

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
WORKSHOP RE: SCHOOL BUDGET & FY2022 AUDIT PRESENTATION – 5:30 P.M.
HYBRID REGULAR MEETING – 7:00 P.M.

TO VIEW TOWN COUNCIL MEETING & OFFER PUBLIC COMMENT:

https://scarboroughmaine.zoom.us/webinar/register/WN_oPNrudB0THy2GoeJDAqXhg

TO VIEW TOWN COUNCIL MEETING ONLY:

<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

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.
- Item 5.** Minutes: April 19, 2023 - Town Council Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.
- Item 8.** Town Manager Report.

***Procedure for Addressing Council [Councilor Chair will explain process]**

Order No. 23-029, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards W. Small-Scale Energy Facilities. *[Town Planner]*

OLD BUSINESS:

Order No. 23-028. Second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section VI. Zoning Ordinance. Definitions. Outdoor Storage and Section IX. Performance Standards A. General (14) Parking and Storage. *[Planning Director]*

NEW BUSINESS:

Order No. 23-043. First reading and schedule a public hearing on the proposed FY2024 Municipal/School Budget. *[Town Manager/Superintendent of Schools]*

Order No. 23-044. First reading and waive the second reading to repeal and replace the 90-day Emergency Moratorium that the Town Council approved on February 15, 2023 and enact a new 90-day Emergency Moratorium that would apply to the Pine Point Industrial Overlay District specifically to Adult Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities. *[Assistant Town Manager]*

Order No. 23-045. Act on the request to reconsider Order No. 23-035 - 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 311 – Town of Scarborough Schedule of Licenses, permits and Application Fees. *[Town Manager]*

Order No. 23-046. Act on the request to move approval on names posted to the various committees/boards, by the Appointments/Negotiations Committee at the April 19, 2023, Town Council meeting. *[Appointments/Negotiations Committee]*

Order No. 23-047. Act on the request to sign the Warrants for the regular School Budget Validation Referendum Election and the Special Portland Water District Trustee Election, scheduled for Tuesday, June 27, 2023, at the Scarborough High School – Alumni Gym; appoint the warden and warden clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 - Article VIII. Nomination and Elections, Title 21-A, §503 and authorize the Town Clerk to make any additional appointments as necessary. *[Town Clerk]*

Order No. 23-048. Act to authorize the Town Manager to conduct a land appraisal for up to 25 acres of land owned by Crossroads Holdings LLC in order to negotiate a potential purchase price of such land for municipal or school purposes by July 31, 2023. *[Town Manager]*

Item 9. Non-Action Item.

Item 10. Standing and Special Committee Reports and Liaison Reports.

Item 11. Council Member Comments.

Item 12. Adjournment.



To: Scarborough Town Council
From: Thomas J. Hall, Town Manager
RE: Town Manager's Report
Date: May 3, 2023

Below is an initial list of items that will be included in the Town Manager's Update at the regular public meeting of May 3, 2023. I will provide a verbal update on each of these items and will likely include other items of interest.

- **Comfort Inn Update**- Extension of Emergency Rental Assistance
- **Gorham Connector** - Letter to the Editor
- **Ad-Hoc Community Center Advisory Committee** - Committee membership
- **Eastern Trail - Close The Gap**- Status Update
- **All-Board Summit** - June 8, 2023, located to be determined
- **Comprehensive Plan**- LRPC to review and recommend
- **Downs Traffic Movement Permit Update**
- **Beach - Carry-In/Carry-Out** - Higgins Beach Update
- **CoOp Parking**
- **Construction Project Updates:**
 - Gorham Road
 - Highland Avenue
 - Ward Street

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-029, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards W. Small-Scale Energy Facilities. The second reading will be scheduled for Wednesday, May 17, 2023. *[Town Planner]*

Planning Director

Ought to Pass

Sponsor

Recommendation

*03/15/2023 – Vote: 7 Yeas to table this Order
To the April 5th meeting.*

04/05/2023 – Vote: 6 Yeas.

First Reading/Vote

05/03/2023

Public Hearing

05/17/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 23-029.

SUBJECT:

7:00 p.m. Public hearing on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. Performance Standards W. Small-Scale Energy Facilities. [*Planning Director*]

PURPOSE:

To permit fuel cell technology under small-scale energy facilities and address performance standards required.

BACKGROUND:

Planning staff received a request to review our ordinances last fall as it pertains to the ability to install fuel cell technology as an energy source for local businesses. The request came from two separate end users located at 33 Pleasant Hill (Moody's) and 2 Cummings Rd (Fairfield Inn).

[Per the Department of Energy:](#) A fuel cell uses the chemical energy of hydrogen or other fuels to cleanly and efficiently produce electricity. If hydrogen is the fuel, the only products are electricity, water, and heat. Fuel cells are unique in terms of the variety of their potential applications; they can use a wide range of fuels and feedstocks and can provide power for systems as large as a utility power station and as small as a laptop computer.

This technology would fall under the Town's definition of small-scale energy facility defined as:

A facility for the generation of electricity with a maximum capacity of five megawatts (5 MW), but do not include small wind energy systems or solar energy systems which are defined and regulated separately. [Adopted 06/20/12]

The use is also subject to performance standards that limit the amount of surplus power that can be put back into the electric grid.

The facility shall be designed and used primarily to provide power to the principal use or building to which it is accessory or the planned development in which it is located. This requirement is not intended to prohibit the sale of surplus power to the electric grid but the capacity of the facility shall be not more than 200% of the estimated energy need of the principal use/building or planned development.

The 200% is a limiting factor for the proposal to be installed. The proposed fuel cell technology would be permitted as an accessory use except for the potential to exceed the 200% host usage capacity.

The Planning Department forwarded the request to the Sustainability Committee on November 30, 2022. The applicants presented technology information and more details on their specific request. After the question and discussion period, the committee requested staff bring a draft of ordinance changes required to allow the request.

Sustainability Committee reviewed the draft ordinance on January 18. They requested staff add additional screening language and move forward to the Ordinance Committee for review. The proposed changes would remove the limiting provision on selling surplus power. The selling of surplus power is accomplished through CMP and the Town has no method or necessity to track the amount sold back. At the time the ordinance was written, we did not have clarity for large scale utility vs small scale utility facilities. The proposed changes also add language specific to fuel cell technology to allow self-contained equipment to be outside of a building and provide for screening.

If the ordinance amendment is approved, the applicants may pursue their request. They will be subject to site plan review approval by the Planning Board.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- Sustainability Review: November 30, 2022
- Sustainability Ordinance Review: January 18, 2023
- Presented to Ordinance Committee: March 9, 2023.
- Recommended to the Town Council from Ordinance Committee: March 9, 2023.
- First reading before the Town Council: March 15, 2023.
- Tabled to the April 5th meeting at March 15th meeting.
- First reading before the Town Council: April 5, 2023.
- Public hearing before the Planning Board: April 24, 2023.
- Public hearing before the Town Council: May 3, 2023.

PROPOSED ACTION:

The second reading on this Order, will be scheduled for Wednesday, May 17, 2023.

ATTACHMENTS:

- Copy of the proposed amendments.



MEMO

To: Ordinance Committee

From: Autumn Speer, Director of Planning and Codes

Date: February 3, 2023

Re: Fuel Cell Technology

Planning staff received a request to review our ordinances last fall as it pertains to the ability to install fuel cell technology as an energy source for local businesses. The request came from two separate end users located at 33 Pleasant Hill (Moody's) and 2 Cummings Rd (Fairfield Inn).

[Per the Department of Energy:](#) A fuel cell uses the chemical energy of hydrogen or other fuels to cleanly and efficiently produce electricity. If hydrogen is the fuel, the only products are electricity, water, and heat. Fuel cells are unique in terms of the variety of their potential applications; they can use a wide range of fuels and feedstocks and can provide power for systems as large as a utility power station and as small as a laptop computer.

This technology would fall under the Town's definition of small-scale energy facility defined as:

A facility for the generation of electricity with a maximum capacity of five megawatts (5 MW), but do not include small wind energy systems or solar energy systems which are defined and regulated separately. [Adopted 06/20/12]

The use is also subject to performance standards that limit the amount of surplus power that can be put back into the electric grid.

The facility shall be designed and used primarily to provide power to the principal use or building to which it is accessory or the planned development in which it is located. This requirement is not intended to prohibit the sale of surplus power to the electric grid but the capacity of the facility shall be not more than 200% of the estimated energy need of the principal use/building or planned development.

Planning & Code Enforcement

The 200% is a limiting factor for the proposal to be installed. The proposed fuel cell technology would be permitted as an accessory use except for the potential to exceed the 200% host usage capacity.

SUSTAINABILITY REVIEW AND RECOMMENDATION

The Planning Department forwarded the request to the Sustainability Committee on November 30, 2022 (presentation attached). The applicants presented technology information and more details on their specific request. After the question and discussion period, the committee requested staff bring a draft of ordinance changes required to allow the request.

Sustainability Committee reviewed the draft ordinance on January 18. They requested staff add additional screening language and move forward to the Ordinance Committee for review.

The proposed changes would remove the limiting provision on selling surplus power. The selling of surplus power is accomplished through CMP and the Town has no method or necessity to track the amount sold back. At the time the ordinance was written, we did not have clarity for large scale utility vs small scale utility facilities. The proposed changes also add language specific to fuel cell technology to allow self-contained equipment to be outside of a building. Staff also recommends adding language to require all technologies of this nature to be located to the side or rear of the primary structure and provide for screening.

If the ordinance amendment is approved, the applicants may pursue their request. They will be subject to site plan review approval by the Planning Board.

Staff recommends the amending the applicable ordinance as shown in attachment one.

ATTACHMENTS

1. Proposed Amendment
2. Bloom Energy Data Sheet
3. Applicant Presentation
4. Sustainability Minutes 11.30.23

CHAPTER 405

TOWN OF SCARBOROUGH ZONING ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 405 - the Scarborough Zoning Ordinance, Section IX. Performance Standards W. Small-Scale Energy Facilities, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

SECTION IX PERFORMANCE STANDARDS.

W. PERFORMANCE STANDARDS – SMALL-SCALE ENERGY FACILITIES [Adopted 06/20/12]

All small-scale energy facilities shall comply with the following performance standards:

1. The energy facility shall be accessory to a permitted use in the district in which it is located or shall be part of a planned development approved by the Planning Board.
2. The facility shall be designed and used primarily to provide power to the principal use or building to which it is accessory or the planned development in which it is located. This requirement is not intended to prohibit the sale of surplus power to the electric grid ~~but the capacity of the facility shall be not more than 200% of the estimated energy need of the principal use/building or planned development.~~
3. The generator, fuel storage, and related equipment shall be located in a fully enclosed building except for self-contained equipment, and wind or solar related elements of the facility.
4. The facility, including all buildings and elements located outside of a building shall be sited and designed to be compatible with the principal building or the overall planned development and located to the side or rear of the primary structure.
5. They shall be screened from public and private ways, main entrances, public spaces, and abutting residential neighborhoods.
6. If the facility relies on a fuel source that is delivered by truck, the volume of truck traffic shall be compatible with the principal use/building or the planned development. The use of trash or refuse derived fuel (RDF) as the primary fuel source shall not be allowed.
7. The facility shall conform to the Town's performance standards for noise and odor.

April 24, 2023 Planning Board Minutes

Public Hearing

4.01 Proposed Amendments to Chapter 405 Town of Scarborough Zoning Ordinance to Change Section IX. W. Small-Scale Energy Facility Standards.

This public hearing is for proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance. The proposal amends performance standards for Small Scale Energy Facilities to allow self-contained equipment, and require screening and appropriate siting of the facility. Removal of maximum energy exporting requirements to the grid is also proposed.

This item was opened for public comment. There being none, the public comment portion was closed.

This item was opened to the Board for comments. Screening was discussed, with staff noting it would be the Board's purview during Site Plan Review. Rachel noted that a fuel cell uses the chemical energy of hydrogen or other fuels to cleanly and efficiently produce electricity. She requested that the Fire Department weigh in on the safety and possible fire hazards of these facilities. In addition, the Fire Department should weigh in on any safety measures in building construction, screening, or other safety precautions that might be required. This item requires no vote. A copy of these minutes will be provided to the Town Council ahead of their public hearing and second reading.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-028. Move approval of the second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section VI. Zoning Ordinance. Definitions. Outdoor Storage and Section IX. Performance Standards A. General (14) Parking and Storage. [*Planning Director*]

Planning Director

Ought to Pass

Sponsor

Recommendation

03/15/2023 – Vote: 7 Yeas.

First Reading/Vote

04/19/2023

Public Hearing

05/03/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 23-028.
<p>SUBJECT:</p> <p>Second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section VI. Zoning Ordinance. Definitions. Outdoor Storage and Section IX. Performance Standards A. General (14) Parking and Storage. <i>[Planning Director]</i></p>
<p>PURPOSE:</p> <p>To clarify fleet vehicles are not classified as outdoor storage and to allow up to 4 fleet vehicles for commercial uses.</p>
<p>BACKGROUND:</p> <p>Fleet vehicles storage has been an on-going concern the past several years. Examples of businesses typically employing fleet vehicles include home care agencies, furniture stores that offer delivery, and many service or repair businesses. These types of businesses are permitted in the TVC, TVC2-4, B2-B3, BOR, HP, RH, and RH2 districts but in most cases, exclude outdoor storage.</p> <p>Outdoor storage is currently defined to prohibit the keeping in an unroofed area any goods, materials, merchandise, or vehicles in the same place for more than 24 hours. Some of these businesses may operate 7 days per week while others may be closed on the weekends, which causes any service vehicles left at the facility to be in the same place for more than 24 hours. This causes fleet vehicles to fall under the category of Outdoor Storage.</p> <p>Planning staff and SEDCO have discussed possible amendments that would empower the Planning Board and Planning staff to consider appropriately located or screened areas for fleet vehicle parking during site plan review, much in the same way as other site features such as customer parking or snow storage areas are considered. These proposed amendments start by redefining outdoor storage in a way that makes an allowance for in-service vehicles needed for the conduct of the business activity. The second amendment is to revise the existing performance standard for parking/storage of vehicles to include commercial vehicles and commercial districts.</p>
FISCAL IMPACT: N/A
<p>STATUS / PROCESS TO DATE:</p> <ul style="list-style-type: none"> • Presented to Long Range Planning Committee: December 2, 2022 and January 6, 2023 • Noticed through SEDCO newsletter – January - February 2023 • Presented to Ordinance Committee: March 9, 2023. • Recommended to the Town Council from Ordinance Committee: March 9, 2023. • First reading before the Town Council: March 15, 2023. • Public hearing before the Planning Board: April 3, 2023. • Public hearing before the Town Council: April 19, 2023. • Second and final reading before the Town Council: May 3, 2023.

PROPOSED ACTION:

Recommend move approval of the second reading on Order No. 23-028.

ATTACHMENTS:

- Staff Memo August 2022.
- Copy of the proposed amendments.
- Copy of draft Planning Board minutes.

MEMO

TO: Long Range Planning Committee; Ordinance Committee

FROM: Scarborough Planning/Code Staff

CC: Thomas Hall

SUBJECT: Zoning amendments dealing with fleet vehicle parking

DATE: August 25, 2022

Overview

In the course of reviewing site plans and commercial uses over several years, an area that continues to be problematic for a number of businesses is the parking and/or storage of fleet vehicles need to provide a product or service to consumers. Examples of businesses typically employing fleet vehicles include home care agencies, furniture stores that offer delivery, and many service or repair businesses. These types of businesses are permitted in the TVC, TVC2-4, B2-B3, BOR, HP, RH, and RH2 districts but in most cases, exclude outdoor storage. Outdoor storage is currently defined to prohibit the keeping in an unroofed area any goods, materials, merchandise, or vehicles in the same place for more than 24 hours. Some of these businesses may operate 7 days per week while others may be closed on the weekends, which causes any service vehicles left at the facility to be *in the same place for more than 24 hours*. While the prohibition on outdoor storage of materials and merchandise makes sense, it doesn't always make sense when it comes to a relatively small number of service or fleet vehicles.

Planning staff and SEDCO have discussed possible amendments that would empower the planning board and planning staff to consider appropriately located or screened areas for fleet vehicle parking during site plan review, much in the same way as other site features such as customer parking or snow storage areas are considered. These proposed amendments start by redefining *outdoor storage* in a way that makes an allowance for in-service vehicles needed for the conduct of the business activity. The second amendment is to revise the existing performance standard for parking/storage of vehicles to include commercial vehicles and commercial districts.

Suggested amendments to Chapter 405.

SECTION VI - DEFINITIONS

Outdoor Storage:

The keeping in an unroofed area of any goods, materials, merchandise or unregistered/uninspected vehicles in the same place for more than 24 hours. The term outdoor storage does not include service vehicles used by a commercial enterprise in the conduct of their business, which can meet the performance standards in Section IX.A(14), the storage of goods,

materials or merchandise inside box trailers, semi-trailers, roll-off containers, slide-off containers, “piggy-back” containers, railroad cars, or any other similar container. Any such storage in roofed containers shall be governed by the provisions of Section IX(G) of this ordinance accessory storage containers. [7/17/91] [09/03/97]

SECTION IX.A (14)

14. Parking & Storage. Parking or storage for more than one commercial motor vehicle is specifically prohibited as an accessory use in the R2, R3, R4, and R4A Districts except as accessory to a farm, truck garden or nursery. Parking or storage of more than two commercial motor vehicles is specifically prohibited as an accessory use in the RF District except as accessory to a farm, truck garden or nursery. Commercial vehicles shall not be parked or stored with engines, motors, or accessory motors in operation in any residential district. In any commercial district, parking or storage of any commercial vehicle or fleet of vehicles in service for a permitted use must be approved by planning board and shall be in an area to the rear of the building that is not readily seen from any major street, or must incorporate appropriate screening/buffering/fencing so that vehicles are not easily observed from the street. The planning board may place a limit on the number of vehicles permitted to be parked or stored on a commercial property. Any parking spaces used for fleet vehicles shall be in addition to the required parking pursuant to Section XI. [Amended 12/86]

Chapter 405 - Town of Scarborough Zoning Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 the Zoning Ordinance of the Town of Scarborough, Maine, as follows:

SECTION VI. DEFINITIONS

Outdoor Storage:

The keeping in an unroofed area of any goods, materials, merchandise or unregistered/uninspected vehicles in the same place for more than 24 hours. The term outdoor storage does not include service vehicles used by a commercial enterprise in the conduct of their business, which can meet the performance standards in Section IX. A (14), the storage of goods, materials or merchandise inside box trailers, semi-trailers, roll-off containers, slide-off containers, “piggy-back” containers, railroad cars, or any other similar container. Any such storage in roofed containers shall be governed by the performance standards in provisions of Section IX(G) of this ordinance ~~a~~Accessory ~~C~~storage containers. [7/17/91] [09/03/97]

SECTION IX. PERFORMANCE STANDARDS A. GENERAL (14)

14. Parking & Storage. Parking or storage for more than one commercial motor vehicle is specifically prohibited as an accessory use in the R-2, R-3, R-4, and R-4A Districts except as accessory to a farm, truck garden or nursery. Parking or storage of more than two commercial motor vehicles is specifically prohibited as an accessory use in the RF District except as accessory to a farm, truck garden or nursery. Commercial vehicles shall not be parked or stored with engines, motors, or accessory motors in operation for an excessive period of time. [Amended 12/86]

In any commercial district, the outdoor parking or storage of more than four commercial vehicles or fleet of vehicles in service for a permitted use must be approved by the Planning Board and shall be in an area to the rear or side of the building that is not easily seen from any street, or must incorporate appropriate screening so that vehicles are not easily seen from the street. The Planning Board may place a limit on the number of vehicles permitted to be parked or stored on a commercial property. Any parking spaces used for more than four fleet vehicles shall be in addition to the required parking pursuant to Section XI.

In any industrial district, the outdoor parking or storage of commercial vehicles is permitted in an approved parking space.

DRAFT MINUTES
SCARBOROUGH PLANNING BOARD MEETING
April 3, 2023 – 6:30 P.M.

Members Present:

Rachel Hendrickson – Chair
Rick Meinking - Vice Chair
Roger Beeley – Secretary
Jennifer Ladd (Absent)
Noah Perlut – 1st Alternate (Absent)
James Hebert – 2nd Alternate

Staff Present:

Autumn Speer – Planning Director
Angela Blanchette–Town Eng. (Absent)
Eric Sanderson – Senior Planner
Doreen Christ – Recording Secretary

Excerpt of Draft Minutes for Council Packet

1. Media Options

- 1.01 Zoom Link to Participate in Meeting**
- 1.02 YouTube Link to View Meeting**

2. Opening Meeting

- 2.01 Call to Order.** Rachel Hendrickson – Chair called the meeting to order at 6:30 pm.
- 2.02 Pledge of Allegiance.**
- 2.03 Roll Call.** Doreen Christ did the Roll Call. It shall be noted that both Jennifer Ladd and Noah Perlut were absent at this meeting. In Jennifer Ladd’s absence, James Hebert was elevated to a full voting member.

3. Minutes

- 3.01 Approval of Minutes (March 13, 2023).** There were no changes, additions, or corrections made to this set of meeting minutes; therefore, the following motion was made.

MOTION: *by Rick Meinking, seconded by Roger Beeley, to move to approve the Planning Board Meeting Minutes for March 13, 2023, as written.*

VOTED: *4-0 (Passed).*

4. Public Hearing

- 4.01 Proposed Amendments to Chapter 405 Town of Scarborough Zoning Ordinance to Change Definition and Standards of Outdoor Storage to Address Fleet Vehicles.** This public hearing is for proposed changes to Chapter 405 – the Town of Scarborough Zoning Ordinance. The proposal would redefine outdoor storage in a way that makes an allowance for in service business vehicles needed for the conduct of the business activity. The changes would also revise the existing standards for parking/storage of vehicles to include commercial vehicles and commercial districts.

Autumn provided the following overview. This is a change that was brought up several months ago by the Town’s Code Enforcement Officer. She added that the Town does not have a definition or standards that addresses outdoor parking of fleet vehicles. Fleet vehicles currently fall under outdoor storage and that is not allowed for more than 24 hours. This does not work for fleet vehicles for over the weekend. This proposal was brought before the LRPC last fall, it has been before the Ordinance Committee and then the Town Council. The proposal presented allows the parking of fleet vehicles for up to four per company or use. If more than four, it needs to come back for Planning Board review under site plan review. Stipulations have been included for screening of vehicles.

This item was opened for public comment. There being none, the public comment portion was closed.

This item was opened to the Board for comments. Rachel commented that she appreciates the adoption of such standards so that the Planning Board can make good decisions.

This item requires no vote. A copy of these minutes will be provided to the Town Council ahead of their public hearing and second reading.

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-043. Move approval of the first reading on the proposed FY2024 Municipal/School Budget and schedule a public hearing for Wednesday, May 17, 2023. [*Town Manager/Superintendent of Schools*]

Town Manager/Superintendent of Schools

Ought to Pass

Sponsor

Recommendation

05/03/2023 – Vote:

First Reading/Vote

05/17/2023

Public Hearing

06/07/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 22-043.
SUBJECT: First reading and schedule a public hearing on the proposed FY2024 Municipal/School Budget . <i>[Town Manager/Superintendent of Schools]</i>
PURPOSE: To approve a new budget for FY2024 for the new year to meet the needs of the municipality
BACKGROUND: In accordance with Article V, Section 502 of the Charter, the Town Manager submitted a budget for Fiscal Year 2024 to the Town Council for their consideration. The Town Finance Committee will conduct a complete and thorough review of the proposed budget and could recommend certain adjustments to the proposed budget. Such adjustments will be offered in the second and final reading.
FISCAL IMPACT:
STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Presentation by the Town Manager and School Superintendent: March 29, 2023.• First Reading: May 3, 2023.• Joint Council/BOE Workshop and Public Hearing: May 17, 2023.• Second Reading; June 7, 2023.
PROPOSED ACTION: Recommend approval of the first reading on the FY24 Municipal/School Budget and schedule the public hearing for May 17, 2023.
ATTACHMENTS: <ul style="list-style-type: none">• Proposed Budget Order.

Budget Order for Fiscal Year 2024

Be it ordered that the Scarborough Town Council approves the first reading on the FY2024 Budget and **schedules the public hearing for Wednesday, May 17, 2023**, the line item appropriations and expenditures for all offices, agencies and departments of the Town as follows:

SUMMARY MUNICIPAL OPERATING BUDGET 2024	
TOTAL EXECUTIVE	3,413,631
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	616,170
TOTAL FINANCE ALL DIVISIONS	1,503,966
TOTAL MUNICIPAL INFORMATION SYSTEMS	1,918,277
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	965,408
TOTAL COMMUNITY SERVICES ALL DIVISIONS	3,615,790
TOTAL LIBRARY NET – TOWN APPROPRIATION	1,287,748
TOTAL SEDCO	284,512
TOTAL FIRE ALL DIVISIONS	7,236,335
TOTAL POLICE ALL DIVISIONS	8,271,341
TOTAL PUBLIC WORKS ALL DIVISIONS	8,212,504
TOTAL ENGINEERING & TECHNICAL SERVICES	593,640
TOTAL DEBT (Town Only)	5,061,028

Be it further ordered that the Scarborough Town Council hereby appropriates the sum of **\$320,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of **\$62,619,250** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **\$54,343,622** and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of **\$2,511,083** and the Town of Scarborough raises as the local share for the Education Adult Education and Food Services Budgets, the sum of **\$72,653** and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council and;

Be it further ordered that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of **\$3,193,206** for the period July 1, 2023, through June 30, 2024; and a six-month County Assessment transition of **\$287,875** covering year 1 of 5; and,

Be it further ordered that the Scarborough Town Council hereby approves adding **\$147,654,383** to the Capital Budget and appropriates for Capital purposes, the sum of **\$1,003,100** for school capital programs and **\$1,253,000** for town capital; for a total Capital Appropriation of **\$2,256,100** be funded from property taxes.

Be it further ordered that the Town Council hereby authorizes the following utilization of funds from dedicated accounts:

Restricted Fund Balance:

- \$1,646,000 from Restricted for Education to reduce the local share of the Education and Adult Ed Operating Budgets
- \$928,491 from Downtown TIF Account to support Public Safety Building Debt Service
- \$825,000 from Downtown TIF Account to support the costs associated with Public Safety Building equipment.
- \$284,512 from Haigis Parkway TIF to support SEDCO operating expenses

Committed Fund Balance:

- \$1,200,000 from Rescue Equipment Reserve to reduce the tax rate
- \$443,890 from School Development Impact Fee Account to pay Debt Service for eligible Capital Improvements
- \$415,000 from Rescue Equipment Reserve to Replace Rescue Unit X2
- \$350,000 from Payne Road District 1 & 2 accounts for Traffic Signal Upgrades
- \$264,613 from Haigis Parkway Impact Fee Account to pay Debt Service for eligible Capital Improvements
- \$200,000 from Oak Hill Impact fee account for Traffic Improvements
- \$90,000 from the Recreation Fee Account for Mitchell Sports Complex – Tennis Court Resurface
- \$80,000 from the Recreation Fee Account for Skate Park – Resurface, Retaining Wall Repair, Security & Fence Installation
- \$75,000 from the Recreation Fee Account for Facilities Master Plan Project Design

Assigned Fund Balance

- \$325,000 for Accrued Vacation Reimbursement

Be it further ordered that the Total Gross Budget appropriation of 115,343,961, this total less estimated revenues and other credits of \$32,897,462 result in a Net appropriation of \$82,446,529, which shall be raised from taxation. The Scarborough Town Council further fixes Monday, October 16, 2023, and Friday, March 15, 2024, as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of 8.00% per annum.

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated \$300,000 for overlay, which may be adjusted and shall be finally determined by the Town Assessor pursuant to Title 36 MRSA Section 710 within State restrictions; and (such estimated amount is incorporated within the Total Gross Budget as identified within this order); and,

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated \$4,615,000 for Tax Increment Financing Revenues to be deposited into Tax Increment Financing Development Program Funds, an estimated \$1,350,000 of which is authorized to be paid pursuant to applicable credit enhancement agreements, both of which amounts may be adjusted and shall be finally determined by Town staff based on actual assessed values and applicable Tax Increment Financing Districts, Development Programs and credit enhancement agreements approved by the Town Council and State Department of Economic and Community Development (such estimated amounts are incorporated within the Total Gross Budget as identified within this order).

Be it further ordered, that in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of

that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **4.00%**.

Be it further ordered, that the Town Council hereby authorizes the Finance Director and/or Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905 and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; authorizes the Tax Collector to sign on behalf of the Town, the necessary deeds and liens and tax settlements; in accordance with 36 M.R.S.A. Section 906, the Tax Collector and Treasurer are authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector is authorized to discharge any obligation to collect unpaid property taxes in the amount of **\$5.00** or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

Be it further ordered, that if the 2023 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2024, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-044. Move approval of the first reading and waive the second reading to repeal and replace the 90-day Emergency Moratorium that the Town Council approved on February 15, 2023 and enact a new 90-day Emergency Moratorium that would apply to the Pine Point Industrial Overlay District specifically to Adult Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities. *[Assistant Town Manager]*

Assistant Town Manager

Ought to Pass

Sponsor

Recommendation

05/03/2023 – Vote:

First Reading/Vote

N/A

Public Hearing

05/03/2023 – Vote:

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 23-044.

SUBJECT:

First reading and waive the second reading to repeal and replace the 90-day Emergency Moratorium that the Town Council approved on February 15, 2023 and enact a new 90-day Emergency Moratorium that would apply to any new or expansion of existing Medical and Adult Use Marijuana Cultivation Facilities within the Pine Point Industrial Overlay District [*Assistant Town Manager*]

PURPOSE:

To provide additional time for staff, in consultation with the Marijuana Working Group, to prepare recommended amendments to the ordinances governing Marijuana Establishments.

This is proposed as an Emergency Moratorium to ensure there is no lapse in applicability of the moratorium between the initial 90-day period and this extension.

BACKGROUND:

Staff has been soliciting input for a “Marijuana Working Group”, comprised of residents, industry members and experts, in an effort to formulate recommended changes to the odor mitigation requirements, administrative changes, and land use changes.

The initial moratorium was applied to all Marijuana Establishments permitted by ordinance town wide. This proposed extension will more precisely prohibit any new, or expansion of existing, cultivation facilities within the Pine Point Industrial Overlay District as the concerns are predominantly related to cultivation odor within this district.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- Action before the Town Council: May 3, 2023.

PROPOSED ACTION:

Recommend approval to repeal and replace the 90-day Emergency Moratorium that the Town Council approved on February 15, 2023 and enact a new 90-day Emergency Moratorium that would apply to marijuana cultivation facilities within the Pine Point Industrial Overlay District.

ATTACHMENTS:

- Copy of Moratorium

**TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A MORATORIUM
ON ADULT USE MARIJUANA CULTIVATION FACILITIES AND
MEDICAL MARIJUANA CULTIVATION FACILITIES
IN THE PINE POINT INDUSTRIAL OVERLAY DISTRICT**

WHEREAS, the Maine Medical Use of Cannabis Act, 22 M.R.S. § 2429-D, and the Cannabis Legalization Act, 28-B M.R.S. §§ 401-402, specifically authorizes municipalities to opt-in to allow and regulate Marijuana Establishments; and

WHEREAS, the Town of Scarborough currently allows certain Marijuana Establishments, including Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities, to operate in the Town, subject to a license under the Marijuana Establishment Licensing Ordinance and applicable approvals under the Zoning Ordinance;

WHEREAS, since the adoption of the above ordinances there has been an increasing number of requests regarding the establishment or expansion of Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities in the Pine Point Industrial Overlay District; and

WHEREAS, operations related to Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, on February 15, 2023, the Town Council adopted a 90-day emergency moratorium on the acceptance, processing, or acting upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license or any other approval, relating to the establishment, operation, or expansion of a business or operation for a Marijuana Establishment in the Town, which will expire on May 17, 2023; and

WHEREAS, the Town’s existing ordinances do not provide an adequate mechanism to regulate and control Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities in the Pine Point Industrial Overlay District and are inadequate to prevent the potential for serious public harm from the development of future Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities; and

WHEREAS, the Town needs a reasonable amount of time to continue to study the land use and licensing implications of Adult Use Marijuana Cultivation Facilities and Medical Marijuana Cultivation Facilities in the Pine Point Industrial Overlay District and to develop reasonable regulations governing their location and operation; and

WHEREAS, for the above stated reasons the Town Council finds and concludes that these circumstances constitute an emergency pursuant to Section 213 of the Town Charter; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Scarborough, Maine, as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings:

“Adult Use Marijuana Cultivation Facility” shall mean a “cultivation facility” as that term is defined in 28-B M.R.S.A. §102(13), as may be amended.

“Adult Use Marijuana Products Manufacturing Facility” shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S.A. §102(43), as may be amended.

“Adult Use Marijuana Testing Facility” shall mean a “testing facility” as that term is defined in 28-B M.R.S.A. §102(54), as may be amended.

“Marijuana Establishment” shall mean an Adult Use Marijuana Cultivation Facility, an Adult Use Marijuana Products Manufacturing Facility, an Adult Use Marijuana Testing Facility, a Medical Marijuana Dispensary, a Medical Marijuana Testing Facility, a Medical Marijuana Manufacturing Product Facility, and a Medical Marijuana Cultivation Facility. A Marijuana Establishment does not include an Adult Use Marijuana Store or a Medical Marijuana Caregiver Retail Store, which are not permitted in the Town of Scarborough.

“Medical Marijuana Cultivation Facility” shall mean a medical marijuana cultivation area used or occupied by one or more medical marijuana registered caregivers and a facility to cultivate, prepare and package medical marijuana at a location that is not the residence of a registered caregiver or qualifying patient.

“Medical Marijuana Dispensary” shall mean a “registered dispensary” as that term is defined in 22 M.R.S.A. §2422(6), as may be amended.

“Medical Marijuana Products Manufacturing Facility” shall mean a “manufacturing facility” as that term is defined in 22 M.R.S.A. §2422(4-R), as may be amended.

“Medical Marijuana Testing Facility” shall mean a “cannabis testing facility” as that term is defined in 22 M.R.S.A. §2422(5-C), as may be amended.

2. APPLICABILITY AND PURPOSE.

Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to any proposal to establish, operate, or expand a business or operation for an Adult Use Marijuana Cultivation Facility or Medical Marijuana Cultivation Facility in the Pine Point Industrial Overlay District, whether or not an application or a proceeding to establish or operate a business or operation for Marijuana Establishment would be deemed a pending proceeding under 1 M.R.S.A. § 302.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion of a business or operation for an Adult Use Marijuana Cultivation Facility or Medical Marijuana Cultivation Facility in the Pine Point Industrial Overlay District. No person shall establish or operate a business or operation for an Adult Use Marijuana Cultivation Facility or Medical Marijuana Cultivation Facility in the Pine Point Industrial Overlay District that was proposed on or after the effective date of this Ordinance, or shall expand the operations of any

Adult Use Marijuana Cultivation Facility or Medical Marijuana Cultivation Facility in the Pine Point Industrial Overlay District that was established or operated prior to the effective date of this Ordinance. This prohibition does not apply to the operation of existing licensed Adult Use Marijuana Cultivation Facility or Medical Marijuana Cultivation Facility in the Pine Point Industrial Overlay District as of the date of enactment of this Ordinance, although it does apply to any proposed expansion of an existing licensed business or operation.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Scarborough. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 91st day thereafter, unless earlier extended, repealed or modified by the Scarborough Town Council.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-045. Move approval on the request to reconsider Order No. 23-035 - 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 311 – Town of Scarborough Schedule of Licenses, permits and Application Fees. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

05/03/2023 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

<p>ACTION ITEM: Order No. 23-045.</p>
<p>SUBJECT:</p> <p>Act on the request to reconsider Order No. 23-035 - 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 311 – Town of Scarborough Schedule of Licenses, Permits and Application Fees. <i>[Town Manager]</i></p>
<p>PURPOSE:</p> <p>Chapter 302, Town Council Rules & Procedures provides for reconsideration (see Section 125) of a matter that was decided on at the immediately previous meeting of the Town Council. To reconsider the action taken at the Town Council meeting of April 19, 2023, where the vote was Vote of 5 Yeas to move approval of the second reading on Order No. 23-044. <u>Motion Passed</u></p> <p>Councilor Caterina, who voted in the majority on April 19, 2022, is eligible to put forth a Motion to Reconsider and at request of staff, this matter has been be scheduled on the May 3, 2023 meeting agenda.</p> <p>In sending out the updated Chapter 311 – the Schedule of Licenses, Permit and Application Fees Ordinance to the various Departments, it was noted that fees under Public Works were removed erroneously, when the fees should have increased and not removed. It was requested by staff to place this item for reconsideration. , who voted in the majority on April 19, 2023, be put forth and scheduled on the May 3, 2023, meeting agenda.</p>
<p>BACKGROUND:</p> <p>After each Council meeting the council packet is reviewed and items/ordinances that have had final approval are updated. Once updated, the Clerk sends the information out to the appropriate Department for review to ensure that nothing was missed.</p> <p>In sending out the updated Chapter 311 – the Schedule of Licenses, Permit and Application Fees Ordinance to the various Departments, it was noted that fees under Public Works relating to were removed, when the fees should have increased and not removed.</p>
<p>FISCAL IMPACT: N/A</p>
<p>STATUS / PROCESS TO DATE:</p> <ul style="list-style-type: none"> • Received recommendation from: <ul style="list-style-type: none"> Assessing Department: February 22, 2023. Planning/Codes: February 23, 2023. Engineering/Technical Services: February 23, 2023. Police Chief: February 27, 2023. Town Clerk: March 3, 2023. Public Works: March 3, 2023. • Recommended Adjustments to Mooring/Pier Use Fees. March 30, 2023 • First reading before the Town Council: April 5, 2023. • Public hearing and second reading before the Town Council: April 19, 2023. • Reconsideration of Order No. 22-037, before the Town Council: May 3, 2023.

PROPOSED ACTION:

Recommend to move approval on Order No. 23-045.

ATTACHMENTS:

- Section 125: Reconsideration, Chapter 302, Town Council Rules & Procedures
- Original Packet that was initially submitted.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 19, 2023
HYBRID REGULAR MEETING – 7:00 P.M.

Order No. 23-035. Move approval of the second reading on the proposed amendments to Chapter 311 – Town of Scarborough Schedule of Licenses, permits and Application Fees.
[Town Manager]

Town Manager

Ought to Pass

Sponsor

Recommendation

04/05/2023 – 6 Yeas.

First Reading/Vote

04/19/2023

Public Hearing

04/19/2023 -

Second Reading/Final Approval/Vote

**CHAPTER 311
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 following amendments to Chapter 311, the Schedule of License, Permit and Application Fees of the Town of Scarborough, Maine, is amended as follows:

Chapter 402a – Electrical Permit Fees	Fee
Administrative Fee [for each application] (adopted 05/06/09)	\$30.00
<u>RESIDENTIAL</u>	
Minimum Fee (amended 05/06/09)	\$30.00
Square footage of any structure <u>new or renovation rewiring</u> (adopted 05/06/09)	\$0.05
Service Inspection (adopted 05/06/09)	\$30.00
<u>3 Phase power</u>	<u>\$30.00</u>
Each Garage – Under, Attached, Unattached (amended 05/06/09)	\$30.00
<u>RENOVATIONS</u>	
Rewiring Complete Existing Home—Same as New	
Each Room (amended 05/05/04)	\$15.00
Meter and Panel Upgrade (amended 05/06/09)	\$30.00
Alarm/Low Voltage (adopted 05/06/09)	\$30.00
Meter/Panel Upgrade	\$30.00
Heat Pump	\$30.00
Generator	\$30.00
EV Charger	\$30.00
Solar Panels	\$30.00
Pools/Hot Tubs/Spas, In-Ground or Above (amended 05/06/09)	\$30.00
Storage or Utility Buildings (amended 05/06/09)	\$30.00
<u>COMMERCIAL</u>	
Minimum Fee	\$30.00
Commercial Renovation per Light Fixture	\$3.00
Transformer	\$30.00
Square Footage of Any Structure (adopted 05/06/09)	\$0.05
All Signs – Each (amended 05/05/04) (amended 05/06/09)	\$30.00
Yard Lights – Up to 6 (amended 05/05/04) (amended 05/06/09)	\$40.00
Each Additional over 6 Yard Lights (amended 05/06/09)	\$10.00
Utility-Scale Solar Energy System (adopted 10/20/21)	\$30 +\$1/KW
Chapter 404a – Local Plumbing Permit Fees Internal Permit Fee Schedule	Fee
Administrative Fee [for internal permit applications](adopted 05/07/2014)	\$20.00
1. The minimum permit fee is: (amended 05/06/09)(amended 02/16/2011)	\$40.00
2. The fixture fee for all fixtures is per fixture and is: The fixture fees are no longer on a sliding scale. (amended 05/06/09)(amended 02/16/2011)	\$10.00 ea.
<u>EXTERNAL PERMIT FEE SCHEDULE COMPLETE SYSTEM</u>	
Non-engineered System (amended 05/06/09)(amended 02/16/2011)	\$250.00

Primitive Disposal System (includes alternative toilet) (amended 05/06/09)	\$130.00
Engineered System (amended 05/06/09)	\$250.00
<u>SYSTEM COMPONENTS (INSTALLED SEPARATELY)</u>	
Treatment Tank (amended 05/06/09)(amended 02/16/2011)	\$150.00
Holding Tank (amended 05/06/09)	\$130.00
Alternative Toilet (amended 05/06/09)	\$65.00
Disposal Area (amended 05/06/09)(amended 02/16/2011)	\$150.00
Engineered Disposal Area (amended 05/06/09)	\$200.00
Separated Laundry Disposal Area (amended 05/06/09)	\$50.00
<u>OTHER</u>	
External Permit Amendments (adopted 05/07/2014)	\$75.00
Seasonal Conversion Permit (amended 05/06/09)	\$65.00
<u>Chapter 405 – Zoning</u>	<u>Fee</u>
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00
Contract Zoning – Non-Refundable Application Fee (11/20/02)(amended 05/05/04)	\$500.00
Zoning Determination Letter (adopted 05/07/2014)	\$35.00
Planning Administrative Review Fee (adopted 05/07/2014)	\$75.00
<u>Paper Copy of the Official Zoning Map and/or the Official Shoreland Zoning Map (24x36)</u>	<u>\$30.00 each</u>
Review Fee for Private Way Registration (amended 06/02/04; amended 06/02/2021)	\$300.00
Plus Fee for inspections conducted by Town Staff, per hour (Section 7) (adopted 06/02/2021)	\$75.00
One (1) Dwelling Unit Credit (<i>as per Section VIII(E)1, Development Transfer Provisions</i>) (July 18, 2007)[Amended 10/16/19]	\$50,000.00
Affordable Housing In-Lieu Fee Per Dwelling Unit [Adopted 11/06/2013][Amended 10/16/19]	\$50,000.00
Utility-Scale Solar Energy System [adopted 10/20/21]	\$500.00
<u>Electronic Vehicle Charging Station (EVCS) In-Lieu Fee Per Required Parking Space</u>	
<u>Level 3 EVCS</u>	<u>\$15,000.00</u>
<u>Level 2 EVCS</u>	<u>\$8,000.00</u>
<u>EVCS-Ready</u>	<u>\$3,000.00</u>
<u>EVCS-Capable</u>	<u>\$1,000.00</u>
<u>CODE ENFORCEMENT -</u>	
Building Permit Fees [-a minimum of] (amended 05/06/09)	\$35.00 \$50.00
Per Unit fee for each new dwelling unit created (adopted 06/02/2021)	\$50.00
Residential / Commercial Unfinished, per square foot (amended 05/05/04) (amended 05/03/06; amended 06/02/2021)	\$0.25
Residential / Commercial Finished, per square foot (amended 05/05/04) (amended 05/03/0; amended 06/02/2021)	\$0.50
Renovations/Remodels/Alterations/Minor Additions, Residential/Commercial (adopted 05/07/2014; amended 06/02/2021)	\$12.50 per \$1,000 of est. cost of construction
Sheds less than 250 SF(adopted 05/07/2014)	\$35.00 \$50.00

Minimum Application Fee—Will be applied toward the building permit when issued. Applies to new construction and renovations over 1,000 square feet.	\$110.00
First Offense Permit After-The-Fact, Double the Permit Fee	
Each Offense Thereafter Triple the Permit Fee	
Demolition Permit Fees (amended 05/05/04) (amended 05/06/09)(amended 05/02/2012)	\$50.00
Zoning Board Of Appeals - Per Appeal (amended 05/05/04)	\$250.00
Certificate of Occupancy/Change of Use Fee [no charge if in conjunction with other active permits) (adopted 05/06/09) (amended 05/07/2014)	\$50.00
Sign Permit Fees - <u>Each</u>	<u>\$35.00</u>
Permanent Signs—each (amended 05/05/04) (amended 05/06/09)	\$35.00
Temporary Signs—each (amended 05/05/04) (amended 05/06/09)	\$35.00
Plus Deposit Required (refundable deposit for removal of sign) (10/02/02)	\$300.00
Temporary Storage Containers - Per Application (10/01/97) (amended 05/05/04)	\$25.00 <u>\$50.00</u>
Heating Appliance Permit (adopted 05/07/2014)	\$35.00 <u>\$50.00</u>
Utility-Scale Solar Energy System Installations: [adopted 10/21/21]	
1 – 10 Panels	\$45.00
11 – 50 Panels	\$100.00
51 – 100 Panels	\$200.00
≥100 Panels	\$500.00
The fees for electrical permits, plumbing permits and building permits shall include one inspection of the work covered by each permit. Typically permits include the following inspections: A) Foundation; B) Bed bottom for leach fields; C) Leach bed; D) Electrical; E) Plumbing; F) Framing; and, G) <u>Insulation, and H) Certificate of Occupancy</u> . For each re-inspection thereafter, per-permit, a fee of \$50 shall be charged. If a re-inspection is required because the permit holder called for an inspection before the work was ready for inspection, such re-inspection shall not occur for at least two (2) weeks, unless the permit holder pays a surcharge of \$200 in addition to the \$50 re-inspection fee. For after the fact Certification of Occupancy/Change of Use Permits and Inspections, the fee is doubled (amended 10/06/04) (amended 05/07/2014)	

Chapter 405A - Floodplain Management	Fee
Non-Refundable Permit Application Fee	\$50.00

Chapter 405B - Site Plan Review	Fee
Site Plan Application Fee (plus fee per Square Feet)(adopted 05/07/2014)	\$500.00
Site Plan Amendment Fee (plus fee per Square Feet)(adopted 05/07/2014)	\$250.00
Under 1,000 Square Feet (amended 05/07/2014)	\$0.00
1,000 to 2,000 Square Feet (amended 05/07/2014)	\$250.00
>2,000 to 5,000 Square Feet (amended 05/07/2014)	\$500.00
>5,000 to 10,000 Square Feet (amended 05/07/2014)	\$1,000.00
>10,000 Square feet and over, plus \$25.00 per 1,000 above 10,000 square feet (amended 05/07/2014)	\$1,000.00
Inspection fee for inspections conducted by Town Staff, per hour (Section 11) (adopted 06/02/2021)	\$75.00 <u>\$100.00</u>

Chapter 405C – Shoreland Zoning	Fee
Planning Board Review (adopted 05/07/2014)	\$250.00

Chapter 406 - Subdivision Review	Fee
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Subdivision Application Fee (plus fee per lot) (adopted 05/07/2014)	\$750.00
Subdivision Amendment Application Fee (plus fee per lot) (adopted 05/07/2014)	\$250.00
Charge Per Lot (amended 05/05/04)	\$175.00
Inspection fee for inspections conducted by Town Staff, per hour (Section VI) (adopted 06/02/2021)	\$75.00 \$100.00

<u>Chapter 407 - Septic Tank Sludge Disposal Fees</u>	<u>Fee</u>
Field Spread - per gal. (amended 05/05/04)	\$0.04
Holding Tank - per gal. (amended 05/05/04)	\$0.08
Disposal Of Treatment Plant Sludge S.S.D. Only - per gal. (amended 05/05/04)	\$0.08
Disposal Of Industrial Sludge & Wastes - per gal. (amended 05/05/04)	\$0.08
Grey Water 2,000 Gallons, Maximum Load - per load (amended 05/05/04)	\$4.00

<u>Chapter 408 - Extractive Industry, Waste Control, Landfill, And Land Reclamation</u>	<u>Fee</u>
Plan Review Fee - Minimum fee (amended 05/05/04) (amended 05/07/2014)	\$250.00
Additional Fee Per Acre In Excess Of 10 Acres - Per additional acre over 10 acres (amended 05/05/04)	\$15.00

<u>Chapter 410 - Road Impact Fee Ordinance And Designating Approved Projects</u>			
The following fees and charges are established for development and the following projects are designated as eligible for funding from the Highway Impact Fee Trust Fund:			
Fees	Peak Hour Trips		Cost of Trip
A. District 1	N	X	\$149.43
B. District 2	N	X	\$292.42
C. District 3	N	X	\$499.05
D. District 5	N	X	\$1,024.52
Where N = Estimated number of peak hour trips. Total trips generated during the p.m. peak hour for a development can typically be determined by trip rates presented in <u>the most recent addition</u> the 1987 Institute of Transportation Engineers (ITE) " <u>Trip Generation</u> " handbook, or estimated by field measurements collected at similar type developments. If, however, the ITE handbook does not have applicable rates, then the rates should be based on sufficient field data collected at a similar site. There are several types of development (i.e., fast food, shopping plazas, convenience stores, etc.) that simply redirect existing pass-by trips already on the existing roadway system; these trips should not be included in the assessment system. Only "new" trips to the system roadways should be assessed a development fee.			
The total Impact Fee for a project shall be the sum of the fees for each district affected.			
Projects eligible for funding from the Road Impact Fee Trust Funds are those projects depicted on the 100 scale aerial photographs titled "Long Range Transportation Improvement Program" (April 1989), prepared by Vanasse Hangen Brustling, Inc. as part of the 1988 Maine Mall/Jetport Area Traffic Study conducted for the Portland Area Comprehensive Transportation Study (PACTS) and the Maine Department of Transportation.			

<u>Chapter 419 – Post-Construction Stormwater Infrastructure Management Ordinance</u>	<u>Fee</u>
<u>Stormwater Maintenance Agreement and Reporting Fee, per Applicant</u>	<u>\$750.00</u>

<u>Chapter 1019 Town of Scarborough Manufactured Housing Community Licensing Ordinance [amended 07/20/2022]</u>	<u>Fee</u>
Application Fee, minimum	\$27.50
Each unit in excess of 10 (amended 05/21/2008)	\$3.75
Maximum Fee (amended 05/21/2008)	\$200.00

<u>Chapter 501 - Tenting & Camping Ordinance</u>	<u>Fee</u>
Annual Fee For Tenting/Camping Season License, per lot (amended 05/05/04; 05/21/2008)	\$2.25

<u>Chapter 601 – Traffic Ordinance [amended 05/02/2012]</u>	<u>Fee</u>
Section 26 – Penalties General (05/03-2006) Fine for any violation of this ordinance is: \$80.00 If paid within 30-days of issuance of the ticket the fine is reduced to: \$40.00	
Section 27 – Illegally Parked Vehicles (05/03-2006) Fine for illegally parked vehicle, except handicapped parking violation is: \$80.00 If paid within 30-days of issuance of the ticket parking fine is reduced to: \$40.00	
Fine for parked vehicle violating handicapped parking is: \$120.00 If paid within 30-days of issuance of the ticket parking fine is reduced to: \$60.00	
Section 30 – Towing Rate Schedule -	
Service Call - Gas, Jumpstarts, lockouts, tire change, etc. Range [amended 06/02/2021]	\$50.00
Vehicle Storage, per day, INCLUDING non-business days (amended 05/07/2014; amended 06/02/2021)	\$50.00
Call out fee, to come to shop during non-business hours (amended 05/07/2014; amended 06/02/2021)	\$50.00
Vehicle Tow	
Day (amended 05/07/2014; amended 06/02/2021)	\$105.00
Night (amended 05/07/2014; amended 06/02/2021)	\$115.00
Snow Tow – Range	
Day (amended 05/07/2014; amended 06/02/2021)	\$115.00
Night (amended 05/07/2014; amended 06/02/2021)	\$125.00
Vehicle Tow w/dollies – Range (amended 05/07/2014)	\$80 to \$100
Motorcycle Tow – Same as vehicle due to special equipment	
Pull out (amended 06/02/2021)	\$85.00
Recovery – Same as tow, depending on time of day. After first hour \$70 per additional hour plus any special equipment, i.e., bulldozer, etc.	
Definition of Hours – Daytime Hours = 0700 to 1800 hours; Night Time Hours = 1800 to 0700 hours	

<u>Chapter 602A – Mass Gathering</u>	<u>Fee</u>
Application Fee, each event; 1,000 – 2,500 (Number of anticipate patrons) [amended 05/05/04; 05/21/2008; 06/06/2012]	\$175.00
Application Fee, each event; 2,501 – 5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$350.00
Application Fee, each event; >5,000 (Number of anticipate patrons)	\$500.00

[adopted 06/06/2012]	
<u>Chapter 607 - Alarm Systems</u>	<u>Fee</u>
False Alarm Fee - per occurrence after third false alarm within one year (amended 05/05/04)	\$250.00
Annual Municipal Monitoring Fee for fire or burglar systems [Adopted 03/04/2020]	\$500.00
Annual Municipal Monitoring Fee for both fire and burglar system [Adopted 03/04/2020]	\$750.00
Initial Permit & Commissioning Fee for connection to the Municipal Wireless, Radio Mesh, Alarm System (one-time fee for new transmitters) [Adopted 03/04/2020; amended 06/02/2021]	\$250.00
Initial Warn Software License for connection to the Municipal Wireless, Radio Mesh, Alarm System (one-time fee for new transmitters) [Adopted 06/02/2021]	\$250.00
<u>Chapter 608 – Fireworks Ordinance</u>	<u>Fee</u>
Non-Refundable Local Fireworks Display Permit Application Fee (amended 06/15/05)	\$50.00
<u>Chapter 612 – Rules & Regulations for Use of Parks & Recreation Facilities</u>	<u>Fee</u>
Application Fee	\$100.00
Application Fee for Non-Profit or Service Groups	\$50.00
<u>Chapter 702 - Street Opening, Fees</u>	<u>Fee</u>
Excavator License Fee Annual (amended 05/07/2014)	\$125.00 <u>\$150.00</u>
Excavation Permit Fee - Each Excavation (amended 05/05/04)	\$50.00 <u>\$80.00</u>
Renewal of Excavation Permit (amended 05/05/04)	\$50.00 <u>\$80.00</u>
<u>Street Opening Charges</u>	
1. <u>Newly constructed or Reconstructed Streets</u>	<u>\$125.00 sq. yd.</u>
2. <u>Residential Streets</u>	<u>\$120.00 sq. yd.</u>
3. <u>Arterial or Commercial Streets</u>	<u>\$180.00 sq. yd.</u>
4. <u>Streets with a concrete base</u>	<u>\$120.00 sq. yd.</u>
<u>Sidewalks & Driveway Opening Charges Curbing</u>	
1. <u>Portland Cement Concrete sidewalk</u>	<u>\$130.00 sq. yd.</u>
2. <u>Portland Cement concrete driveway</u>	<u>\$130.00 sq. yd.</u>
3. <u>Bituminous Concrete sidewalk</u>	<u>\$90.00 sq. yd.</u>
4. <u>Bituminous Concrete driveway</u>	<u>\$90.00 sq. yd.</u>
<u>Curbing</u>	
1. <u>Replacement and installation of lost or damaged granite curbing</u>	<u>\$90.00 L.F.</u>
2. <u>Bituminous concrete curbing</u>	<u>\$40.00 L.F.</u>
<u>Other Charges</u>	
1. <u>Removing and replacing regulatory signs</u>	<u>\$50.00 each</u>
2. <u>Removing and replacing street name and stop signs</u>	<u>\$50.00 each</u>
3. <u>Reinstalling street and right of way granite monuments</u>	<u>\$800.00 each</u>
4. <u>Long term maintenance reserve for bituminous street openings</u>	<u>\$25.00 per sq. yd.</u>
<u>Chapter 901 – Refuse collection Fee</u>	<u>Fee</u>

1. Commercial Hauler	\$500.00 each
2. Residential Hauler	\$500.00 each
Applications for license renewal received after March 1 st shall pay a late fee in the amount of \$100.00 in addition to the regular application fee. (05/03/2006)	
Chapter 1002 - Shellfish Ordinance, Fees	Fee
Resident Commercial	\$200.00
Non-resident Non-reciprocating Commercial	\$400.00
Resident Student Commercial	\$100.00
Non-resident Student Commercial	\$200.00
Over - 60 Years Resident Commercial (Bushel)	\$100.00
Resident Recreational - (Over 65 Free)	\$25.00
All Day Licenses – Resident and Non-resident (amended 04/06/05)	\$10.00
Chapter 1003 – Hawkers & Peddlers	Fee
License Fee for Hawkers & Peddlers License (05/21/2008)	\$110.00
Chapter 1004 - Taxicab Licenses	Fee
Annual License - Each Taxicab (amended 05/05/04) (amended 05/06/09)	\$150.00
Annual License - Each Operator (amended 05/05/04) (amended 05/06/09)	\$50.00
Chapter 1005 - Innkeepers Licenses (06/21/2006)	Fee
Application Fee	\$50.00
Per Room Fee	\$3.00 per room
Maximum Fee Not to Exceed	\$350.00
Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes	Fee
Resident And/Or Taxpayer Season Pass - (includes Ferry Beach, Higgins Beach and Hurd Park) (amended 05/05/04; 05/18/11)(amended 05/02/2012) (amended 05/07/2014)	\$40.00
Resident - Additional Vehicle Registered to the Same Address	\$5.00
Non-Resident Season Beach Pass - (includes Ferry Beach Higgins Beach and Hurd Park) (amended 05/05/04) (amended 05/02/2012) (amended 05/07/2014)(amended 12/20/17)	\$150.00
Higgins Beach – Metered parking spaces on Bayview Avenue Fee [adopted 05/17/17]	\$1.00 Hourly
Pass Card for Meters [adopted 12/20/17]	\$1.00
Resident Commercial Fisherman Season Beach Pass - (Ferry Beach <u>only</u> , <i>must</i> show State Commercial Fisherman License)	FREE
Resident Senior Citizen Season Pass - (includes both Ferry Beach, Higgins Beach and Hurd Park)	FREE
Resident Veteran Lifetime Season Pass – Applications must be filed and applicant must meet the following criteria: must be a resident of the Town of Scarborough and must have received an honorable discharge or general discharge under honorable conditions [copy of DD214 must accompany application]. This pass will not expire and is valid for the lifetime of the holder. (Please note that any Scarborough Veteran age 60 years or older will	FREE

not be issued a Resident Veteran Season Pass as they are automatically entitled to a free Resident Senior Citizen Season Pass.) (Adopted 05/19/2010)	
<u>DAILY PARKING RATES (WITHOUT PASS)</u>	
Daily Parking: Ferry Beach, Higgins Beach And Hurd Park (amended 05/05/04) (amended 05/02/2012)(amended 12/20/17)	\$15.00
Morning Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 5:30 AM to 9:00 AM (adopted 12/20/17)	\$5.00
End of Day Parking Fee (e.g. Passenger Vehicles, Motor Bikes) – 3 PM to 6 PM (amended 05/03/05)(amended 12/20/17)	\$5.00
Larger Vehicle Daily Parking Fee - (R.V.'s, Campers and Buses) (amended 05/05/04)(amended 12/20/17)	\$45.00
<u>BOAT LAUNCHING FEE</u>	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	
Resident – Daily Boat Launching Fee (amended 05/05/04; 02/15/23)	\$25.00
Resident – Seasonal Boat Launching Fee (amended 02/15/23)	\$125.00
Resident – Additional Boat Launching Fee Registered to the Same Address (Amended 05/18/16; 02/15/23)	\$15.00
Resident Commercial Fisherman Seasonal Boat Launch Pass	Free
Non-Resident - Daily Boat Launching Fee (amended 05/05/04; 02/15/23)	\$45.00
Non-Resident - Seasonal Boat Launching Fee (amended 12/20/17; 02/15/23)	\$250.00
Resident - Commercial Charter Boat Fee- Seasonal (Adopted 02/15/23)	\$400.00
Non- Resident - Commercial Charter Boat Fee- Seasonal (Adopted 02/15/23)	\$600.00
<u>Chapter 1007 - C.A.T.V. (Cable T.V.) Operators Fees</u>	<u>Fee</u>
Franchise Filing Fee (Amended 05/04/2011)	\$1,000.00
<u>Chapter 1008 - Special Amusement Operator License Fees</u>	<u>Fee</u>
Annual License Fee	\$110.00
<u>Chapter 1009 – Coin Operated Game License Fees</u>	<u>Fee</u>
Annual License Fee - Per Machine (B-2 Zone)	\$110.00
Annual Video Arcade License Campgrounds (R-F Zone) Maximum of 25 machines (amended 05/03/06)	\$1,500.00
<u>Chapter 1010 - Massage Establishment Annual License Fees</u>	<u>Fee</u>
Massage Establishment	\$55.00
Combined Massage Establishment/Massage Therapist	\$35.00
Massage Therapist	\$30.00
<u>Chapter 1011 - Para-Massage Establishment Annual License Fees</u>	<u>Fee</u>
Para-Massage Establishment License	\$55.00
Para-Massager License	\$30.00
Combined Para-Massager Est./Para-Massager License	\$35.00
<u>Chapter 1012 - Adult Business - Viewing Booth Annual License Fees</u>	<u>Fee</u>
Annual License For Each Viewing Booth	\$110.00
<u>Chapter 1013 - Ice Cream Trucks (06/18/97)</u>	<u>Fee</u>

Application Fee	\$110.00
Each Additional Truck	\$30.00

Chapter 1017 – Pawnbroker Fees/Secondhand Dealer Fees (02/17/2010; amended 05/18/16)	Fee
Application Fee	\$100.00
SBI Check	\$25.00

Chapter 1201 - Cemetery Fees	Fee
Sale Of Lots -	
Scarborough Memorial Cemetery Per Grave (amended 05/05/04; amended 06/02/2021)	\$800.00
Scarborough Memorial Cemetery – Section D, Lots for Cremations Only (adopted 02/16/2011; amended 06/02/2021)	\$440.00
Grave Opening Charges	
Regular Burial - Weekdays (amended 05/05/04 – 05/04/201; amended 06/02/2021; amended 06/02/2021)	\$900.00
Regular Burial – Weekends & Holidays (adopted 06/02/2021)	\$1,350.00
Cremation Burial - Weekdays (amended 05/05/04 – 05/04/2011; amended 06/02/2021)	\$500.00
Cremation Burial – Weekends & Holidays (adopted 06/02/2021)	\$750.00

Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]	Fee
Annual Mooring & Pier Use Fees	
Recreational Pier Use - Resident and/or Taxpayer (amended 05/05/04; 12/20/17; 02/15/23)	\$250.00
Recreational Pier Use - Non-Resident (amended 05/05/04; amended 12/20/17; 02/15/23)	\$500.00
Commercial Pier User – Resident and/or Taxpayer (amended 12/20/17; 02/15/23)	\$450.00
Commercial Pier User – Non-Resident (amended 12/20/17; 02/15/23)	\$650.00 \$700.00
Recreational Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23)	\$500.00 \$300.00
Recreational Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$800.00 \$500.00
Commercial Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23)	\$500.00
Commercial Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$700.00
One Time Pier Use Fee Resident (adopted 02/15/23)	\$100.00 \$150.00
One Time Pier Use Fee Non-Resident (adopted 02/15/23)	\$350.00

Assessing Office Charges	Fee
<u>Digital Services & Files:</u>	
<u>Custom Report from Assessing Database to Excel/PDF</u>	\$35.00
<u>Printouts:</u>	
<u>Name/Location/Map & Lot</u>	\$25.00
<u>Name/Address/Location/Map & Lot</u>	\$50.00
<u>Name/Location/Map & Lot/Assessment</u>	\$75.00
<u>Name/Address/Location/Map/Lot/Assess</u>	\$75.00
<u>Name/Address/Location/Map/Lot/Assess/Ref.</u>	\$100.00

Valuation Report—Printout per page	\$2.00
Mailing Labels—Each [amended 05-17-17]	\$.10
Deeds: From Cumberland County Registry (per page)	\$1.00
Copy of Property Card	\$2.00
Large Map	\$5.00
Reduced Map	\$2.50
Reduced Set of Maps	\$200.00

Fire Department Fees	
Fire Department Construction Permit & Plans Review Fees	Fee
A Fire Department construction permit is required for any new construction, or remodeling of existing commercial space, or erection of any temporary structures for commercial purposes. The permit allows us to review important information concerning life safety issues, the buildings alarm & suppression systems, utility connections, heating system information, water supply, hazardous materials, fire lanes, and a variety of other items prior to the start of construction. (amended 11/05/03)	
Minimum Administrative Construction Permit Fee [amended 05/18/16; 05/16/18][amended 09/02/2020]	\$50.00
Construction permit fees for all commercial buildings shall be [amended 05/17/17][amended 09/02/2020]	\$0.20 per sq. ft.
Commercial structures include any building that is non-residential, or any residential complex that has three or more living units.	
Construction permit fees cover the following services:	
Initial conference and fact-finding discussion	
Concept plans review for compliance with local ordinances	
Site Plan review	
Construction plans review	
Follow-up meetings with contractors, architects, and building owners	
Structural building inspections as necessary during construction	
One (1) comprehensive alarm system and fire suppression system test to be scheduled after coordination of reporting information with the Fire Department, and after all components have been installed to the applicable codes and pre-tested through to the monitoring company.	
One (1) final Certificate of Occupancy inspection to be scheduled when all Federal State and Local codes have been met and the building is ready for occupancy.	
Additional Fire Dept. Construction Permits & Plans Review Fees	
Commercial Renovations/Remodels/Alterations/Minor Additions [amended 05/17/17]	\$5.00 per \$1,000 of estimated cost of construction
Re-inspection of alarm & fire suppression system testing required due to improper pre-testing, installation, or lack of coordination with the Fire Department concerning appropriate reporting requirements. (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and \$200.00 for second and any subsequent occurrence
Re-inspection fee for Certificate of Occupancy (amended 05/05/04) (amended 05/06/09)	\$100.00 first occurrence and

	\$200.00 for second and any subsequent occurrence
Commercial Fire Alarm Plan Review & Permit Fees [adopted 05/06/09; amended 05/18/16][amended 09/02/2020]	\$50.00
Minimum Administrative Fee [amended 05/18/16; 05/16/18][amended 09/02/2020]	\$50.00
New Fire Alarm Control panel [amended 05/18/16]	\$100.00
Replacement of Fire Alarm panel with Exiting Devices [amended 05/18/16]	\$100.00
New Initiation or Notification Devices [amended 05/18/16]	\$50.00
Commercial Sprinkler System Plan Review & Permit Fees [adopted 05/06/09; amended 05/18/16; amended 09/02/2020]	\$50.00
New Sprinkler Heads [amended 05/18/16]	\$1.00/Head
Relocation of Sprinkler Head [amended 05/18/16]	\$0.50/Head
Fire Pump Installations [amended 05/18/16]	\$100.00 Each
Fuel Canopy Installation [amended 05/18/16]	\$100.00 Each
Kitchen Suppression System Installation [amended 05/18/16]	\$100.00 Each
Blasting Permit Fee (adopted 05/06/09)	\$50.00
<u>Fire Department Fees</u>	<u>Fee Per Hour</u>
Aerial / Ladder Truck	\$150.00
Pumper Truck	\$125.00
Squad Truck	\$125.00
Command Van	\$100.00
Rescue Unit	\$100.00
Tank Truck 4 x 4/Marine Rescue Boat (amended 05/07/2014)	\$75.00
Utility Truck/Chief or Duty Officers SUV (amended 05/07/2014)	\$50.00
All-Terrain Vehicles (amended 05/07/2014)	\$25.00
Personnel Labor [amended 05/01/2013; amended 06/02/2021]	\$65.00
<u>Fire Department Rescue Charges</u>	<u>Fee</u>
Base Rescue Charges:	
Based on bundled rate plan adopted May 1, 2013, these rates shall automatically adjust when and by the same % as those established and approved by the Centers for Medicare & Medicaid Services (CMS).	
Basic Life Support Non-Emergency (adopted 05/01/2013) (amended 05/07/2014)(05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; updated 01/01/19; updated 01/01/2020)	\$605.60
Basic Life Support Emergency (adopted 05/01/2013)(amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; updated 01/01/19; updated 01/01/2020; amended 06/02/2021)	\$757.10
Advance Life Support Level 1 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; updated 01/01/19; updated 01/01/2020)	\$930.65
Advance Life Support Level 2 Emergency (adopted 05/01/2013) (amended 05/07/2014) (05/20/15; amended 05/18/16; amended 03/15/17; amended 05/17/17; updated 01/01/19; updated 01/01/2020)	\$1,325.63
Additional Rescue Charges:	
Mileage/Non-Covered Mileage (adopted 05/07/2014) (05/20/1; amended 05/18/165; amended 05/17/17; updated 01/01/19; updated 01/01/2020; amended 06/02/2021)	\$15.26

No Transport (amended 05/05/04)(amended 05/06/09)(amended 01/18/12)	\$125.00
Paramedic Intercept Fee (05/21/2008; updated 01/01/2020)	\$300.00
Fees are set by State Statutes – pursuant to Title 22, Health and Welfare, subtitle 2, §1711, pertaining to <i>Fees charges</i> , and as amended from time to time. (adopted 05/07/2014)	
<u>Chapter 1015 -Food Handlers Registration Fee</u> <u>(adopted 05/03/06)(amended 05/21/08)(amended 05/05/2010)</u>	
Food handlers Registration Fee – Year-Round Business	\$220.00
Seasonal, catering and in-home food handlers [Seasonal - 6 months or less]	\$110.00
<u>Chapter 1016 - Garage/Yard Sale (adopted 03/07/2007)</u>	<u>Fee</u>
Garage/Yard Sale Permit	\$5.00 per sale
<u>Horse Beach Permit (per rider) (adopted 10/02/02)</u>	<u>Fee</u>
All Permits (amended 05/06/09; amended 09/16/09)	\$20.00
<u>Interest Penalties (adopted 05/02/2007)</u>	<u>Penalty</u>
Interest on fees, charges or payments owed to the Town which are more than 30-days past due	1.5% per month
<u>Miscellaneous Fees (adopted 05/03/05) (amended 02/15/06)</u>	<u>Fee</u>
Marriage Ceremonies Performed (amended 02/15/06)	\$50.00
Miscellaneous Administrative Fees – Town Clerk’s Office (amended 05/06/09)	\$15.00 \$25.00
Replacement Fee for all Applications and Licenses/Permits (adopted 05/04/2011)	\$5.00 \$10.00
Genealogy / Research – \$3.00 per name, whether or not a record is found, this includes a photocopy. For an attested copy, the fee is as set by the State of Maine Office of Vital Records.	
Dog License Late Fee – Upon receipt of the rabies certificate(s) from the State of Maine the Town Clerk’s Office will notify owner(s) they need to register their dog(s) within 10-days. If a resident fails to license their dog(s) within 10-days of notification from the Town Clerk’s Office a late fee will be charged for each dog. (05/21/2008) (amended 05/07/2014)	\$25.00 per dog
Non-sufficient Funds (adopted 05/07/2014)	\$30.00
<u>Notary Fee (amended 3/6/96; 05/05/04; 05/21/2008)</u>	<u>Fee</u>
First 3-pages	\$10.00
Any Documents more than 3-pages	15.00
<u>Photocopies</u>	<u>Fee</u>
Single Sheets - Their Original	
8 ½ x 11 Regular, each copy	\$0.25
8 ½ x 14 Legal, each copy	\$1.00
11 x 17 Ledger, each copy	\$1.50
<u>Photocopies (amended 3/6/96)</u>	<u>Fee</u>
Single Sheets - Our Document	
8 ½ x 11 or 14 or 17, first page	\$2.00
Each Additional Page	\$0.50

Maps, each copy	\$5.00 <u>\$10.00</u>
Meeting DVD [Copying]	\$25.00
Electronic Responses to Requests (adopted 05/07/2014)	\$57.03 per 4 hours
<u>Police Department Charges</u>	<u>Fee</u>
Special Police Charge, Per Hour, 4-hour minimum charge per officer. (amended 05/05/04; 05/02/07; 05/21/2008; 05/04/201; amended 06/02/2021)	\$57.03 <u>\$95.00</u>
Police Cruiser Charge (adopted 05/07/2014; amended 06/02/2021)	\$57.03 <u>\$75.00</u> per every 4 hours
Notice of minimum charge if event is canceled without proper notice (amended 06/02/2021)	4 Hours
<u>Police Reports</u>	
First Page (amended 05/05/04)	\$12.00
Each Additional Page (amended 05/05/04)	\$1.50
<u>Fingerprinting</u>	
For Civilians' Personal Use (not criminal), each set (amended 06/02/2021)	\$10.00
<u>Copy Of Video Tape</u>	
Blank Tape Provided (amended 05/05/04)	\$12.00
No Tape Provided (amended 05/05/04)	\$15.00
<u>Public Works Department Charges</u>	<u>Fee</u>
Fee for Building Coordination Form (05/05/04)	\$25.00
<u>Voter Registration Fees (amended 09/06/2006)</u>	
Fees are as set by the Secretary of State's Office pursuant to Title 21-A, Section 2, §4, <i>Fees</i> , and as amended from time to time.	
<u>Vehicle Registration Fee</u>	
Fees are set by the Secretary of State's Office, Department of Motor Vehicles pursuant to Title 29-A, Subchapter 2 §, <i>Fees</i> , and as amended from time to time. [amended 05/02/2012]	

124.0: Motion to Adjourn: Lay on Table.

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

125.0: Reconsideration.

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

125.1: No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next meeting unless an item to that effect is contained on the agenda for such next meeting, or unless five of the members consent to such reconsideration. Only a Council member who voted in the majority can make the motion to reconsider. [amended 10/21/09]

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

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

126.0: Motion for Previous Question.

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

“Shall the main question be put?”

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

127.0: Not to be Debated or Amended.

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

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

128.0: Manner of Speaking.

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

129.0: Not to Interrupt.

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

130.0: Breach of Rules and Orders.

Please refer to Section 200 – Town Council Procedures – Page 8.

**AGENDA
 SCARBOROUGH TOWN COUNCIL
 WEDNESDAY – MAY 3, 2023
 HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-046. Move approval on the request to move approval on names posted to the various committees/boards, by the Appointments/Negotiations Committee at the April 19, 2023, Town Council meeting, as follows: *[Appointments/Negotiations Committee]*

ADA Advisory Board:

Appoint Barbara Greenstein as a full voting member with a term to expire in 2025

Historic Implementation Preservation Committee:

Appoint Edith Wacksman, as a full voting member with a term to expire on 2025

Planning Board:

Move James Hebert from 2nd Alternate to a full voting member with a term to expire in 2023 and appoint Bennet Flanders as the 2nd Alternate, to fill a term to in 2023.

Senior Advisory Board:

Appoint Eleanor Lehmann as a full voting member with a term to expire in 2024 and appoint Edith Wacksman as 1st Alternate with a term to expire in 2024.

Sustainability Committee:

Appoint Ms. Jopp as the 2nd Alternate, with a term to expire in 2025

Appointments/Negotiations Committee

Ought to Pass

Sponsor

Recommendation

05/03/2023 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 23-046.
SUBJECT: Act on the request to move approval on names posted to the various committees/boards, by the Appointments/Negotiations Committee at the April 19, 2023, Town Council meeting. <i>[Appointments/Negotiations Committee]</i>
PURPOSE: To fill vacancies on the various committees/boards of the Town.
BACKGROUND: These assignments are done on an annual basis or when an application is received and there is a vacancy on the Committee/Board.
FISCAL IMPACT:
STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Name posted at Town Council meeting: April 19, 2023.• Single action before Town Council: May 3, 2023.
PROPOSED ACTION: Recommend move approval of Order No. 23-046.
ATTACHMENTS: <ul style="list-style-type: none">• Recommendations from Appointments/Negotiations Committee

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-047. Move approval on the request to sign the Warrants for the regular School Budget Validation Referendum Election and the Special Portland Water District Trustee Election, scheduled for Tuesday, June 27, 2023, at the Scarborough High School – Alumni Gym; appoint the warden and warden clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 - Article VIII. Nomination and Elections, Title 21-A, §503 and authorize the Town Clerk to make any additional appointments as necessary. *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

05/03/2023 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 23-047.
SUBJECT: Act on the request to sign the Warrants for the regular School Budget Validation Referendum Election and the Special Portland Water District Trustee Election, scheduled for Tuesday, June 27, 2023, at the Scarborough High School – Alumni Gym; appoint the warden and warden clerk, set the hours for voter registration, and act on appointments of election clerks, pursuant to Chapter 200 - Article VIII. Nomination and Elections, Title 21-A, §503 and authorize the Town Clerk to make any additional appointments as necessary. <i>[Town Clerk]</i>
PURPOSE: The purpose of the June 27, 2023, Elections, is to vote on the School Budget Validation Referendum and the Special Portland Water District Trustee Election to elect an individual to fill a term due to the resignation of Seth Garrison, with a term to expire in 2023. Requirements of State and Federal Law.
BACKGROUND: Pursuant to the Town Charter, the Town Council sets the date and time for each election that is conducted, unless otherwise stated in State Law.
FISCAL IMPACT:
STATUS / PROCESS TO DATE: <ul style="list-style-type: none">• Single Action on Election Warrants – Town Council: May 4, 2022
PROPOSED ACTION: Recommendation is to move approval of Order No. 23-047.
ATTACHMENTS: Copy of the proposed Election Warrants with a list of potential election staff.

WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH
TUESDAY, JUNE 27, 2023
DAY AND DATE OF ELECTION

Municipality: Scarborough **Voting District:** Town Wide
Voting Place Name: Scarborough High School **Voting Location:** 11 Municipal Drive
Polls Open at 7:00 A.M. **Polls Close at 8:00 P.M.**

Absentee Ballot Processing (check all that apply):

Processed by: Clerk (Centrally) Clerk (At Polls)

Date/Time of Processing:

During Election Day (6/27/2023) Processing Time(s): 8:00 a.m., 10:00 a.m. & 7:30 p.m.
 Only after 8:00 p.m. on Election Day (6/27/2023)

County of Cumberland, ss State of Maine

To: Mark A. Holmquist, the Police Chief of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the School Budget Validation Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a School Budget Validation Referendum Election will be held on Tuesday, June 27, 2023, at the Scarborough High School Alumni Gymnasium, located at 11 Municipal Drive:

School Budget Validation Referendum Question No. 1:

YES Do you favor approving the Scarborough School budget for the upcoming school
NO year that was adopted at the latest Town of Scarborough budget meeting?

The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Election Day, Tuesday, June 27, 2023, starting at 800 a.m. 10:00 a.m. and 7:30 p.m.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any Scarborough election.

Given under our hand this 3rd day of May, 2023, at Scarborough, Maine.

A True Copy Attested:

Date:

**WARRANT
SPECIAL MUNICIPAL ELECTION
FOR PORTLAND WATER DISTRICT TRUSTEE
(20-A M.R.S.A. § 1486 and 2307)
TOWN OF SCARBOROUGH**

TUESDAY, JUNE 27, 2023
DAY AND DATE OF ELECTION

Municipality: Scarborough

Voting District: Town Wide

Voting Place Name: Scarborough High School

Voting Location: 11 Municipal Drive

Polls Open at 7:00 A.M.

Polls Close at 8:00 P.M.

Absentee Ballot Processing (check all that apply):

Processed by: Clerk (Centrally) Clerk (At Polls)

Date/Time of Processing:

During Election Day (6/27/2023) Processing Time(s): 8:00 a.m., 10:00 a.m. & 7:30 p.m.

Only after 8:00 p.m. on Election Day (6/27/2023)

County of Cumberland, ss

State of Maine

To: Mark A. Holmquist, the Police Chief of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Special Municipal Election for the Portland Water District Trustee, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a filling a vacancy on the Portland Water District Trustees, created by the resignation of Seth Garrison, whose term expires in 2023. This Election will be held on Tuesday, June 27, 2023, at the Scarborough High School Alumni Gymnasium, located at 11 Municipal Drive:

For Portland Water District Trustee
To fill a vacancy created by the resignation of
Seth Garrison, with a term to expire in 2023
Vote for ONE (1)

..... Write-In

The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Election Day, Tuesday, June 27, 2023, starting at 800 a.m. 10:00 a.m. and 7:30 p.m.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any Scarborough election.

Given under our hand this 3rd day of May, 2023, at Scarborough, Maine.

A True Copy Attested:

Date:

ELECTION WORKS FOR THE JUNE 27, 2023 - ELECTIONS

Joyce Alden,
Beverly Dahms,
Patricia Dunn,
Barbara Fagnant,
Charlene Gillchrest,
Kathy Hendrix,
Lorraine Lachapelle,
Marion O’Roak,
Cheryl Plowman,
Debbie Rideout
Nadja Wallace

William Penley - Warden
Allen Paul – Deputy Warden

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MAY 3, 2023
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 23-048. Move approval to authorize the Town Manager to conduct a land appraisal for up to 25 acres of land owned by Crossroads Holdings LLC in order to negotiate a potential purchase price of such land for municipal or school purposes by July 31, 2023. *[Town Manager]*

Town Manager

Ought to Pass

Sponsor

Recommendation

05/03/2023 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: May 3, 2023

ACTION ITEM: Order No. 23-048.
SUBJECT: Act to authorize the Town Manager to conduct a land appraisal for up to 25 acres of land owned by Crossroads Holdings LLC in order to negotiate a potential purchase price of such land for municipal or school purposes by July 31, 2023. <i>[Town Manager]</i>
PURPOSE: Provide authorization to the Town Manager to commission an appraisal of the property in question.
BACKGROUND: The Town has been engaged in discussions with Crossroads Holdings for the purchase of up to 25 acres of land for municipal or school purposes. A Letter of Intent (LOI) that contains the terms of a future Option to Purchase Agreement is in final negotiation and is scheduled for consideration and action by the Town Council on May 17, 2023. In the meantime, and in an effort to continue progress, this order authorizes the Town Manager to engage an appropriately credentialed professional Appraiser to prepare an appraisal on the property in question as a means of determining an appropriate purchase price.
FISCAL IMPACT: Cost of the appraisal- unknown at this time.
STATUS / PROCESS TO DATE: <ul style="list-style-type: none">Action before the Town Council: May 3, 2023.
PROPOSED ACTION: <ul style="list-style-type: none">Move approval of Order No. 23-048
ATTACHMENTS: <ul style="list-style-type: none">None

Actions - DRAFT	Target Dates - DRAFT
Council Action: Town Manager to begin appraisal process of land to negotiate purchase price by July 31 st	May 3 rd
Draft Letter of Intent (LOI) Terms based on previous discussions – Generally Non-Binding	May 5 th
Council to review LOI	May 5 th -16 th
Council to discuss LOI in Executive Session	May 17 th
Council Action: Approve LOI and authorize Town Manager to negotiate an Option Agreement	May 17 th
Council/Board Workshop – School Revised Business Case justifying K-8 solution	May 17 th
School work through final design and cost estimates with exclusive right to site with signed LOI	May 17 th – July 31 st
Land Appraisal Completed	June 30 th
Town to negotiate and finalize land price, method of payment and other associated costs	June 30 - July 31 st
Executive Session – Land Option Agreement - DRAFT	July 19 th
School Board Action: Approve New School Referendum Request to Council	July 20 th
Council Action: Executed Land Option Agreement	NLT July 31 st (Aug 2)
Council Action : Execute mutually agreed actions in the Land Option Agreement	July 31 st – By October 31 st
School Building Committee to finalize Total Project cost and annual operating budget for new school for Referendum Request	July 31 st
Town Finance: Finalize impact to taxpayers analysis – including TIF benefit for school; Fiscal Health Assessment with Debt for School and other Captial Projects	By August 16 th
Council/Board Workshop – New School Referendum Request	August 16 th
Council Action: Approve Referendum Request to send School to referendum (including land bond costs)	August 16 th
Referendum Vote – New School + Land for bonding	Nov 7 th (Assumes Council sends request to voters)
Council Action: Execute mutually agreed actions in Option Agreement for closing conditions	Dec 1- By March 31 st (Assumes Referendum Passes)
Target Closing: 8.16 of CEA Met	March 31 st (Assumes Referendum Passes)