town’s share of Project costs.

- 4.) MaineDOT will share information about the status of the Project with staff from PACTS and the Town at significant milestones to make sure the Parties remain in agreement about the scope, schedule and budget. This “check-in” process shall include the following, at a minimum:
- Project kickoff/initial team meeting;
  - Preliminary alignment complete;
  - Preliminary design report (PDR);
  - Formal public meeting;
  - Plans, specifications and estimate (PS&E) complete.
  - Changes in the Project schedule or engineer’s estimate.
- 5.) MaineDOT will consult with staff from PACTS and the Town before adjusting the Project scope. Additionally, PACTS and the Town will notify MaineDOT of any proposed changes in the Project limits or scope.
- 6.) The Parties will participate as partners in public meetings held to discuss the Project.
- 7.) If MaineDOT withdraws from the Project before it has been advertised for construction, and that action was not directed by the Town, MaineDOT will cover 100% of the Project costs incurred to date with state funds.
- 8.) If the Town withdraws its financial support for the Project as described in Section 1 above and MaineDOT, as a result, must cancel the Project before it has been advertised for construction, the Town will cover with local funds 100% of all preliminary engineering and right-of-way costs incurred by MaineDOT in reliance on the Town’s commitment.

**IN WITNESS WHEREOF**, the parties hereto have executed this **AGREEMENT** effective on the date last signed.

\_\_\_\_\_ Date \_\_\_\_\_  
John Duncan, Director,  
Portland Area Comprehensive Transportation System

\_\_\_\_\_ Date \_\_\_\_\_  
Thomas Hall, Town Manager,  
Town of Scarborough

\_\_\_\_\_ Date \_\_\_\_\_  
Joyce Taylor, Acting Director, Bureau of Project Development  
Maine Department of Transportation

## **Attachment A**

### **SCOPE OF WORK**

#### **MaineDOT PIN 17343.00, “Scarborough, Dunstan Corner.”**

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Dunstan Corner consists of two tightly spaced, major intersections on U.S. Route 1 in Scarborough. These two intersections are the crossroads of Route 1 and three major collector roadways – Broadturn Road, Payne Road and Pine Point Road. These intersections exhibit poor levels of service, congestion, high levels of crashes and a high critical rate factor.

The Dunstan Corner intersections require improvement to facilitate local and regional travel, pedestrian provisions and movement, to remedy the high crash locations, and to enable future growth and development in this area of Scarborough and the northern portion of the Route 1 corridor in Saco.

PIN 17343.00 is intended to improve the level of service at the Dunstan Corner intersection and emphasize the use of Route One and Haigis Parkway as the preferred commuter route over Payne Road by:

- Separating the two intersections that make up Dunstan Corner to add capacity and improve the level of service of all of the legs of the intersections; and
- Designing the Dunstan Corner intersections in a way that maintains full access to Payne Road, but discourages the use of Payne Road as a commuter route.