



**AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 17, 2010  
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: February 3, 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. 10-08, 7:00 p.m. Public hearing** on the proposed fourth amendment to Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance.

**Order No. 10-09, 7:00 p.m. Public hearing** on 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, 7:00 p.m. Public hearing** and second reading on the proposed new ordinance entitled Chapter 1017 – the Town of Scarborough Pawnbroker Ordinance.

**Order No. 10-17, 7:00 p.m. Public hearing** on the new request for a Combined Massage Establishment/ Massage Therapist License from Tatiana R. Gagnon, doing business at Peaceful Touch, located at 183 U.S. Route One.

**Order No. 10-18, 7:00 p.m. Public hearing** and action on the new request for a Food Handlers License from Eric L. Martin, d/b/a Federal Spice Bistro, located at 360 U.S. Route One.

**Order No. 10-19, 7:00 p.m. Public hearing** and action on the new request for a liquor license from Eric L. Martin, d/b/a Federal Spice Bistro, located at 360 U.S. Route One.

**OLD BUSINESS:**

**Order No. 10-11.** Second reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2009-2010.

**Order No. 10-12.** Second reading on the Bond Order for the School Capital Improvements Projects for FY 2009-2010.

**NEW BUSINESS:**

**Order No. 10-18.** Act on the request to amend Chapter 311, the Schedule of Fees, regarding the fee for a Pawnbroker License.

**Order No. 10-19.** Act on the recommendation of the Town Manager to appoint Mr. Thomas Raymond, Engineer and Landfill Manager of ecomaine, as the landowner representative for the Town of Scarborough to serve as a Director to the Long Creek Watershed Management District, Inc.

**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:

**202.2.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 – FEBRUARY 17, 2010 REGULAR MEETING – 7:00 P.M.**

**Order No. 10-08.** The second reading on the proposed fourth amendment to Contract Zoning Agreement IX [New England Expedition – Scarborough, LLC] of Chapter 405 – the Zoning Ordinance, will be scheduled for the next Town Council meeting on Wednesday, March 3, 2010.

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. Zelin†

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  
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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.

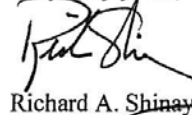
The New England Expedition and the New England Expedition II request that this proposed Fourth Amendment be placed on the Council's February 3, 2010 Agenda for First Reading and referral to the Planning Board for the Board's February 22, 2010, meeting.

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 17, 2010 REGULAR MEETING – 7:00 P.M.**

**Order No. 10-09.** The second reading on 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, will be scheduled for the next Town Council meeting on Wednesday, March 3, 2010.

## 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 17, 2010  
REGULAR MEETING – 7:00 P.M.**

**Order No. 10-10.** Move approval of the second reading on the proposed new ordinance entitled Chapter 1017 – the Town of Scarborough Pawnbroker Ordinance, as follows:

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, state 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 17, 2010 REGULAR MEETING – 7:00 P.M.**

**Order No. 10-17.** Move approval on the new request for a Combined Massage Establishment/ Massage Therapist License from Tatiana R. Gagnon, doing business at Peaceful Touch, located at 183 U.S. Route One.

**TO:** Town Council Members  
**FROM:** Yolande P. Justice, Town Clerk  
**DATE:** February 12, 2010  
**RE: Request for a Massage Therapist License**

The following applicant is requesting approval for a Combined Massage Establishment/ Massage Therapist License:

Tatiana R. Gagnon, doing business at Peaceful Touch, located at 183 U.S. Route One.

Applicant is in compliance with the requirements of the Town Clerk's 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 17, 2010 REGULAR MEETING – 7:00 P.M.**

**Order No. 10-18.** Move approval on the new request for a Food Handlers License from Eric L. Martin, d/b/a Federal Spice Bistro, located at 360 U.S. Route One, as follows:

**TO:** Town Council Members  
**FROM:** Yolande P. Justice, Town Clerk  
**DATE:** February 12, 2010  
**RE: Requests for Food Handlers License**

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

Eric L. Martin, d/b/a Federal Spice Bistro, located at 360 U.S. Route One

The completed application is on file with Clerk's Office. It is recommended that this license be granted and issued when the Code Office conducts the final inspection for the occupancy permit.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 17, 2010 REGULAR MEETING – 7:00 P.M.**

**Order No. 10-19.** Move approval on the new request for a liquor license from Eric L. Martin, d/b/a Federal Spice Bistro, located at 360 U.S. Route One, as follows:

**TO:** Town Council Members  
**FROM:** Yolande P. Justice, Town Clerk  
**DATE:** February 10, 2010  
**RE: Renewal Requests for Liquor License**

The following applicant is requesting approval on their renewal application for a liquor license:

Eric L. Martin, d/b/a Federal Spice Bistro, located at 360 U.S. Route One

The completed application is on file with Clerk's Office. It is recommended that this license be granted.

## **AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 17, 2010  
REGULAR MEETING – 7:00 P.M.**

**Order No. 10-11.** Move approval of the second reading on the Bond Order for the Municipal Capital Improvements Projects for FY 2009-2010.

**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 17, 2010 REGULAR MEETING – 7:00 P.M.

**Order No. 10-12.** Move approval of the second reading on the Bond Order for the School Capital Improvements Projects for FY 2009-2010, as follows:

#### 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 17, 2010  
REGULAR MEETING – 7:00 P.M.**

**Order No. 10-18.** Move approval on the request to amend Chapter 311, the Schedule of Fees, regarding the fee for a Pawnbroker License, as follows:

**TOWN OF SCARBOROUGH  
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Schedule of License, Permit and Application Fees of the Town of Scarborough, Maine, is amended by adding the fee for a Pawnbroker License and SBI Check, as shown below:

<b>Chapter 1017- Pawnbroker License</b>	<b>Fee</b>
Application Fee	\$100.00
SBI Check	\$25.00

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 17, 2010 REGULAR MEETING – 7:00 P.M.**

**Order No. 10-19.** Move approval on the recommendation of the Town Manager to appoint Mr. Thomas Raymond, Engineer and Landfill Manager of ecomaine, as the landowner representative for the Town of Scarborough to serve as a Director to the Long Creek Watershed Management District, Inc.