

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – MARCH 20, 2024  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Item 1. Call to Order.** Chairman McGee called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Thomas Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

Councilor April V. Sither	Councilor Jean-Marie Caterina
Councilor Donald W. Cushing, Jr.	Councilor Donald R. Hamill
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson
Chairman Nicholas S. McGee	

**Item 4. General Public Comments.**

- Mo Erickson of Pine Point Road, commented on the e-news Letter regarding the revaluation that is being conducted. Please think about the common man in Scarborough when reviewing the tax rate.

**Item 5. Minutes: March 6, 2024 - Town Council Meeting.** Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the minutes from the March 6, 2024, Town Council meeting, as written.

Vote: 7 Yeas.

**Item 6. Adjustment to the Agenda.** None at this time.

**Item 7. Items to be signed: a. Treasurer’s Warrants.** Treasurer’s Warrants were signed prior to the meeting.

**Item 8. Town Manager Report.** Thomas Hall, Town Manager, gave the following updates:

- **FY25 Budget Development** -
  - Work Ongoing- challenging circumstances
  - School Budget Review held on March 18 and 19
  - Budget Presentation- March 27
    - Budget Document delivered at the presentation
    - Presentation Slides early next week
  - First Reading - April 3
  - Finance Committee Review Sessions - April 11 and 12
- **Dredge** -
  - Dredge complete- post-dredge survey satisfactory
  - Restoration/repair required at Ferry Beach parking lot
- **Storm Damage** -
  - PSB offered to serve as FEMA Recovery Center
  - Awaiting Federal Disaster Declaration
  - Preliminary Public Assistance Package Submitted to FEMA

- Proceeding with public infrastructure repairs-
  - Higgins Beach work- bid in April/work done by Memorial Day
- **Study Updates** -
  - Vulnerability Assessment- consultant selected/Working Group assembled
  - Open Space Plan- consultant selected/Committee established
- **Short-Term Rental** -
  - Ordinance development- focus on registration only
  - Implementation targeted for January 2025
- **School Building Project** -
  - Committee seated- Leadership re-established
  - Community Survey - Administered to Committee/Sent to residents in 2 weeks
- **Eastern Trail - Close the Gap** -v
  - Continue to work on CSX access - drafting of Aerial Easement
  - Successful meetings with DEP and ACOE on permitting
  - Bid Solicitation expected May/June 2024
- **Gorham Connector** - To provide leadership on public phase
  - Workshop with MTA held on February 21, 2024
  - Stakeholder meeting- February 28, 2024
  - First public meeting on March 25, 2024
    - Smiling Hill Farm
- **Alger Hall** -
  - Land Trust not interested in Historical Society property
  - Further exploring Historical Society purchase
  - Finance Committee considered- Authorization to proceed with the sale
  - Real Estate Disposition Policy

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- **Growth Permit Update** -
    - Planning Director schedule for complete update in July
    - Area 1 - only 3 permits left (of 25)- Replenished on July 1
  - **Fuller Farm** - Prescribed, controlled burn
    - 30 acres of hayfield adjacent to Broadturn Road
    - Maine Forest Service/Scarborough Fire Department
    - Scheduled between March 15 and April 15
  - **380 Payne Road** - Dangerous Building/property clean-up
    - Storage container secured
    - Proceeding with Notice of Violation on trash/debris
  - **Street Acceptance Policy**

The Town Manager responded to questions from Councilor Hamill.

**Order No. 24-025, 7:00 p.m. public hearing and second reading on the proposed amendment to Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance, Section 5. Determination of eligibility and amount of eligibility.** [Tax Assessor] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman McGee opened the public hearing. As there were no comments either for or against the hearing was closed at 7:29 p.m.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading on the proposed amendment to Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance, Section 5. Determination of eligibility and amount of eligibility.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to amend the main motion in Section 3.c. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed ~~\$50,000-~~ \$60,000.  
~~-AsSection 3 part C from %0,000 change to \$60,000~~

Vote on amendment: 6 Yeas. 1 Nay [Councilor Hamill]

Main Motion as amended:

**CHAPTER 313-A  
TOWN OF SCARBOROUGH PROPERTY TAX ASSISTANCE 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 313-A, the Town of Scarborough Property Tax Assistance Ordinance, Section 5. Determination of eligibility and about of eligibility, is hereby amended, as follows (additions are underlined; deletions are struck through):

**Section 1. Purpose**

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough.

**Section 2. Definitions**

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or her/his designee, after review of a complete application submitted under Section 4 of this Ordinance, to be eligible for a payment under the terms of this Ordinance. [amended 11/01/17]

**Section 3. Criteria for Participation**

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more by last day on which an application may be filed under Section 4 of this Ordinance.
- b. The applicant shall have been a resident of the Town of Scarborough with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 4 of this Ordinance.
- c. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed ~~\$50,000~~ \$60,000.

#### **Section 4. Application and Payment Procedures**

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information. At the time of application, Applicants must provide adequate evidence of eligibility. The Assessor may accept a statement under oath. No confidential income records, including tax returns, will be kept by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

#### **Section 5. Determination of eligibility and amount of eligibility [Amended 11/07/17 - 06/07/17 – 04/18/18]**

##### **1. Eligibility for Homeowners**

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household); or
- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. ~~\$750.00~~ \$1,000 [Amended 06/07/17, Amended 06/24/2020]

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

##### **2. Eligibility for Renters**

In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to include 18% of the rent payable from own funds by applicant (and other adult members of applicant's household) in the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent. [Amended 04/18/18]

#### **Section 6. Annual Report to the Town Council**

The Tax Assessor shall report in writing to the Town Council no later than their first regular meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.

#### **Section 7. Program Fund - Limitations On Payments**

In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

#### **Section 8. Creation of the Program Fund**

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the Property Tax Assistance Reserve Account.

**Section 9. Timing of Payments**

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than December 15th for the year in which participation is sought.

**Section 10. Limitations upon payments**

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor in consultation with the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

**Section 11. Effective Date and Repeal of Prior Ordinance**

This ordinance repeals and replaces Chapter 313, the Town of Scarborough Property Tax Assistance Ordinance adopted on April 18, 2007 as amended such that this Chapter applies to applications for property tax assistance received after October 15, 2015 under this chapter for payments paid beginning in calendar year 2016 related to taxes assessed in fiscal year July 1, 2015 through June 30, 2016, and thereafter.

Vote: 6 Yeas. 1 Nay [Councilor Hamill]. Motion Passes.

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

**NEW BUSINESS:**

**Order No. 24-027. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 311: the Town of Scarborough Schedule of License, Permit and Application Fees.** [Town Staff] The Town Clerk spoke on recommendation being brought forward and responded to questions from the Town Council.

The following individuals spoke on this Order:

- Liam Erickson of Pine Point Road, spoke against the proposal of the Mooring Wait List and asked a number of questions relating to the list.
- Nina McKee of Black Point Road, complimented the Council for their work.
- Mo Erickson of Pine Point Road, also spoke against the proposal.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading on the proposed amendments to Chapter 311: the Town of Scarborough Schedule of License, Permit and Application Fees and schedule a public hearing and second reading for Wednesday, April 3, 2024, as follows:

Motion by Councilor Hamill seconded by Councilor Sither, to mov approval to divide the question to take mooring wait list fee separate.

Vote: 4 Yeas. 3 Nays [Councilors Anderson, Shupe & Sither]. Motion Passes.

After a lengthy discussion on the Mooring Wait List Fee, the following motion was made:

Motion by Councilor Sither, seconded by Councilor Cushing, to move approval to table the proposed Annual Mooring Wait List Fee Wait and send it to the Coastal Waters and Harbor Committee for review, to come back to the Town Council with possible recommendations.

<b>Chapter 1401 – Coastal Water and Harbor Fees</b> [amended 02-20-13]	<b>Fee</b>
<b>Annual Mooring &amp; Pier Use Fees</b>	
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; 05/03/2023)	\$700.00
Recreational Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23; 05/03/2023)	\$300.00
Recreational Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$500.00
Commercial Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23; 05/03/2023)	\$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; amended 05/03/2023)	\$150.00
One Time Pier Use Fee Non-Resident (adopted 02/15/23)	\$350.00
<u>Mooring Wait List Annual Fee [Once spot is available the wait list fee that is paid for the current year will be applied as a credit toward the regular mooring permit fee.</u>	<u>\$35.00</u>

Vote of 7 Yeas. Motion to Table Mooring Wait List Fee Passes

Vote of 7 Yeas, to move approval of the first reading on Order No. 24-027 regarding the amendments to the Towing Fees and the Late Fees for licenses/permits issued through the Town Clerk’s Office and schedule the public hearing and second reading for Wednesday, April 3, 2024.

Main motion as divided:

**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 Town of Scarborough Schedule of License, Permit and Application Fees, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

<b>Chapter 601 – Traffic Ordinance</b> [amended 05/02/2012]	<b>Fee</b>
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

<b>Section 30 – Towing Rate Schedule -</b>	
Service Call - Gas, Jumpstarts, lockouts, tire change, etc. Range [amended 06/02/2021]	<del>\$50.00</del> <u>\$75.00</u>
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
<u>EV Vehicle Storage, per day, INCLUDING non-business days</u>	<u>\$100.00</u>
Vehicle Tow	
<del>Day (amended 05/07/2014; amended 06/02/2021)</del>	<del>\$105.00</del>
<del>Non-Crash Tow (Day)</del>	<del>\$130.00</del>
<del>Night (amended 05/07/2014; amended 06/02/2021)</del>	<del>\$115.00</del>
<del>Non-Crash Tow (Night)</del>	<del>\$135.00</del>
<del>Crash Tow (Day)</del>	<del>\$150.00</del>
<del>Crash Tow (Night)</del>	<del>\$150.00</del>
<del>Snow Tow—Range</del>	
<del>Day (amended 05/07/2014; amended 06/02/2021)</del>	<del>\$115.00</del>
<del>Night (amended 05/07/2014; amended 06/02/2021)</del>	<del>\$125.00</del>
<del>Hook up/drop (Day)</del>	<del>\$25.00</del>
<del>Hook up/drop (Night)</del>	<del>\$25.00</del>
<del>Vehicle Tow w/dollies—Range (amended 05/07/2014)</del>	<del>\$80 to \$100</del>
Motorcycle Tow – Same as vehicle due to special equipment	<u>\$25.00</u>
<del>Pull out (amended 06/02/2021)</del>	<del>-\$85.00</del>
<del>Recovery</del>	
<del>Pull Out Only (Day)</del>	<del>\$130.00</del>
<del>Pull Out Only (Night)</del>	<del>\$135.00</del>
<del>Pull Out Plus Tow – Flat Fee Day or Night</del>	<del>\$200.00</del>
<del>Recovery—Same as tow, depending on time of day: After first hour \$70 per additional hour plus any special equipment, i.e., bulldozer, etc.</del>	
Definition of Hours – Daytime Hours = 0700 to 1800 hours Night Time Hours = 1800 to 0700 hours	

<b>Miscellaneous Fees (adopted 05/03/05) (amended 02/15/06)</b>	<b>Fee</b>
Marriage Ceremonies Performed (amended 02/15/06)	\$50.00
Miscellaneous Administrative Fees – Town Clerk’s Office (amended 05/06/09; 05/03/2023)	\$25.00
Replacement Fee for all Applications and Licenses/Permits (adopted 05/04/2011; amended 05/03/2023)	\$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>Late fee on all renewal applications issued by the Town Clerk's Office that are received after the deadline.</u>	<u>½ half the application fee</u>
<u>If more than 30 days late after deadline.</u>	<u>Full application fee.</u>

Vote: 7 Yeas. Motion Passes.

**Order No. 24-028. First reading and schedule a public hearing and second reading on the new requests for a Cannabis Establishment License from Sola Edibles d/b/a Dose Maine, LLC, located at 71 Pleasant Hill Road, Unit C for a Medical Cannabis Products Manufacturing Facility and Sola Edibles d/b/a Solift, LLC, located at 71 Pleasant Hill Road, Unit C for an Adult Cannabis Products Manufacturing Facility. [Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order and responded to questions.**

The following individual spoke on this Order:

- Nina McGee, Black Point Road, asked questions on the type of manufacturing and how does this affect the moratorium and Oder issue.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of first reading on the new requests for a Cannabis Establishment License from Sola Edibles d/b/a Dose Maine, LLC, located at 71 Pleasant Hill Road, Unit C for a Medical Cannabis Products Manufacturing Facility and Sola Edibles d/b/a Solift, LLC, located at 71 Pleasant Hill Road, Unit C for an Adult Cannabis Products Manufacturing Facility and schedule a public hearing and second reading for Wednesday, April 3, 2024.

Vote: 6 Yeas. 1 Nay [Councilor Hamill]

**Order No. 24-29. Act on the request to formally accept the Traffic Calming Policy, as presented. [Police Chief] Mark Holmquist, Police Chief, gave a brief overview on this Order.**

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request to formally accept the Traffic Calming Policy, as presented:

**Town of Scarborough  
Traffic Calming Policy**

**PURPOSE**

The Traffic Calming Policy recognizes the commitment by the Town of Scarborough to promote safe and efficient movement of all modes of transportation throughout our community. The goal of this policy is to provide a path for residents or businesses to request further analysis by Town staff and/or Traffic Engineering Consultants to better understand the issues and provide an appropriate solution taking into consideration the following resources: best engineering practices, Manual of Uniform Traffic Control Devices (MUTCD), Federal Highway Administration (FHA), Maine Department of Transportation (Maine DOT), Scarborough Comprehensive Plan, other relative studies and applicable research.

The proper evaluation of each individual situation will provide an explanation of why no action is necessary, or a recommendation for appropriate methods to be employed to encourage responsible usage of the roadway system. A combination of the methods may be warranted depending on the situation. The general hierarchy would begin with a minimal approach of education and enforcement, and expand progressively to a more intensive approach including engineering design and construction.



Traffic calming and control devices need to balance the effects of the installation with the impact on the users, environment, public safety, and the community benefit. Certain traffic calming devices can be hazardous to motorists, cyclists, and other users if approached in an unsafe manner. The Traffic Safety Review Panel should safeguard against the consequences if the device is improperly used and can cause unintended consequences of a less safe corridor. The Traffic Safety Review Panel consists of Town Staff that are responsible for reviewing issues involving public facilities that may impact the health, safety and welfare of the public. Town staff includes the following Town Departments: Police Department, Fire Department, Public Works Department, and Engineering & Technical Services Department.

## **APPLICABILITY**

Only streets and local roadways maintained by the Town of Scarborough are covered under this policy. Maine Department of Transportation (Maine DOT) will have final determination on all State and State-aid roadways in town. This includes collectors and arterials. Local roadways are determined as neighborhood streets with direct residential driveway access that do not carry significant volumes of daily traffic.

## **PROCESS**

Consideration of traffic calming measures should be carefully evaluated to establish the need for implementation, proper selection of the most appropriate traffic calming measure, and to maintain compatibility with the goals of this policy. Requests for consideration of traffic calming measures can be initiated in various ways, either internally by staff or externally by the public. The process of evaluating the traffic calming considerations is further described in this policy. The process should be predictable for citizens and those evaluating the potential application of traffic calming.

1. The Traffic Calming Evaluation application can be found on the Police Department's website.
  - a. The applicant shall submit the completed form on the Police Department's website, which will automatically be sent to the Chief of Police or designee.
  - b. The request shall include signatures from ten (10) residents who live on the impacted Town street. Additional consideration will be given to residents that can show a direct impact to the area to be added to the signature page. Residents must be:
    - i. At least 18 years of age
    - ii. A resident of the street being evaluated
    - iii. Names, address, and email provided
    - iv. From separate households
2. Upon receipt of the Traffic Calming Request Application, the Chief of Police or designee will confirm receipt with the applicant/point of contact. The Police Department will review the nature of the request to initiate the Field Assessment of Traffic Conditions (FATC). (*Town of Scarborough internal staff can initiate a request for FATC with the Police Department.*)
3. If the Chief of Police or designee determines the application is complete, the FATC will be completed according to the availability of staff and equipment to conduct the assessment.
4. The Scarborough Police Department conducts the FATC.

5. The FATC summary page will be shared with the point of contact via email. The point of contact may request to meet with the Chief of Police or designee if there are questions about the results.
6. The field assessment summary is reviewed with the Traffic Safety Review Panel for determination of next steps.
7. It is the discretion of the Traffic Safety Review Panel to determine the level of traffic devices to be utilized based on the use of Passive, Standard, and Physical Alterations. Any possible recommendations or actions proposed by the Traffic Safety Review Panel will be reviewed with the point of contact. Factors considered by the Panel include but are not limited to: residential density, volumes of bicycle and pedestrian traffic, heavy vehicle traffic, etc.
8. If applicable, traffic calming devices are installed or budgeted for based upon the recommendation of the Traffic Safety Review Panel. Prior to installation of any physical alteration control measures, Town staff will notify by mail residents within 1,000 feet of the traffic calming measures proposed and request feedback from the neighborhood. In order to implement proposed measures, 51% of the respondent residents within the 1,000 feet radius of the proposed permanent device on the street in question or on adjacent streets will need to provide a positive endorsement. The endorsement must specifically include those property owners that will be impacted along their street frontage and within 100 feet of any device or proposed measure.
9. If warrants for traffic calming measures are not met, passive and/or standard measures may be considered by the Traffic Safety Review Panel at their discretion, however permanent physical Alteration Control measures will not be considered under this policy. Additional requests for traffic calming in the same area will not be considered for a 12-month period without sufficient cause including, but not limited to, significant traffic volume increases due to additional real estate development, substantially higher crash rates, etc. These circumstances will be reviewed by the Chief of Police and the Town Manager prior to requesting an additional traffic calming application review.

## **CRITERIA**

The Town of Scarborough's transportation network consists of many different roadway classifications, which range from arterials (high volume roadways) to local roads (low volume neighborhood streets). The use of traffic calming devices will vary depending upon the type of roadway classification and functional criteria of the roadway. Traffic calming devices should be carefully evaluated with special consideration given the potential impact to all users. The necessity of traffic calming devices should be based on criteria and warrants. The basic criteria and warrants for the necessity of traffic calming shall be based on the following minimum warrants:

**Warrant 1:** Posted speed limit as set by MaineDOT is no greater than 35 mph.

**Warrant 2:** The roadway cannot be more than two travel lanes or have a width of more than 30 feet.

**Warrant 3:** 85th percentile speed from FATC is 5 mph greater than posted speed limit.

**Warrant 4:** Average Annual Daily Traffic Volume of at least 500 vehicles per day, as collected by FATC.

In instances where warrants are not met due to the governing authority being the State of Maine Department of Transportation, the Traffic Safety Review Panel will collaborate with our State partners to seek guidance through other mechanisms to address traffic calming on these higher speed, higher volume corridors. This policy covers local roadways only, where jurisdiction of traffic control measures falls under the Town of Scarborough.

When all warrants are met, the roadway would be evaluated for possible traffic calming measures. An internal evaluation should be conducted to determine the most appropriate method of traffic calming, which would range from Passive, Standard, and Physical Alteration Traffic Control Measures. In-street solutions, or Physical Alterations, are likely to have budgetary and construction related impacts. Prior to in-street improvements being implemented, education and enforcement actions (Passive Traffic Control Measures) may be needed to continually evaluate the situation.

Traffic Calming may also be appropriate when special conditions exist. These conditions may include the following:

- School Zone - Regulated 15 mph speed limit area.
- Pedestrian Generator- Public Facility that generates a significant number of vulnerable users of the street.
- Bicycle Route - Street may be designated as a bicycle route. The conditions under which traffic calming solutions may be appropriate are likely to involve education efforts, which may include signage, lane markings and limited capital improvements.
- Transit Street - Street is designated as a transit route (Trolley stop) on low speed residential streets.
- Accidents - Crash data supports investigating to determine if corrected actions would mitigate potential for future crashes.

## **TRAFFIC CONTROL MEASURES**

The following traffic control measure types include examples of techniques that may be used for traffic calming. The list below is not exhaustive and is subject to change as new research and techniques are deemed appropriate by the Traffic Safety Review Panel.

- A. Passive Traffic Control Measures include educational methods and police enforcement. These measures will be implemented as resources allow. Some examples of measures that can be taken under this level are as follows:
  - Police enforcement. Periodic radar enforcement.
  - Speed notification sign board. This device displays a motorist's speed as they approach the sign board in an effort to educate the driver that their speed might be inappropriate and to raise driver consciousness of their travel speed.
  - Neighborhood mailings. A letter sent from the Town to all of the residents of the road or neighborhood asking for their assistance to help control the speed that they travel in the neighborhood.
  - Evaluation for pedestrian and/or bicycle safety improvements.
- B. Standard Traffic Control Measures are traffic organization and control techniques that influence driver performance without substantial infrastructure changes. These measures

would be considered by the Traffic Safety Review Panel if the FATC indicated the average speeds exceed 5 MPH or more above the posted speed limit and without meeting the petition criteria for physical alteration control measures as detailed on Page 2. Some examples of measures that may be taken under this level are as follows:

- Signage. The use of advanced warning or enhanced reflective signage can be implemented at low cost to bring attention of motorists to traffic controls and multi-modal infrastructure in our neighborhoods.
- Pavement markings. Using paint to narrow travel lanes can have a calming effect and provide extra room for bicycles and parked cars. Paint markings can also be utilized to provide a visual reduction in the width of a travel lane. Optical speed bars can be effective on roads where horizontal curve speed reduction desired.
- Enhancement of Existing Crosswalks. Paint highly visible crosswalks at controlled intersections where pedestrian traffic is likely to cross the street and vehicles are required to stop. Post highly visible signage to bring the motorists' attention to pedestrians in the crosswalk. Mid-block crosswalks will not be considered unless it meets the requirements outlined in the Town's Crosswalk Policy.

C. Physical Alteration Control Measures are design changes in the road infrastructure that create partial barriers or interruptions in the flow of traffic to slow drivers. These measures are not appropriate for arterial, collector, subcollectors, and rural connector roads where the primary function is to convey traffic volumes. Some examples of measures that can be taken under this level area as follows:

- Plantings. Installation of trees near the roadway can narrow the perceived width of the road, causing a natural decrease in speed from most drivers. Species selection must take into consideration salt tolerance and preservation of sight distance from adjacent roadways (no low hanging branches) as well as the needs for snow plowing/removal efforts
- Speed Tables. Speed tables are midblock traffic calming devices that raise the entire wheelbase of a vehicle to reduce its traffic speed. Speed tables will be limited in use depending upon the type of street, vehicle operating speeds, and other factors such as high pedestrian-generators in the area.
- Horizontal Deflection. Some examples of horizontal deflections are chokers, pedestrian refuge islands, center medians, curb extensions, and lane narrowing.
- Rapid Flashing Beacons (RRFB). These enhance pedestrian activated devices can be utilized on a limited basis, as outlined in the Town Crosswalk Policy so that the effectiveness is not diminished. RRFBs have also been shown to increase crashes of vehicles and should be used in very specific circumstances as directed by the Traffic Safety Review Panel.

## **TERM OF USE**

The recommendations of the Traffic Safety Review Panel will define the type of traffic calming device to be deployed and the anticipated duration of use. On occasion, the Town may opt to employ "temporary devices" as a pilot to a more permanent traffic calming solution. Any traffic calming

devices proposed for use in the Town of Scarborough shall be compliant with the latest recommendations of the MaineDOT Guidelines for Traffic Calming, Institute of Transportation Engineers (ITE), Federal Highway Administration (FHWA) and the Manual of Uniform Traffic Control Devices (MUTCD).

Education efforts will vary depending on the nature of the behavior, and consideration and emphasis will be placed on providing a multi-modal approach. The Scarborough Police Department and the Engineering & Technical Services Department will be responsible for disseminating information as part of the education effort. The timeline for education efforts are generally short term for a limited amount of time.

Enforcement efforts fall under the jurisdiction of the Scarborough Police Department. The Police Department will have the sole discretion to determine the method of enforcement and when it will be implemented. The availability of resources will be a primary consideration in determining the level of enforcement.

Design and construction efforts are generally more permanent in nature and will require a more detailed assessment of field conditions. The Public Works Department will be responsible for budget appropriation requests and construction activity.

Vote: 7 Yeas. Motion Passes.

**Order No. 24-030. Act on the request to accept the Maine Natural Conservation Grant in the amount of \$1,590,000 and enter into a Memorandum Of Understanding with Cape Elizabeth regarding Sawyer Street and authorize the Town Manager to sign any and all documents.** [*Town Manager*] Jami Fitch, Sustainability Coordinator, gave an overview on this Order and responded to questions from the Town Council.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request to accept the Maine Natural Conservation Grant in the amount of \$1,590,000 and enter into a Memorandum Of Understanding with Cape Elizabeth regarding Sawyer Street and authorize the Town Manager to sign any and all documents, as follows:

**MEMORANDUM OF UNDERSTANDING [Town  
of Cape Elizabeth-Town of Scarborough]**

This MEMORANDUM OF UNDERSTANDING (the “Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the **TOWN OF CAPE ELIZABETH** a Maine municipal corporation, with a mailing address of 320 Ocean House Road, Cape Elizabeth, Maine 04107 (hereinafter referred to as “Cape Elizabeth”), and the **TOWN OF SCARBOROUGH**, a Maine municipal corporation with a mailing address of P. O. Box 360, Scarborough, Maine 04070-0360 (“Scarborough”) (each a “Party” and collectively, the “Parties”).

WHEREAS, Cape Elizabeth and Scarborough desire to remove a ¼ mile portion of Sawyer Road/Street that transects the Spurwink Marsh in both Cape Elizabeth and Scarborough, thereby eliminating a tidal restriction, restoring saltwater marshland, and enhancing emergent salt marsh upstream of the restriction (“Spurwink Marsh Road Removal”); and

WHEREAS, Cape Elizabeth applied for and received a grant to perform the Spurwink Marsh Road Removal through the Maine Natural Resource Conservation Program (“MNRCP”), which is a joint effort by the Parties; and

WHEREAS, the MNRCP Grant will provide \$1,590,000 of the \$1,954,000 total Project costs;  
and

WHEREAS, as a condition of the MNRCP Grant, the Parties will each contribute in-kind and cash match funding; and

WHEREAS, Parties agree to cooperate throughout the Spurwink Marsh Road Removal Project and now desire to memorialize their joint obligations under the MNRCP Grant, which include financial contributions and post-Project monitoring, among others.

NOW THEREFORE, Cape Elizabeth and Scarborough hereby agree as follows:

1. Each Town agrees to provide a \$185,000 cash match to fund Project costs.
2. Parties agree to work together cooperatively as part of a project team to ensure that the Spurwink Marsh Road Removal Project adheres to the MNRCP requirements, including performance standards for salt marsh enhancement and long-term monitoring obligations (five years of post-construction monitoring conducted over a period of seven years). By their signature below, the Parties acknowledge that they have read and understood the Agreement above and are fully authorized to bind their principals to the terms thereof.

WITNESS its hand and seal on the date set forth above.

**TOWN OF CAPE ELIZABETH**

WITNESS:

By: \_\_\_\_\_  
Matthew Sturgis, Town Manager  
Duly Authorized by the Town Council

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2024

Personally appeared before me the above-named Matthew Sturgis Manager of Cape Elizabeth, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Cape Elizabeth.

Notary Public/Maine Attorney-at-Law

Print Name:

My commission expires: \_\_\_\_\_

**TOWN OF SCARBOROUGH**

WITNESS:

By: \_\_\_\_\_  
Thomas Hall, Town Manager  
Duly Authorized by the Town Council

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2024

Personally appeared before me the above-named Thomas Hall, Town Manager of the Town of Scarborough, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Scarborough.

Notary Public/Maine Attorney-at-Law  
Print Name: \_\_\_\_\_ My  
commission expires: \_\_\_\_\_

Vote: 7 Yeas. Motion Passes.

**Order No. 24-031. Act on the request to amend the charge for the School Building Committee – Phase I, that was approved on January 17, 2024. [Chairman McGee]** Chairman McGee gave an overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request to amend the charge for the School Building Committee – Phase I, that was approved on January 17, 2024, as follows:

**School Building Advisory Committee (Phase I)**

Adopted January 17, 2024

**Committee Created:**

There is hereby created a School Building Advisory Committee (SBAC) to consist of all interested residents of Scarborough that meet the following criteria:

- 1) Must be a current resident of Scarborough.
- 2) Must submit an application no later than February 9, 2024.
- 3) Must commit to the attendance requirements established herein.

**Building Committee Leadership Team Created:**

The Building Committee Leadership Team (BCLT) shall consist of nine members as follows:

- 1) Two Town Council Members or their respective designees.
- 2) Two Board of Education Members or their respective designees.
- 3) A Chairperson, elected by the full SBAC.
- 4) A Vice-Chairperson, elected by the full SBAC.
- 5) Three At-Large members, elected by the full SBAC.

**Non-voting advisory members to BCLT:**

The Superintendent of Schools and the Town Manager (or their respective designees) shall be non-voting ex-officio members and shall serve as the staff liaisons to the Committee. The Facilities Manager, the school Business Manager, and town Finance Director shall be invited to participate in Committee meetings to serve as a non-voting staff resource.

**Committee Charge:**

The SBAC shall be a joint ad hoc advisory committee of the Board of Education and Town Council, assisting them in their respective responsibilities for development of a solution to current and future space deficiencies within the K-8 schools. The BCLT shall act as the leadership of the SBAC and implement any necessary protocols, establish meetings, sub-committees and make appointments to accomplish the following:

- 1) Organize appropriate sub-committees as necessary to evaluate the following:

- a. Analyze the results of a town-wide school support survey and use the information to guide final recommendation to the Town Council and Board of Education
  - b. Conduct an analysis of assumptions and accuracies of:
    - i. School Enrollment projections
    - ii. Space needs analysis
    - iii. Current facilities deficiencies/opportunities
    - iv. Business Case
    - v. Any other findings that warrant review
- 2) Provide a final recommendation report on a path forward by ~~May 1, 2024~~ June 12, 2024. The report will be used in a joint BOE/Town Council workshop to be held on ~~May 15, 2024~~ June 26, 2024.

The expectation is that the SBAC will recommend whether a renovation/expansion approach, a unified approach, a hybrid approach, or other variation should be the path pursued for the community.

**Public Input and Outreach:**

The Committee shall seek public engagement and input in its deliberations through a multi-channel public outreach campaign, which may include websites, social media, e-mail, public signage, notices in the newspaper and direct mail. All relevant documents, meeting minutes and reports produced by the SBAC via the town website.

**Committee Reports:**

The Committee chairs will regularly update the School Board and Town Council on the progress of the Committee.

**Attendance Requirements:**

All SBAC members are required to participate in at least one sub-committee as appointed to by the BCLT. If a member misses more than three sub-committee and/or SBAC meetings without BCLT approval, it will result in dismissal from the SBAC. Appointments to fill vacancies are to be made at the discretion of the BCLT as necessary.

**Other:**

It is the intent of the Town Council and Board of Education to implement a Phase II Committee Charge and scope of work after the completion of Phase I and formal acceptance of the recommendations by each respective body.

Vote: 7 Yeas. Motion Passes.

**Item 9. Non-Action Item.** None at this time.

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

- Councilor Anderson gave an update on the Finance Committee, SEDCO, Chamber of Commerce
- Councilor Shupe gave an update on the Ad-Hoc Community Center Advisory Board and gave an update on the Appointments/Negotiations Committee and posted the following names:

**Coastal Waters and Harbor Advisory Committee:**

Move Robert Odlin from 2nd alternate to 1st alternate, with a term to expire 2026 and appoint Tyler Davis as 2nd alternate with a term to expire 2025.



**Long Range Planning Committee:**

Reappoint Peter Freilinger as a full voting member with a term, to expire 2026; move Portia Hirshman from 1st alternate to a full voting member, with a term to expire 2024; move Robert Odlin from 2nd alternate to 1st alternate, with a term to expire 2024 and appointment Judith Fischer as 2nd alternate with a term to expire 2026.

**Parks and Conservation Land Board:**

Appoint Maggie Vishneau as a full voting member, with a term to expire 2026.

- Councilor Sither gave an update on the Communications Committee; School Building Committee - Vulnerability Work Group
- Councilor Caterina gave an update on the Ordinance Committee. Thank you for the amendment to the Senior Tax Program and encourage the public to turn out for the budget process and revaluation

**Item 11. Council Member Comments.**

- Councilor Hamill thank you for support the mooring fee.
- Councilor Anderson noted that she had been contacted by resident and asked what we did to recognize volunteers. This is something the Council should look into.
- Chairman McGee thanked the Council for their work this evening.

**Item 12. Adjournment.** Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:44 p.m.

Respectfully submitted

Yolande P. Justice  
Town Clerk