

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 5, 2025
HYBRID REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Council Chair Sither called the regular meeting of the Scarborough Town Council to order at 7:01 p.m.

Item 2. Pledge of Allegiance.

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

Councilor Scott W. Doherty	Councilor Cory R. Fellows
Councilor Donald W. Cushing, Jr.	Councilor William J. Donovan
Councilor Karin B. Shupe - Absent	Councilor Jonathan E. Anderson - Vice Chair – Via Zoom
Council Chair April V. Sither	

Item 4. General Public Comments.

- Randi Hogan, Chair of the Conservation Commission, thanked the Councils for prioritizing the Goals; however, she went on to voice her concerns with some of the Goals that the Council was recommending,

Item 5. Minutes: January 22, 2025 - Town Council Meeting . Motion by Councilor , seconded by Councilor , to move approval of the minutes from the January 22, 2025, Town Council meeting, as written.

Roll Call Vote:	Councilor Doherty - Yea	Councilor Fellows - Yea
	Councilor Cushing - Yea	Councilor Donovan - Yea
	Councilor Anderson - Via Zoom - Yea	Council Chair Sither - Yea

Motion Passes.

Item 6. Adjustment to the Agenda. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to move Item 10. Standing and Special Committee Reports and Liaison Reports to after Item 9. Non Action Item.

Roll Call Vote:	Councilor Doherty - Yea	Councilor Fellows - Yea
	Councilor Cushing - Yea	Councilor Donovan - Yea
	Councilor Anderson - Via Zoom - Yea	Council Chair Sither - Yea

Motion Passes.

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

Item 8. Town Manager's Report. Thomas J. Hall, Town Manager, gave the following updates:

- **Eastern Trail- Close The Gap** -
 - DEP/ACOE Permits forthcoming
 - Bid Document Complete
 - Construction Services Contract executed
- **Transportation Grants** - Uncertainty with Federal Grant Funding
 - Route One Resiliency Project

- Resolution 25-003. Letter of Support/Local Match
 - USDOT “Protect” Grant - February 20th deadline
- Payne Road Corridor
 - USDOT “Build” Grant - Submitted on January 30th
 - 20% Local match will be required - \$4M
 - Collaborative Effort
- **GPCOG- Chairs in a Circle** - Held on January 30th
 - Property Tax Theme
 - Organize a Legislative Priorities Workshop
- **Council Goals** –
 - Productive Senior Staff/Town Council Workshop
- **Tax Bills** - 2nd Half Payment
 - Mailed on or around February 6th
 - Due Date of March 16th
- **Bond Rating** - Excellent Results
 - Moody’s Investor Service - Upgrade to Aa2
 - S&P Global - Affirmed at AA+

The table below provides a comparative illustration of the various ratings agencies and their credit ratings scales:

Moody's	S&P	Fitch	
Aaa	AAA	AAA	Prime
Aa1	AA+	AA+	High grade
Aa2	AA	AA	
Aa3	AA-	AA-	
A1	A+	A+	Upper medium grade
A2	A	A	
A3	A-	A-	
Baa1	BBB+	BBB+	Lower medium grade
Baa2	BBB	BBB	
Baa3	BBB-	BBB-	
Ba1	BB+	BB+	Non-investment grade speculative
Ba2	BB	BB	
Ba3	BB-	BB-	
B1	B+	B+	Highly speculative
B2	B	B	
B3	B-	B-	
Caa1	CCC+	CCC	Substantial risk
Caa2	CCC		Extremely speculative
Caa3	CCC-		Default imminent with little prospect for recovery
Ca	CC	CC	
	C	C	
C			In default
/	D	D	
/			

"Junk"



- **All Board Summit** - February 13th at the HUB
- **Annual Disclosure of Investments and Business Ventures** –
 - As per Employment Agreement
 - On file with the Town Clerk’s Office

Item 9. Non-Action Item.

- a. Report on Town Council Goals.** Council Chair Sither gave an overview on the Council Goals that had been agreed upon by the Town Council at their Goals Workshop that had been held on January 25th. Proposed Goals are as follows:

2025 TOWN COUNCIL GOALS

LONG RANGE FACILITIES PLANNING

Goal: Address School Enrollment and Facility Needs for K-8 students in partnership with the School

- **Objective:** Ensure a rigorous and public engagement process for addressing school enrollment challenges and support the development of a school project proposal for the November 2025 ballot.
 - **Responsible Parties:** SBAC2, School Department, Finance
 - **Council Champion:** April Sither, Bill Donovan
 - **Actionable Tasks:**
 - Support site selection for new school
 - Partner with BOE and SBAC on communication and community outreach
 - Be an active participant in scheduled joint Town/School Workshops
 - Actively attend forums and community opportunities to hear residents feedback on the school
 - Evaluate proposal for readiness to sent to ballot as early as November 2025
 - Support financial impact analysis of the new school
 - Work with stakeholder groups to develop a comprehensive long-term facilities planning strategy
 - Develop a formal policy for naming Town buildings/facilities, ensuring consistency, transparency, and community involvement

CONSERVATION, SUSTAINABILITY & RESILENCY

Goal: Develop and Implement Environmental Protection and Climate Change Initiatives that protect our environment and enhance our resiliency.

- **Objective:** Strengthen environmental protection through updated ordinances, stormwater management, and proactive climate action.
 - **Responsible Parties:** Conservation Commission, Ad-hoc Open Space Committee, Ad Hoc Vulnerability Assessment Committee, Sustainability, Long Range Planning, Planning, Engineering
 - **Council Champion:** Karin Shupe, Cory Fellows

- **Actionable Tasks:**

- Explore a “Tree City” initiative and discuss the creation of a tree board.
- Review and accept Open Space Plan and set priorities to achieve 30 X 30 goal
- Advance the findings of the Vulnerability Assessment to develop a plan for addressing climate risks in Scarborough
- Evaluate the pros and cons of implementing a Stormwater Management Fee
- Establish Sustainability Reserve Account to build funds that support sustainability initiatives and support local matches for grant funding
- Explore low-impact development (LID) standards in our zoning designed to protect the Scarborough Marsh and its tributaries while supporting economic development
- Examine the potential to improve the Town’s standing in the National Flood Insurance Program’s Community Rating System (CRS) to reduce flood insurance premiums for residents

GROWTH, HOUSING & LAND USE

Goal: Develop a basis for defining an affordable and workforce housing policy

- **Objective:** Create a comprehensive and actionable affordable and workforce housing policy that recognizes the importance of growth zones, housing diversity (including multifamily and accessory dwelling units), and residents' concerns over the rate of growth.
 - **Responsible Parties:** Scarborough Housing Alliance, Long Range Planning, Planning Board, SEDCO, Planning
 - **Council Champions:** Cory Fellows, Bill Donovan
 - **Actionable Tasks:**
 - Host a workshop to discuss Council thoughts on affordable and workforce housing
 - Determine data points and needs to define a policy approach (examine a housing needs assessment)
 - Engage the public on a discussion on affordable and workforce housing
 - Define clear policy objectives for the next 10 years for affordable and workforce housing, including defining goals for the # and type of units
 - Refine the Credit Enhancement Agreement (CEA) provisions around eligibility and process.
 - Create a short-term rental ordinance to align with Town objectives on affordable and workforce housing and ensure responsible growth.

Communication and Community Engagement

Goal: Increase communications with residents to advance Council Goals with the public

- **Objective:** Improve communication with residents and stakeholders to better understand our growth management policies, foster collaboration and predictability in land-use regulations when changes occur, inform and educate residents throughout budget development, and ensure consistent and thorough communication practices as we work toward our council goals.

- **Responsible Parties:** Communications Committee, Long Range Planning, Ordinance, SEDCO, Planning
- **Council Champion:** Don Cushing, Jon Anderson
- **Actionable Tasks:**
 - Develop a comprehensive communications plan to highlight growth management strategies in Scarborough and foster public understanding of current/future strategies.
 - Further refine our framework for public engagement
 - Establish a Council liaison role to Crossroads Holding LLC to better partner
 - Ensure ordinance changes impacted the development community are reviewed by SEDCO and in collaboration with other Town Committees
 - Develop a Communications Plan that educates the public on the Town and School budgets to understand generally what their tax dollars are paying to deliver (general operations/level services) and secure the future (new investments).
 - Develop a consistent framework for community outreach that engages more residents and increases participation

TRAFFIC & TRANSPORTATION

Goal: Advance the Town-wide Transportation Study and engage with regional partners to prioritize and advance transportation initiatives in Scarborough

- **Objective:** Prioritize findings in the Town-wide Transportation study for 2027 CIP consideration and develop alternative traffic solutions in North Scarborough and advance the Town's transportation planning for future investments.
 - **Responsible Parties:** Transportation Committee, GPCOG, PACTS, Communications Committee, Engineering, Public Works
 - **Council Champion:** Jon Anderson, April Sither
 - **Actionable Tasks:**
 - Council to accept final Town-wide Transportation Study
 - Transportation Committee to prioritize corridors for action and recommend CIP plan for implementation for FY27 budget
 - Continue to pursue Grant funding for Payne Road improvements in partnership with Crossroads Holding LLC
 - Host a workshop with METRO Coalition, PACTS and impacted Towns to discuss the North Scarborough Region and discuss collaborative alternatives to address congestion
 - Communicate via different channels the work actively being implemented to improve traffic in Town led by the Town, State, or via TMPs
 - Resolve to support GPCOG's Vision Zero Plan to support safety
 - Explore a public transit options with regional providers to enhance ridership and reduce congestion
 - Fund more sidewalks in the FY26 budget beyond historical rate

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

- Councilor Donovan gave updates on the Appointments/Negotiations Committee; the Scarborough Housing Alliance; the Sustainability Committee; the School Board and the School Board Site Committee meeting
- Councilor Fellows gave updates on the Rules & Policies Committee; the Planning Board and the Long Range Planning Committee.
- Councilor Anderson gave updates on the Finance Committee, noting that there would be a change in meeting date to February 20th at 6 p.m. and mentioned MMA discussion around a local option sales tax that could help offset property taxes.
- Councilor Doherty noted that he had been unable to attend the Coastal Waters/Harbor Committee and the Shellfish Committee this month due to a prior commitment.
- Councilor Cushing gave an update on the Chamber of Commerce; the Communications Committee scheduled for Wednesday, February 20th at 5 p.m.
- Council Chair Sither spoke on an event that she had attended with the Town Manager and Councilor Anderson called Chairs and Circle through GPCOG and spoke on the School Building Advisory Committee.

Order No. 25-004, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 1401 – the Town of Scarborough Coastal Waters & Harbor Ordinance. [Coastal Water & Harbor Committee/Marine Resource Officer] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Council Chair Sither opened the public hearing. There being no comments either for or against, the hearing was closed at 7:43 p.m.

Motion by Councilor Donovan, seconded by Councilor Anderson, to move approval of the second reading on the proposed amendments to Chapter 1401 – the Town of Scarborough Coastal Waters & Harbor Ordinance, as follows:

CHAPTER 1401 COASTAL WATERS AND HARBOR ORDINANCE FOR THE TOWN OF SCARBOROUGH, MAINE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 1401 - the Coastal Waters and Harbor Ordinance, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

1. Proposed recommendation to Article II. Definitions:

13. Mooring:

Shall mean any appliance, tackle, mooring used by a watercraft and which appliance, tackle, mooring and / or associated equipment is not carried aboard such watercraft when underway as regular equipment.

2. Proposed recommendation to Article IV - General Regulations:

Section 12. Unclaimed Mooring Tackle

The owner will be responsible to pay all removal and storage fees of mooring tackle caused to be removed by the Harbor Master prior to reclaiming the tackle. If the owner fails to claim the tackle the

Harbor Master will dispose of it in accordance with Title 25 MRS. Nothing in this section prevents the Harbor Master from retaining and reusing the unclaimed mooring tackle in lieu of selling it.

3. *Proposed recommendations to Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels:*

Section 1b. Minimum Mooring Requirements. [Amended 02/20/2013; 12/19/2018]

Riparian Rights Mooring Sites

The Town may permit and assign mooring sites to waterfront property owners demonstrating and claiming such right under the requirements of Title 38 MRS §3, Mooring Sites, under the following conditions:

1. The applicant must show legal interest in the property and in the case of joint ownership of property, that the person has legal authority to act for all owners before the application is accepted by the Town.
2. A Riparian mooring site may be located only in waters immediately in front of the intertidal land associated with the property as defined in Title 16, Chapter 2, Figure 1. Once a Riparian Mooring has been assigned to a property, it stays with the property. A Riparian mooring site may be used solely by the owner of the property for personal use. Such mooring site cannot be used by a third party, either temporarily or permanently.
3. A Riparian mooring site may be assigned only if the proposed location of said mooring site has been determined by the Harbor Master to be practicable and safe and not impede free navigation or infringe on the rights of others.
4. Number of moorings. Only one Riparian mooring site per qualifying waterfront lot may be granted, regardless of the amount of shorefront in excess of the 100-foot minimum requirement and 20,000 sq. ft. minimum lot size, except persons owning shore rights prior to January 1, 1987, are required only to have a 100-foot minimum shore frontage as established by state law. Riparian owners may also have an additional mooring in the coastal waters of the town as governed and allowed by the ordinance
5. Riparian mooring site permits are subject to annual user fees. Should the riparian user opt not to utilize the mooring for the mooring year they must notify the Harbor Master and not be subject to the annual user fee. If through the season they opt to use the mooring, annual user fees must be paid to the Town and Harbor Master notified of the change in use.
6. Exceptions
 - A. An exception to the mooring site location may be granted by the Harbor Master if the waterfront property is adjacent to an established mooring field or area and an additional mooring site would result in an unsafe condition. In such cases, the Harbor Master may either reassign existing mooring site locations, or, at its discretion, assign the riparian right mooring site to another location. The simple unsuitability of the property location for mooring a particular type of vessel does not justify this exception.
 - B. For the purpose of these regulations, in the case where a property owner's existing mooring fronts their qualifying waterfront lot, it is considered that property owner's riparian mooring site for as long as the person owns the property.
 - C. In the case where a non-qualifying lot has been legally assigned a riparian mooring prior to the adoption of these Regulations, that mooring may continue as a riparian mooring associated with that lot until such time the mooring has either been revoked or abandoned.

Should a transfer of ownership of the non-qualifying lot occur, the new owner may continue the use of the riparian mooring subject to the provisions of these Ordinance, providing the mooring had not been revoked or abandoned by any previous owner.

Waitlist fee will be collected on a rolling basis and annual renewals will be due on April 1st which is in line with moorings. If the annual waitlist fee is not paid by April 1st each year, the waitlist applicant will be removed from the waitlist and will need to reapply. If the waitlist applicant reapplies, they will be added to the bottom of the waitlist. Annual fee will be allied over the course of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only.

Section 1c. Creation and Maintenance of a Mooring Waitlist.

Two mooring waitlists shall be maintained by the Town Clerk and available for inspection in the Town Clerk's office. The first shall be for commercial applicants and the second for recreational applicants. Commercial applicants will be verified by the Harbor Master and shall provide proof of a commercial State license or a Federal permit. Commercial applicants will, if requested by the Harbor Master, provide proof of commercial waterfront activity equaling 20% of their annual household income. Applicants seeking a mooring shall be placed on the waitlist in order of date and time of application. No one household shall be allowed to hold more than two (2) spots on the waitlist at any one time. When a mooring becomes available the Town Clerk will first consult the commercial waitlist which will be given priority. If the next name on either waitlist is unable to accept the mooring they may request to stay on their respective waitlist until the next mooring becomes available. If, at the time of the second mooring becoming available, the applicant again is unable to accept the mooring their name shall be removed from the waitlist and the applicant would need to reapply if they wished to again be listed. If an applicant on the waitlist has died their spot may be reassigned to a legal heir providing the Town of Scarborough has been notified within six (6) months of the applicant's death. [Adopted 12/19/18]

Waitlist fee will be collected on a rolling basis and annual renewals will be due on April 1st which is in line with moorings. If the annual waitlist fee is not paid by April 1st each year, the waitlist applicant will be removed from the waitlist and will need to reapply. If the waitlist applicant reapplies, they will be added to the bottom of the waitlist. Annual fee will be applied over the course of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only.

Section 1d. Allotment of Special Anchorage to Prouts Neck Yacht Club.

Pursuant to an agreement with the Coastal Waters and Harbor Advisory Committee, the Prouts Neck Yacht Club has been given a special anchorage of moorings in Saco Bay for the use of its members. Prouts Neck Yacht Club shall administer those moorings, including but not limited to:

- (1) maintaining and managing moorings in the designated area,
- (2) providing oversight of member mooring use, including inspecting moorings in accordance with the rules and regulations of the Coastal Waters Harbor Advisory Committee,
- (3) providing the harbor master with completed mooring applications and mooring holder rosters,
- tendering the appropriate fees, and submitting a map showing the location of each mooring yearly.

If members of the Yacht Club should leave it for any reason, mooring spaces which have been assigned to them will revert back to the Prouts Neck Yacht Club and may not be assigned by the person who formerly used them.

The harbor master shall consult with the Prouts Neck Yacht Club and will, insofar as permissible and not otherwise inconsistent with this Ordinance, delegate to the Yacht Club the authority to establish and enforce mooring plans in those areas traditionally regulated by the Yacht Club, and shall provide support enforcement services to the Yacht Club in the administration of the mooring plans.

Mooring areas controlled by the Yacht Club shall be subject to the following requirements:

(1) The Yacht Club maintains a controlled mooring field.

(2) The Yacht Club provides oversight of member mooring use, including inspections.

(3) The Yacht Club is registered with the Harbor master and provides member/mooring holder rosters and mooring location plans to the Harbor Master.

4. Proposed recommendations to Article IX – Pier:

Section 3. Regulations Relating to Use.

- a) No vessel other than a permitted skiff shall be made fast to the town wharf except for twenty (20) minutes as required for loading or unloading. There shall be no overnight tie-ups. Exceptions may be made in emergencies only by permission of the Harbor Master. No vessel other than the Harbor Master's patrol boat shall tie up to the town wharf in the space marked for use by the Harbor Master.
- b) No person shall store traps, bait, barrels, fishing gear, boats or waste materials on the pier or floats at Pine Point at any time. Traps, gear, etc., may be loaded and unloaded only.
- c) No person shall store any traps, bait, barrels, fishing gear, or waste material on the pier or floats for more than 24 hours for loading and unloading purposes throughout the year.
- d) The Town Council may make any and all other reasonable rules for the proper maintenance and use of any floats or wharves, which rule or regulation shall be in writing and shall be posted on the wharf and filed in the office of the Town Clerk.
- e) Rules and Regulations pertaining to all piers, floats and wharves controlled by said Town of Scarborough shall be posted in a conspicuous place on or adjacent to said piers, floats and wharves.
- f) Skiff's or Dinghy's may be left tied in designated areas of the float's provided they are used more than twice a week for the purpose of getting back and forth from their mooring.
- g) No boat or vessels at any time are to be left unattended in the area of the cranes on the front of the pier, dock, or on the floats without permission from the Harbor Master
- h) No person shall store any traps, bait, barrels, fishing gear or waste items in front of / or obstruct pier ladders, crane swing areas, and gangways.

Section 4. Violations Relating to Pier Use.

Any person violating any sections of this Article IX shall be subject to a fine of not less than \$100.00 nor more than \$500.00 plus costs, which fine shall be recovered on complaint to the use of the Town of Scarborough. Repeat violations can be subject to suspension or revocation of the members pier use permit at the discretion of the Harbor Master. Additional costs shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. [Adopted 11/09/2022]

5. *Proposed recommendations to Article XI – Enforcement* *Violation/Penalties*

This Ordinance may be enforced by the Harbor Master, Assistant Harbor Master or any law enforcement officer vested with the authority to carry a weapon and make arrests. Violations shall be prosecuted as provided in 38 M.R.S.A. §12 (which incorporates the enforcement mechanism of 30-A M.R.S.A. §4452) and, where applicable, 38 M.R.S.A. §13. Any person violating any sections of this Ordinance shall be subject to fines for each violation as follows:

First violation: not less than \$100.00 and not more than \$500.00, for each violation plus costs.

Second violation: not less than \$500.00 and not more than \$1,000.00, for each violation plus costs.

Third and subsequent violations: not less than \$1,000.00 and not more than \$1,500.00, for each violation plus costs.

Roll Call Vote:	Councilor Doherty - Yea	Councilor Fellows - Yea
	Councilor Cushing - Yea	Councilor Donovan - Yea
	Councilor Anderson - Via Zoom - Yea	Council Chair Sither - Yea

Motion Passes.

Order No. 25-005, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 1002 the Town of Scarborough Shellfish Conservation Ordinance. [Shellfish Conservation Commission/Marine Resource Officer] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Council Chair Sither opened the public hearing. There being no comments either for or against, the hearing was closed at 7:45 p.m.

Motion by Councilor Donovan, seconded by Councilor Anderson, to move approval of the second reading on the proposed amendments to Chapter 1002 the Town of Scarborough Shellfish Conservation Ordinance, as follows:

**CHAPTER 1002
TOWN OF SCARBOROUGH
SHELLFISH CONSERVATION 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 1002 - the Shellfish Conservation Ordinance, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

1. Authority:

This Ordinance is enacted in accordance with 12 M.R.S.A., Section 6671.

2. Purpose:

To establish a shellfish conservation program for the Town of Scarborough which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- a. Licensing
- b. Limiting the number of shellfish harvesters
- c. Restricting the time and area where digging is permitted

- d. Limiting the minimum size of clams taken
- e. Limiting the amount of clams taken daily by a harvester
- f. Engaging in activities intended to protect and enhance the resource such as transplanting or seeding of shellfish. [Adopted 06/03/15]

3. Shellfish Conservation Committee Commission:

The Shellfish Conservation Program for the Town of Scarborough will be administered by the Shellfish Conservation **Committee Commission** consisting of 7 members to be appointed by the Town Council for terms of 3 years. The **Committee's Commission's** responsibilities include:

- a. Establishing annually in conjunction with the Dept. of Marine Resources, the number of shellfish digging licenses to be issued.
- b. Surveying the clam flats to maintain current information on shellfish resources.
- c. Submitting to the Town Council, proposals for the expenditures of funds for the purpose of shellfish conservation.
- d. Keeping this Ordinance under review and making recommendations for its amendments.
- e. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the D.M.R.
- f. Approving conservation closures and openings in conjunction with the Area Biologists of the D.M.R. [Amended 01/03/01].
- g. Submitting an annual report to the Municipality and the D.M.R. covering the above topics and all other **Committee Commission** activities.

4. Definitions:

a. Resident

The term "resident" refers to a person who has physically resided at a fixed, permanent and principal home in the town for at least twelve months next prior to the date of application for a license under this Ordinance or, in the case of student, to a student living temporarily outside of Scarborough while enrolled in a college, university or post-secondary school, provided such student maintains his or her fixed permanent principal home in Scarborough. [Amended 07/17/02; 01/17/24]

b. Non-resident

The term "non-resident" means anyone not qualified as a resident under this Ordinance.

c. Shellfish, Clams

When used in the context of this Ordinance, the words "shellfish and clams" mean soft-shell clams **MYA ARENARIA**.

d. Municipality

Refers to the Town of Scarborough, Maine.

e. Conservation Projects

Conservation Projects may include seeding projects, crab projects, school projects, surveys or any other project accepted by the Shellfish Conservation Commission **and/or the Marine Resource Officer**. [Adopted 06/03/15]

5. Licensing - Municipal Shellfish Digging is required:

It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this Ordinance.

A Commercial Digger must also have a valid **STATE OF MAINE COMMERCIAL SHELLFISH LICENSE** issued by the Department of Marine Resources, if state law makes possession of the state license a prerequisite to issuance of a municipal license.

A. Designation, Scope and Qualifications:

1. Resident Commercial Shellfish License:

The license is available to residents of the Town of Scarborough who are 18 years or older and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.[Amended 03/21/13]

2. Non-resident Non-reciprocating Commercial Shellfish License:

The license is available to non-residents of this municipality who are 18 years or older and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.[Amended 03/21/13]

3. Resident Student Commercial License:

The license is available to residents of the Town of Scarborough who are full time students between the minimum age of twelve (12) years old and the maximum age of twenty-two (22) years old on May 1 of the year in which the application is made. Applicants must show proof of age and proof of school attendance and students attending college must also show proof of a minimum of twelve (12) college credit hours per semester to be considered full-time students. Applicants under the age of 18 must also have the signature of a parent or guardian on the application for the license to be valid. This license entitles the holder to dig or take any amount of shellfish from the shores and flats of this municipality. [Amended 01/03/01; 07/17/02; 06/03/15]

4. Non-resident Student Commercial License:

The license is available to non-residents of the Town of Scarborough who are full time students between the minimum age of twelve (12) years old and the maximum age of twenty-two (22) years old on May 1 of the year in which the application is made. Applicants must show proof of age and proof of school attendance and students attending college must also show proof of a minimum of twelve (12) college credit hours per semester to be considered full-time students. Applicants under the age of 18 must also have the signature of a parent or guardian on the application for the license to be valid. This license entitles the holder to dig or take any amount of shellfish from the shores and flats of this municipality. [Amended 01/03/01; 07/17/02]

5. Over 60 Resident Commercial Bushel License:

The license is available to residents of the Town of Scarborough who are 60 years old and over. Applicants must show proof of age and residence. This license entitles the holder to dig or take one (1) bushel of shellfish from the shores and flats of this municipality at each tide. [Amended 02/18/98; 01/20/99]

6. Residential Recreational Shellfish License:

The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a residential recreational shellfish license. Any holder of a recreational license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish

harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(H)(3). [Amended 06/03/15]

6-a. Non-resident Recreational Shellfish License:

The license is available to non-residents of the Town of Scarborough and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a non-resident recreational shellfish license. Any holder of a non-resident recreational shellfish license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(H). [Amended 03/19/03; 06/03/15]

7. 65 and Over Resident Complimentary Shellfish License:

The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a 65 and over residential complimentary recreational shellfish license. Any holder of a 65 and over resident complimentary recreational shellfish license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(J). [Adopted 01/17/24]

7.a. 65 and Over Non-Resident Complimentary Shellfish License:

The license is available to non-residents of the Town of Scarborough and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a 65 and over non-resident complimentary recreational shellfish license. Any holder of a 65 and older non-resident complimentary recreational shellfish license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(J). [Adopted 01/17/24]

8. Resident Recreational Day Licenses.

This license entitles residents and real estate taxpayers of the Town of Scarborough to dig or take up to one peck of shellfish for personal use from the shores and flats of this municipality during a single calendar day specified in the license. The duration of this license is one calendar day only. [Adopted 02/18/98]

9. Non-resident Recreational Day Licenses.

This license entitles non-residents of the Town of Scarborough to dig or take up to one peck of shellfish for personal use, from the shores and flats of this municipality during a single calendar day specified in the license. The duration of this license is one calendar day only. [Adopted 02/18/98]

10. License must be signed.

The licensee must sign the license to make it valid.

11. Commercial and Recreational License Applicant. A commercial and recreational license applicant may apply for those licenses that they qualify for; however, an applicant can only hold no more than one license. [Amended 01/17/24]

B. Contents of Application:

Any person may apply to the Town Clerk for the license required by this ordinance on forms provided by the municipality.

1. Contents of the Application:

The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever other information the Town Clerk may require.

2. False Statements.

Any person who provides information in support of an application under this ordinance must do so in the form of an affidavit. If the applicant provides false information, the applicant forfeits the right to a license and a license previously issued to that applicant shall become void. Any other person who gives false information in support of an application under this ordinance commits a violation of this ordinance punishable under section 5(K). [Adopted 02/18/98].

C. Fees:

The fees for the licenses are as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council, and must accompany in full the application for the respective license. License fees for residents and non-residents will be established in accordance to M.R.S.A. Title 12, Section 6671.3-A.(b). The Town Clerk shall pay all fees received to the Town Treasurer. Fees received for shellfish licenses shall be used by the Town for shellfish management, conservation and enforcement. Fees are non-refundable, except that the holder of a student commercial license who surrenders the license within seventy-five (75) days after the date of issuance shall receive a refund of one-half the license fee. [Amended 01/05/00; 01/17/24; 01/17/24]

D. Conservation Activities: [Adopted 06-03-15]

The Town encourages all shellfish diggers to protect and enhance the resource by participating in conservation activities such as seeding clam beds, participating in shellfish surveys, and participating in other approved resource management activities. All Commercial License holders 18 years of age or older are required to participate in shellfish conservation projects as deemed necessary by the Shellfish Conservation Committee Commission and/or the Marine Resource Officer. Seeding or other approved conservation activities also may be undertaken on a volunteer basis. Commercial License Holders who complete the specified number of hours of conservation activities which may include required shellfish seeding hours and volunteer hours for a total of twelve (12), will be eligible for license renewal pursuant to Section 5.E.4.(a) of this Ordinance. [Amended 01/07/24]

The Shellfish Conservation ~~Committee~~ Commission will approve all accepted conservation activities by a majority vote. The names and number of hours completed on an accepted conservation activity will be recorded in writing by the ~~Shellfish Conservation Officer~~ the Marine Resource Officer and submitted to the Shellfish ~~Committee~~ Commission or the Town Clerk on a monthly basis for their records. All conservation time must be submitted by January 15th by close of business, unless the 15th falls on a weekend, then must be submitted the following Monday. [Amended 01/07/24]

It shall be the sole responsibility of the Commercial License holder to contact the Shellfish ~~Committee~~ Commission Members or the ~~Shellfish Officer~~ Marine Resource Officer to determine the conservation available to participate in. The Shellfish Committee Chair, with consent of the majority membership of the Committee, may designate special conservation work during any period of State closure of the Town of Scarborough shellfish beds. The Chair may poll the Committee by telephone, email, fax or in person for the purposes of this section. Each Commercial License holder is encouraged to contribute at least half of their voluntary conservation activity in the form of low tide work. All crab trapping is considered low tide work. The conservation year will run from May 1st to November 30th. Surveys of the shellfish resource shall be conducted annually as a conservation activity, with the date and location to be determined by the Shellfish Commission or the Marine Resource Officer. [Amended 01/07/24]

The Shellfish Conservation Committee may waive all or part of the requirement for shellfish seeding for an applicant who provides the Committee with a written statement from a physician indicating that the applicant was not able to participate in any regularly scheduled shellfish seeding due to incapacitation by illness or injury. The Committee may also allow the following alternative conservation work, on an hour for hour basis, upon the request of an applicant made at a regular monthly meeting of the Committee. Such alternative work may be used to meet the shellfish seeding requirement or may be used to qualify as additional volunteer conservation activity:

- i. Another time to complete conservation time for an applicant who demonstrates to the Committee that the illness or incapacitation of a parent, spouse or child prevented that person from participating in regularly scheduled conservation time; or,
- ii. Alternate, less strenuous work for an applicant who provides the Committee with a written statement from a physician indicating that the applicant is not physically able to participate in regular conservation work.
- iii. At the discretion of the Project Leader, any scheduled conservation project may be canceled and/or terminated due to severe weather or safety concerns for those involved. Any participant present or arriving within ten minutes at the designated meeting area and start time must still sign in and sign out. These participants will receive the allotted hours of conservation time for that particular project regardless of performing the activity.

E. Issuance of Shellfish Licenses: [Amended 06-03-15]

Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the Town. It is essential that the town carefully husband its shellfish resources. Following the annual review of the town's clam resources, its size distribution, abundance and the warden's reports, as required by Section 3, the Shellfish Conservation Committee, in consultation with the D.M.R. area biologist, will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

- 1) Prior to February 1 of 1998 and each succeeding year, the committee shall report its findings and document recommendations for the allocation of commercial and

recreational licenses to be made available for the following license-year to the Commissioner of Marine Resources for concurrence.

2) After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to February 1 of 1998 and each succeeding year, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.

3) Notice of the number of licenses and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.

4) The Town Clerk shall accept applications for shellfish licenses annually commencing on the first day of March through to the first Monday and Tuesday in April. [Amended 03/19/03; 01/17/24]

(a) Commercial Renewal Licenses.

(i): The Clerk shall issue licenses only to holders of resident and non-resident commercial shellfish licenses who seek renewal and who have completed at least 12 hours of approved conservation activities which may include mandatory shellfish seeding as well as voluntary conservation work approved under this Ordinance during the term of their current licenses or at least 4 hours of such work if the holder is 70 years of age or older. Such applicants may apply by mail or must appear in person at the office of the Town Clerk during that two day period and pay the application fee at the time of issuance of the license. The Clerk shall issue commercial licenses to such qualified applicants on a first come, first served basis during those two business days. Any holder of a commercial license whose status as a resident or non-resident has changed at the time of application or who did not complete the requisite hours of approved conservation activities shall not be entitled to apply for renewal under this subsection (a) but may apply for a new license under subparagraph (b) below. [Amended 03/16/05; 06/03/1; 01/17/24]

(ii): Effective March 1, 1998 in lieu of applying in person pursuant to subparagraph (I) above, Applicants for a renewal resident or non-resident commercial license may apply by mail. Applications by mail must be received at the Town Clerk's office on a day that office is open for business no earlier than March 1 and no later than the Tuesday following the first Monday in April. The application must be accompanied by the required license fee, a copy of the applicant's driver's license, a copy of the applicant's motor vehicle registration certificate, and any other information upon which the applicant relies to document residency. The Clerk shall mark all applications with the date and time of receipt. If more than one application is received at the same time, the Clerk shall determine their order or receipt of random drawing and mark them accordingly. The Clerk's marks concerning order of receipt shall be conclusive for purposes of applying the first-come first-served provisions of paragraph (i) above. [Amended 01/17/24]

(b) Non-Renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses.

(i) On the third and fourth subsequent business days following the renewal process as noted in paragraphs 4.a (i)(ii) above, the Clerk shall accept applications for any remaining resident commercial shellfish licenses and non-resident non-reciprocating commercial shellfish licenses. Applicants must apply in person and be 18 years of age at the time of application, at the office of the Town Clerk. The Clerk shall not issue any licenses during the third and fourth business days, but shall inform each applicant that licenses will be awarded on the basis of a lottery and advise each applicant of the time and place where the lottery will be held. On the fifth subsequent business day, the Clerk shall conduct a lottery for the issuance of the remaining resident commercial shellfish licenses and a lottery for the issuance of non-resident non-reciprocating commercial shellfish licenses. In order to be entered into the lottery, an applicant must be present and must tender the application fee at the time of the lottery drawing. The Clerk shall award the remaining resident commercial shellfish licenses by drawing the names of qualified applicants at random and then shall award the non-resident non-reciprocating commercial shellfish licenses by drawing the names of qualified applicants at random. [Amended 01/17/24]

(ii) If, after June 1 annually, any allocated licenses remain unissued, on the first consecutive Monday, Tuesday and Wednesday in June applications shall be taken and placed in a lottery pool. Applicants must apply in person and be 18 years of age at the time of application. On the following ~~Friday~~ Monday, applicants' names shall be drawn at random by the Town Clerk. Physical presence and full payment are required at the time of drawing, and all applicants must meet eligibility requirements for the license category that they apply for. The lottery shall be conducted in the same fashion as the lottery under section 5(E)(4)(b)(i).

(iii) Lottery Bonus Points shall be awarded to applicants who have successfully applied in previous years, as follows:

Applicants who apply to multiple lotteries in a row without winning a permit can earn bonus points (extra chances in drawing). Points are non-transferrable and are accumulated, as follows:

0-5 Lotteries:	1 Points/Lottery
6-10 Lotteries:	2 Points/Lottery
11-15 Lotteries:	3 Points/Lottery
16+ Lotteries:	10 Points/Lottery

Bonus points are tracked by the Town Clerk using your name and date of birth. To receive bonus points, an applicant must enter the correct name and date of birth on the application. The applicant will also need to indicate that they applied for the lottery the last year that it was held. The Town Clerk upon receiving an application will review the applicant's record and provide applicants with a number of bonus points which will be entered in the lottery.

An applicant will forfeit bonus points if the applicant:

- Fails to apply for bonus point in any one (1) Lottery; or,
- Obtains a Municipal Residential and/or non-residential Commercial Shellfish License through the Lottery; or,

- Is selected for a Municipal Residential and/or non-residential Commercial Shellfish License, but declines it, and/or fails to meet the criteria for legally possessing it; or,
 - Is found to have not legally applied in the current year; or,
 - Enters the incorrect name or date of birth on the application or fails to indicate that the applicant applied for a permit in the previous year.
- [Adopted 01/17/24]

(c) Resident Student Commercial Renewal Licenses, Non-Resident Student Commercial Renewal Licenses and Over 60 Resident Commercial Bushel Renewal Licenses.

Shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.E.4(a), except that required shellfish seeding hours and additional voluntary conservation hours shall be:

Resident & Non-Resident Student Commercial Licenses under the age of 18. [Amended 06/03/15]	No conservation time required. [Voluntary participation is encouraged.] [Amended 06/03/15]
Resident & Non-Resident Student Commercial Licenses 18 years of age or older at time the license is issued. [adopted 06-03-15]	Twelve (12) hours of approved conservation activities. [Adopted 06-03-15]
Over 60 Resident Commercial Bushel Licenses	Eight (8) Hours of approved conservation activities. [Amended 03/16/05; 11/02/05; 06/03/15]
All Commercial License Holders 70 or Older	Four (4) hours of approved conservation activities. [Amended 03/16/05; 11/02/2005; 06/03/15]

Any holder of a student commercial license or over 60 license whose status as a resident or non-resident has changed at the time of application or who did not complete the requisite hours of approved conservation activities shall not be entitled to apply for renewal under this subsection (a) but may apply for a new license under subparagraph (d) below.

(d) Non-Renewal Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and Over 60 Resident Commercial Bushel Licenses.

Applications for new (non-renewal) Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and Over 60 Resident Commercial Bushel License shall be processed in the same manner as applications for non-renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses under Section 5.E.4(b), except that for Resident Student Commercial Licenses and Non-Resident Student Commercial Licenses the clerk shall continue drawing names after all licenses have been awarded and until all applicants have been placed on a list in the order their names have been drawn. Any Student Commercial License which is surrendered after issuance shall be made available to the remaining applicants on that list in the order their names were drawn, and then to other applicants on a first-come, first-served basis.

(e) Resident Recreational Licenses.

Commencing on the second Monday in April annually the Town Clerk shall accept applications for resident recreational shellfish licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first served basis.

(f) 65 and Over Complimentary Resident Recreation Licenses.

Commencing on the second Monday in April annually, the Town Clerk shall accept application for 65 and over resident recreational shellfish licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first served basis. [Adopted 01/17/24]

(g) Non-resident Recreational Licenses.

Commencing on the second Monday in April annually, the Town Clerk shall accept applications for non-resident recreational licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first serve basis. [Amended 01/17/24]

(h) 65 and Over Complimentary Non-resident Recreational Licenses.

Commencing on the second Monday-in April annually, the Town Clerk shall accept application for the 65 and over non-resident recreational shellfish licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first served basis. [Amended 01/17/24]

(i) Remaining Licenses.

If, after August 1 annually, any allocated licenses remain unissued, the clerk shall issue such licenses on a first-come, first served basis, without regard to the residency of the applicant or the allocation between resident and non-resident licenses. [Amended 03/16/05; 11/02/05]

(j) Day Licenses.

After all available resident and non-resident recreational licenses have been issued under Section 5(E)(4)(d) and 5(E)(4)(e) above, the clerk may receive applications for and issue resident recreational day licenses and non-resident recreational day licenses, on a first-come, first-served basis. Applicants must appear in person at the office of the Town Clerk no earlier than five (5) calendar days before the day for which the license is requested. The five (5) calendar days starts the day the initial visit to obtain the permit is made. An applicant may obtain only a day license for up to three (3) ~~consecutive~~ days [within the five (5) calendar days noted above], and must appear in person for each license requested. Each license issued under this section shall specify the calendar day for which it is issued and shall be valid for that day only. If multiple licenses are requested, a license for each day shall be issued. [Amended 03/16/2005; 11/02/2005; 01/17/24]

(i) One – Peck Day License must be used on the date listed on the license. In the event of flat closures, per the State, please contact the Town Clerk’s Office at 207-730-4020 the day of the closure to inform staff your license was not used. If the office is closed, you must leave a voicemail stating your name, contact information and date of the closure. In some cases, a credit for the unused licenses may be issued at the discretion of the Town Clerk. All credits must be used within 30 days of the original license date or the credit will be forfeited. [Adopted 01/17/24]

F. License expiration date:

Each license issued under authority of this Ordinance expires at midnight the 30th of April next following the date of issue. Day licenses shall expire at midnight on the day they are issued for. [Amended 01/17/24]

G. Reciprocal Harvesting Privilege:

Licensees from any other municipality co-operating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of their management program, may harvest shellfish according to the terms of their licenses.

H. Children 16 years or younger may accompany a recreational license holder:

The recreational license holder and accompanying children are entitled to dig no more than the previously stated amount, "one peck of shellfish in any one day for ~~the use of the holder and his or her family~~ personal use." [Amended 07/17/02; 06/03/15]

I. Suspension:

1. Any shellfish licensee having one conviction for a violation of this Ordinance or for a violation occurring within the Town of Scarborough of any state statute regulating the digging or taking of shellfish shall have his or her shellfish license automatically suspended for a period of 14 days. Subsequent convictions during the same license year (May 1 - April 30) shall result in an automatic suspension of sixty (60) days. A licensee shall have his or her record cleared if there are no convictions within one year from the time of a conviction. As used in this paragraph, the term "digging" means using a shovel, spade, rake, tool or hands to uncover shellfish from the ground and the term "taking" means removing a marine organism from its natural habitat. [Amended 04/18/01; 06/03/15]

2. Any shellfish licensee having one conviction for a violation occurring within the Town of Scarborough of 12 M.R.S.A. § 6625 (governing identification and tagging of shellfish) shall have his or her shellfish license automatically suspended for a period of seven (7) days. Subsequent convictions during the same license year (May 1 - April 30) shall result in an automatic suspension of fourteen (14) days. A licensee shall have his or her record cleared if there are no convictions within one year from the time of a conviction. [Amended 04/18/01; 06/03/15]

3. A licensee whose shellfish license has been suspended pursuant to this section shall automatically have his or her license reinstated after the period of suspension has been served. [amended 04/18/01; 06/03/15]

4. The suspension shall be effective from the third business day after the date of mailing of a Notice of Suspension by the Town Clerk to the Licensee or upon presentation of a Notice of Suspension by the Town Marine Resource Officer, whichever is earlier. [amended 02/18/98].

5. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon filing of a written Request for Hearing with the Town Clerk within 30 days following the effective date of suspension. Filing of the request for hearing with the Town Clerk stays the suspension until the end of the seventh day following the decision of the Shellfish Conservation Committee. The licensee may appeal the decision of the Shellfish Conservation Committee before the Town Council by filing a written Request for Appeal with the Town Clerk within 7 days of the decision of the Shellfish Conservation Committee. Filing of

the Request for Appeal with the Town Clerk stays the suspension until the Town Council has rendered its decision. [Amended 04/18/01; 03/01/06;`]

6. No holder of a commercial license under this Ordinance shall dig or take shellfish during any time that holder's State of Maine Shellfish License is suspended. During any such period of suspension, the holder's license under this Ordinance is automatically suspended. [Amended 02/18/09]

J. Opening and Closing of Flats:

The Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, may open and close the areas for shellfish harvest (the "Conservation Areas"). Except in the case of emergencies, the Shellfish Conservation Committee shall follow the following procedure prior to opening or closing a Conservation Area:

1. Upon determination by the Shellfish Conservation Committee or by the Chair of the Committee that the opening or closing of a Conservation Area should be considered, the Chair shall place the proposed opening or closing on an agenda for a public hearing.
2. No less than 7 days prior to the hearing, a notice of the hearing describing the location of the Conservation Area proposed to be opened or closed shall be: (a) posted at the Town Office; (b) published in a newspaper of general circulation in the Town of Scarborough; and, (c) communicated to the Department of Marine Resources. The notice may also be placed on the Scarborough Shellfish Conservation Officer's telephone recording.
3. At the public hearing, the Shellfish Conservation Committee shall present and entertain evidence obtained from shellfish surveys and other sources. Members of the public may then comment on such evidence and may present additional evidence relevant to the proposed opening or closing.
4. At the conclusion of the evidence, the Shellfish Conservation Committee shall make findings of fact based on the evidence presented, shall reach conclusions based on those findings of fact, shall order whether the Conservation Area in question shall be opened or closed, and may set such time limitations and other harvesting conditions as are consistent with good conservation practices.
5. The order of the Shellfish Conservation Committee shall be forwarded to the Commissioner of Marine Resources and shall not take effect until approved by the Department of Marine Resources and notification by the Municipality to the public for five (5) days prior to the initial opening and closing dates.

In the event the Shellfish Conservation Committee determines that an emergency closing of a Conservation Area is necessary, the Committee may take action without following the procedures described above, provided that the Committee makes a reasonable effort to give adequate public notice and allow for public participation. [Amended 01/03/01]

K. Hours Prohibited:

It shall be unlawful to dig any shellfish anywhere in the Town of Scarborough between the hours of one half hour after sundown and one half hour before sunrise. [Amended 10/17/07; 03/21/13]

L. Penalty:

Any person who violates any provision of this ordinance commits a crime, not a civil violation, punishable by a fine of up to \$1,500 per offense, as provided in 12 M.R.S.A. §6671(10). Any person holding a commercial license under this Ordinance who aids or abets the harvest of

shellfish in violation of this Ordinance also commits a violation of this Ordinance and shall be subject to the same fines as the person he or she assisted. [Amended 04/04/07]

M. Administrative Suspension of Recreational License:

If the Shellfish Conservation Officer determines that the holder of a recreational license has sold or otherwise received remuneration for shellfish harvested pursuant to the recreational license, or that the holder of a license has violated Section 5(N) of this ordinance the Shellfish Conservation Officer may impose an administrative suspension of the License and of eligibility for a license in the next licensing year. The Shellfish Conservation Officer shall give written notice to the license holder of the administrative suspension, which shall be effective from the third business day after mailing of the Notice of Suspension or upon presentation of the Notice of Suspension by the Shellfish Conservation Officer, whichever is earlier. The license holder may appeal the administrative suspension in the same manner as an automatic suspension under section 5.H.(3). The Shellfish Conservation Officer may, at their discretion, employ the administrative suspension in addition to or as an alternative to the penalties provided in section 5.K. The administrative suspension process and determinations resulting from that process are separate from and shall not be affected by the pendency or outcome of any court proceeding for the imposition of penalties under section 5.K. [Amended 02/18/98; 06/03/15]

N. Clam Size and Tolerance of Harvest:

- 1) Clam size and tolerance of harvest. A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot.
- 2) The method of determining tolerance. The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.

O. Unlawful Sale of Shellfish.

It is a violation of this Ordinance for any holder of a license under this Ordinance to sell or otherwise receive remuneration for any shellfish dug or taken within the Town of Scarborough by any person who does not hold a valid shellfish license issued by the Commissioner of Marine Resources pursuant to 12 M.R.S.A. § 6601. [Amended 02/18/98]

P. Method of Harvest.

The only acceptable method of harvest shall be by use of the hand-held clamrake, with a handle no more than eighteen inches in length. Use of shovels, spades and pitch forks shall be prohibited. [Amended 03/01/06]

Roll Call Vote:	Councilor Doherty - Yea	Councilor Fellows - Yea
	Councilor Cushing - Yea	Councilor Donovan - Yea
	Councilor Anderson - Via Zoom - Yea	Council Chair Sither – Yea

Motion Passes.

Order No. 25-006, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 311 – the Schedule of Fees relating to Chapter 1401 and Chapter 1002, above. [Marine Resource Officer] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Council Chair Sither opened the public hearing. There being no comments either for or against, the hearing was closed at 7:47 p.m.

Motion by Councilor Cushing, seconded by Councilor Donovan, to move approval of the first reading on the proposed amendments to Chapter 311 – the Schedule of Fees relating to Chapter 1401 and Chapter 1002, as follows:

Chapter 311 – Schedule of Fees

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 311 - the Schedule of License and Permit Fees, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

<u>Chapter 1002 - Shellfish Ordinance, Fees</u>	<u>Fee</u>
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
Non-Resident Recreational 20 Available – (Over 65 Free -14 Available) [Adopted 12-17-2003]	\$50.00
Resident Recreational Day Pass (Amended 04/06/05; 01/17/24)	\$10.00
Non-Resident Recreational Day Pass (Adopted 01/17/24)	\$20.00
<u>Non-Resident Recreational 3 Day pass</u>	<u>\$45.00</u>

<u>Chapter 1401 – Coastal Water and Harbor Fees</u> [amended 02-20-13]	<u>Fee</u>
<u>Annual Mooring & Pier Use Fees</u>	
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
<u>Mooring Fee for outside of the Federal Anchorage and Special Anchorage</u>	<u>\$150.00</u>
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
Mooring Wait List Annual Fee: Annual fee will be allied over the course of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only. (Adopted on June 26, 2024)	\$35.00
<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
Special Anchorage Fee	\$3,000.00

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
 Councilor Cushing - Yea Councilor Donovan - Yea
 Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Resolution 25-003. Act on the request to approve Resolution 25-003, supporting MaineDOT’s submission of a USDOT “PROTECT” Grant for resiliency of Route 1. [Town Engineer]
 Angela Blanchette, Town Engineer, gave a brief overview on this Resolution.

Motion by Councilor Cushing, seconded by Councilor Anderson, to move approval of Resolution 25-003, supporting MaineDOT’s submission of a USDOT “PROTECT” Grant for resiliency of Route 1, as follows:

RESOLUTION 25-003

AUTHORIZING SUPPORT FOR MAINE DOT PROTECT GRANT FOR RESILIENCY OF US ROUTE ONE

WHEREAS, multiple studies have identified US Route One at the Scarborough Marsh as one of the roads in Scarborough most vulnerable to flooding from sea level rise and storm surge; and,

WHEREAS, US Route One is a critical mobility corridor for transportation, commerce, and public safety; and,

WHEREAS, the Maine Department of Transportation (MaineDOT) intends to apply for a Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) grant in the amount of \$47M from the US Department of Transportation to improve resiliency of US Route One; and,

WHEREAS, the Scarborough Town Council finds it in the best interest of the citizens of Scarborough to support the grant application; and,

WHEREAS, MaineDOT has requested a 2.5% local match in support of the project proposal.

NOW, THEREFORE BE IT RESOLVED, we, the Scarborough Town Council, authorize a local match contribution up to \$940,000 in support of the project and authorize the Town Manager to provide a letter of support for the PROTECT grant proposal.

Signed and sealed this 5th day of February 2025, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Council Chair Sither and attested by Yolande P. Justice, Clerk to the Council.

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
Councilor Cushing - Yea Councilor Donovan - Yea
Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

OLD BUSINESS:

Order No. 24-101. Act on the request to amend the Credit Enhancement Policy, as recommended by the Finance Committee. [Tabled from the November 6, 2024, Town Council meeting.][Finance Committee] Councilor Anderson gave a brief overview on this Order. Karen Martin, Director of SEDCO also spoke on this Order.

Prior to public comments, Councilor Fellows stated I have disclosed this in the past that his employer deals with affordable housing and is involved with the 3iHome Project that is planned for the Downs and the project did benefit from a CEA that was approved by a previous Council. I just wanted to disclose that and if I do participate in this conversation, this would not impact the project I have been involved with and I do not foresee any impact in the future, but I would defer to my fellow counselors. There was no comments from the Council regarding this. Council Chair Sither opened the floor for public comment.

The following individuals spoke on this Order:

- Nick McGee of River Woods Drive, voiced concerns with certain areas of the proposed language.
- Alyson Bristol of Bayview Avenue, voiced her concerns with the proposed recommendations.

Motion by Councilor Cushing, seconded by Councilor Donovan, to move approval on the request to amend the Credit Enhancement Policy, as recommended by the Finance Committee.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval to amend the main motion to Order No. 24-101 and schedule a second reading for Wednesday, February 19, 2025.

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
Councilor Cushing - Yea Councilor Donovan - Yea
Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Vote on Main Motion as amended:

Policy and Process for Tax Increment Financing Districts and Credit Enhancement Agreements

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to the Policy and Process for Tax Increment Financing Districts and Credit Enhancement Agreements, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

POLICY AND PROCESS FOR ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING & CREDIT ENHANCEMENT AGREEMENTS

I. BENEFITS OF CREATING TAX INCREMENT FINANCING DISTRICTS

The Town of Scarborough invests in economic development and affordable housing through the State's Tax Increment Financing (TIF) District program.

Under this program, the Town may create districts for a specified period of time within the municipal borders where property taxes paid on new value associated with development can be segregated and used for specific purposes. The use of the funds is regulated by State Statute.

In addition to creating a way for the Town to invest in the community, the TIF District designation also allows the Town to "shelter" new value from State funding formulas which determine how much financial aid the Town receives each year. Within the State funding formulas, the more value from properties within a town, the less that town will receive from the State. With a TIF district in place, all new value generated is not counted in the funding formula, thus increasing the amount of funds received from the State each year. Value is also a factor in the amount assessed to the Town from County government. With sheltered value, the County tax is lower.

Within an established district, the Town MAY choose to partner with a developer, company, organization or other private entity under a contract known as a Credit Enhancement Agreement (CEA). With a CEA in place, the Town may return a percentage of property taxes collected on new development to the partner. The CEA agreement outlines the period of time covered by the agreement, the purpose of the funds and may include performance standards. All CEA's must be part of a Town and State approved TIF District.

The Town may also choose to invest the segregated funds for their own purposes such as infrastructure or services to support new development.

CEA's can also be a way to acknowledge the relationship between housing initiatives and economic development. The adequate supply and diversification of housing in Scarborough and the region is critical to ensuring a robust labor force for the future.

II. PURPOSE OF POLICY

The purpose of this policy is to outline the policies, standards, and processes that the Town of Scarborough will use in initiating, considering and potentially approving applications for Tax Increment Financing Districts (TIF) and for Credit Enhancement Agreements (CEA) associated with an existing or proposed district.

Notwithstanding this policy, the creation of a TIF district, adoption of a development program or an associated CEA is a decision made on a case-by-case basis by the Scarborough Town Council. For a CEA, this policy outlines some minimum thresholds that must be met to begin the process. Meeting the initial thresholds in no way guarantees an ultimate approval of a CEA by the Town Council.

In addition to the Town review process, all TIF District applications and CEA's must be consistent with State statutes regulating Affordable Housing Development Districts (30-A M.R.S.A. §§5245-5250-G) and/or Economic Development Districts (30-A M.R.S.A. Chapter 206).

Receiving a TIF District designation or CEA is not a right under Maine law and meeting the standards contained in this policy should not be interpreted as creating any rights or entitlements in any application. This policy will apply to TIF Districts and CEAs for both economic development and housing projects. The policy applies to both area wide and site-specific designations.

Scarborough's TIF Policy supports investment in municipal economic development programs, affordable housing, and infrastructure in area-wide and individual specific sites.

III. ESTABLISHMENT OF TIF DISTRICTS

The Town Council may establish and/or amend any district within municipal borders. Guidance for the Council on the creation of Districts include the following.

1. **Time Frame:** TIF Districts may be designated for up to 30 years. The designation of a TIF district requires, at a minimum, legal notice, a public hearing, the majority vote of the municipal legislative body, and state approval.
2. **Eligible Expenses:** Eligible TIF expenses are defined by the State of Maine in the relevant State statutes found in Title 30-A of the Maine Revised Statutes in Sections 5221 through 5235 and Sections 5245 through 5250-G and in regulations related thereto (which may be amended from time to time).
3. **Comprehensive Plan:** The Town Council should consider proposals that further economic development or affordable/workforce housing goals consistent with the most recent ~~by the~~ Comprehensive Plan. Designated Growth Areas and the Rate of Growth Ordinance should be considered as part of consistency with the current Comprehensive Plan
4. **CEA Approval:** Should there be a CEA component of the establishment of a TIF District, the CEA must be approved as part of the CEA portion of this policy. The Council may consider a CEA request simultaneously with a new or amended TIF District
5. **Geographic Boundaries:** District boundaries will be established by the Town Council taking into consideration any specific needs of an applicant under the CEA section of the policy and/or infrastructure improvements deemed necessary by the Comprehensive Plan, the Town's capital improvement program, or in other supporting documents recognized by the community.
6. **Personal Property:** Personal property shall not be included in the calculation of revenues available for CEA purposes.
7. **Excess Funds in a CEA:** TIF districts with development programs that include one or more CEA's shall include a provision that directs any excess funds after the CEA is satisfied to qualified project costs as defined by the District and State economic development uses, or to the Town's general fund depending upon the Council's determination.
8. **Staff Analysis:** Staff shall provide an annual assessment of the captured value and revenues associated with each district. The assessment will compare the revenues generated to the approved development program expenses to ensure there is alignment. If there is a gap between revenues generated and current development program expenses, Council may choose to revise the development program or return funds to the Town's general fund.
9. **Shelter Benefit Analysis:** Staff shall monitor the shelter benefit of all TIF's on a regular basis and report to Council.
10. **Percentage Modification of Retained Taxes.** The Town by vote of Council majority may modify the portion of tax revenue to be retained in the designated development district.
11. **Amendments:** Some amendments made by the Town Council to an established District may require State approval.

IV. CREDIT ENHANCEMENT AGREEMENT (CEA)

If a project within a TIF district seeks assistance from the Town in the form of a reimbursement of a portion of their property taxes, the Town may enter into a partnership through a Credit Enhancement Agreement (CEA).

A CEA, or contract between the municipality and developer or business, is a mechanism to assist the development project by using all, or a percentage of, the tax revenues generated by the new investment to pay certain authorized project costs with payments made directly to the developer or business.

General considerations for CEA's:

- 1) **Application:** The applicant must make application under the guidelines outlined in this policy
- 2) **Amount of Funds.** The CEA will stipulate the percentage reimbursement and the specific years in which the reimbursement will be in effect. A dollar cap may be established that governs the CEA. Once met, reimbursements will halt, unless otherwise stipulated in the agreement.
- 3) **Minimum Threshold of Development:** Economic Development CEA's must create at least ~~\$2,000,000~~ \$???? in new taxable valuation at buildout.
- 4) **Contracts:** All CEA's will be performance-based contracts with stipulations that address, as appropriate, the intended use of the funds and associated costs, the timing of projects, and the level of development. All contracts will stipulate the performance measurements and the consequences of not meeting agreed upon measurements.
- 5) **Terms of Agreement.** Terms should include:
 - a) Agreements should extend between ten and 30 years depending on the length of the associated TIF district
 - b) Up to 100% of the incremental value ~~can~~ may be captured, depending upon the merits of the project
 - c) Terms shall be consistent with state statutes
 - d) The CEA partner will report annually to the Town on the status of the project, the use of funds and the progress toward any contract performance measures outlined in the CEA.
 - e) Additional expectations on reporting will be negotiated as part of the credit enhancement agreement
 - f) Assignments will be allowed only for conventional commercial financing purposes or where the proposed assignee agrees to be bound by the same terms and conditions as the original applicant unless otherwise amended by agreement.
- 6) **Suspension, Reduction, and/or Termination of Benefits:** Credit Enhancement Agreements may contain provisions for the suspension and/or termination of benefits to the applicant as provided for in the agreement. This may include penalties for not meeting agreed upon targets and performance thresholds and timing. The Town Manager will determine each year whether or not a CEA is in good standing. If the Town Manager determines that a CEA is not in good standing, Council will be informed and make the final determination of any Town action.
- 7) **Financial Analysis:** The applicant will provide an analysis of how the requested funds will be used and why a Town investment is needed. The applicant will include a cost to serve analysis and an estimate of the tax shift benefit at the time of application process. For a CEA with a request for less than \$2,000,000, no cost to serve or tax shift benefit analysis is required. For proposed CEA's requesting between \$2,000,000 and \$10,000,000 in reimbursement, staff will work with applicants to review and assist with the preparation of needed financial analysis requested by Town Council. Proposed CEAs greater than \$10,000,000 in reimbursement will have an external expert financial

analysis completed. Applicants may request a waiver of the third-party performance of the analysis, allowing the applicant to perform the required analysis.

- 8) Rate of Growth Permits:** For any project involving housing, the Planning Director will advise Council on available permits under the current Rate of Growth ordinance.

V. CEA APPLICATION PROCESS

The Executive Department will coordinate all activities regarding applications for CEA's and CEA Amendments. The Town Manager will include the Housing Alliance, the SEDCO Board, SEDCO staff or other relevant staff to assist in working with an applicant, coordinating the process and /or producing requested analysis needed by the Council as part of their decision-making process. Each applicant shall be assigned a staff coordinator.

The CEA process can precede other local approvals; however, the final CEA approval can make receipt of such approvals as a condition. Working with applicants, the designated staff coordinator will coordinate the following process:

Step 1: An applicant will begin the process by contacting the Town Manager's office or the SEDCO Executive Director regarding interest in a CEA. If the request starts at SEDCO, SEDCO will inform the Town Manager. The Town Manager then designates a staff coordinator. The designated staff coordinator will provide information on Scarborough's TIF/CEA policy to the applicants and will then be the point of contact for the applicant throughout the process.

Step 2: The applicant will prepare a letter the Town Manager outlining the basics of the proposed project and which thresholds the project meets from Section VI of this policy.

Step 3: The Town Manager reviews the letter and makes a determination on whether the project meets the required thresholds outlined in Section VI and whether or not proposed project fits within an existing TIF District. The Manager will inform the applicant in a letter either 1) that the project has met the initial threshold standards and may continue in the process or 2) that they have not met the threshold standards, and the process stops. Applicants may resubmit. ~~The Town Manager shall have final authority to invite an application. If the Town Manager finds that the thresholds are not met, the Town Council leadership will be consulted. With the consent of the applicant, a failed submission will be shared with the full Council.~~ If an application is determined viable, the Town Manager shall notify the Town Council that an application is forthcoming. If the application is for a Housing CEA, the Town Manager will also inform the Housing Alliance.

Step 4: The applicant shall file a preliminary application with the Town through the designated staff coordinator. The staff coordinator shall review the application for completeness and then submit to the Town Manager for joint discussion.

Step 5a: For economic development applications, The Town Manager, in consultation with the Town Council Chair, will schedule a joint workshop with the Town Council and SEDCO Board of Directors. The workshop should result in feedback about whether the application is an appropriate use of TIF funding through a CEA. At that meeting:

- a) The applicant shall provide an overview of the development project.
- b) The Town Manager and staff coordinator shall provide any preliminary comments.
- c) The Town Council and SEDCO Board shall provide comments.
- d) There should be a preliminary discussion of terms for the CEA contract.

Step 5b: For Housing CEA Applications, the Town Manager will work with the Housing Alliance chair to schedule a Housing Alliance workshop with the applicant to review the

application. The workshop should result in feedback to the applicant on the appropriate use of TIF funding through a CEA. At the meeting with the Housing Alliance:

- a. The applicant shall provide an overview of the development project
- b. The Town Manager and staff coordinator shall provide any preliminary input.
- c. The Housing Alliance shall provide comment, as appropriate
- d. There should be a preliminary discussion of terms
- e. All comments and/or recommendations on the application from the Housing Alliance will be provided to the Finance Committee

Step 6: Using the comments from the Town Council Workshop or the Housing Alliance workshop, the applicant may apply for final application approval. The Town Manager and Staff Coordinator shall proceed with the following:

- a) Meet and obtain input from appropriate department heads, specifically Finance and Assessing
- b) Unless otherwise specified by the Town Council, the applicant may be asked to obtain Master Plan approval, preliminary subdivision or preliminary site plan approval before the CEA is approved. Approval of the CEA does not guarantee any required permit.
- c) Applicant will, in consultation with the Town Manager and other appropriate representatives, draft an agreement specifying all terms.
- d) The Town Manager will revise and renegotiate with the applicant as necessary.

Step 7: Finance Committee reviews the final application:

- a) Applicant will highlight how the final application addresses workshop comments
- b) A summary of all staff, SEDCO Board, or Housing Alliance comments including financial impacts and proposed terms will be provided to the Finance Committee
- c) Finance Committee will review and accepts the financial analysis. If questions on the analysis arise, the applicant will address the additional questions.
- d) Finance Committee reviews and accepts the draft agreement. Should there be unresolved concerns over the terms, the Town Manager and a member of the Finance Committee will negotiate with the applicant.
- e) Finance Committee scores the application based on CEA standards
- f) Finance Committee makes recommendation to the Town Council. All applications, regardless of the Finance Committee finding, will be sent to the full Council for final review and consideration.

Step 8: Town Council starts final approval process.

- a) Reviews Finance Committee Recommendations
- b) Final proposal brought to Council for approval using a full public process including a first reading, a public hearing, and a second reading prior to the final vote.

VI. CEA APPLICATION THRESHOLDS AND PRELIMINARY APPLICATIONS

A. Economic Development CEA's

- a) Projects requesting an Economic Development CEA must meet at least 3 of the following objectives/thresholds:
 1. The Project is consistent with the current Comprehensive Plans as well as other strategic planning documents
 2. Assistance supports public infrastructure projects typically funded through municipal budgeting

3. The infrastructure project is identified as needed and or determined to deliver a public benefit
 4. Development project cannot move forward without specified investment and/or infrastructure
 5. Development project will create or retain sustainable employment opportunities
 6. Development project will enhance environmental protections
 7. Development project is financially advantageous to the Town
 8. Development project provides partnership with and support of the School Department through internships or other investments
 9. Development project supplies other local businesses with needed resources and inputs.
 10. The project is located in an existing TIF district.
- b) The Applicant will draw upon this list to develop a letter to the Town Manager to initiate a CEA project as outlined in Step 2 of the process.
- c) Narrative in the Preliminary Application must include:
1. How the project will attract, retain or expand the Town's economic base
 2. How the project will implement specific recommendations from the Town's strategic planning documents including the Comprehensive Plan
 3. How the project is consistent with the current Comprehensive Plan
 4. A projection of new or retained employees
 5. How the project will create at least \$2,000,000 in new taxable valuation
 6. How the project will provide infrastructure beyond the current project
 7. How the project will enhance streetscape and the pedestrian experience
 8. How the quality of development and overall aesthetics goes beyond minimum requirements
 9. How the project adheres to higher standards of building design, materials, and energy efficiency.
 10. How the project will enhance environmental protections resulting in a more sustainable community or will enhance/increase access to natural resources.
 11. How the project makes financial and economic sense for the Town
 12. An accounting of value created, tax revenues generated and percentage of reimbursement of tax revenues requested by year
 13. A brief description of what is extraordinary about the project.
- d) Narrative in the Final Application must include:
1. All information in the preliminary application
 2. Any additional Financial Analysis not provided in the preliminary application including a cost to serve analysis and a tax shift analysis.
 3. Revisions or additional information based on comments from the joint workshop
 4. A draft contract

B. Affordable Housing Projects

- a) For Housing CEA's, the applicant must meet the following State Requirements:
- 1) At least 33% of the housing units in the project must be for households earning no more than 120% of area median income.
 - 2) The affordability of rental units must be maintained for at least 30 years, and the affordability of homeownership units must be maintained for at least 10 years.
- b) Applications that need approval for a specific round of competition for funding at MaineHousing must submit at least 6 months before the deadline.
- c) In addition to these requirements by the State, the project will meet at least 4 of the following objectives:

- 1) The project will increase the supply of affordable housing units, including workforce housing, in the Town of Scarborough.
 - 2) The project will demonstrate consistency with the Town's Comprehensive Plan and other Policy documents.
 - 3) The project will leverage additional funding that is equal to or greater than the CEA request, including all types of equity and/or market financing.
 - 4) The project will target at least 25% of units to those with incomes meeting 40% to 60% of AMI.
 - 5) The project will demonstrate a long-term commitment to affordability.
 - 6) The project meets a specific housing goal of the Town Council.
 - 7) The project is located in an area with sufficient access to local services and job opportunities.
 - 8) The project provides a walkable environment for residents.
 - 9) The project is located in an established TIF District.
- d) The Applicant will draw upon this list to develop a letter to the Town Manager to initiate a CEA project as outlined in Step 2 of the process
- e) The Narrative in the Preliminary Application must include:
1. Documentation on which of the above objectives are met by the project
 2. How the project will affect the current housing supply in Scarborough
 3. An accounting of all units by type and affordability classification
 4. An explanation of how the affordable units will be held as affordable into the future
 5. A description of the applicant's experience, technical capacity, initiative and creativity in the development of affordable housing
 6. An accounting of what role the CEA plays in the overall financing of the project
 7. A description of how the project will implement specific recommendations from the Town's strategic planning documents other than the Comprehensive Plan, if relevant.
 8. How the project is consistent with the current Comprehensive Plan
 9. A description of your target market for the units.
 10. An accounting of value created, tax revenues generated and percentage of reimbursement of tax revenues requested by year
 11. Whether the project will provide infrastructure beyond the current project
 12. Whether the project will enhance streetscape and the pedestrian experience beyond the project
 13. How the project adheres to higher standards of building design and energy efficiency.
 14. How the project will embrace sustainable practices
 15. An explanation of how the CEA fulfills different point values in the MaineHousing application.
 16. A brief description of what is extraordinary about the project.
- f) Narrative in the Final Application must include:
- 1) All information in the preliminary application
 - 2) Any additional Financial Analysis not provided in the preliminary application including a cost to serve analysis and a tax shift analysis.
 - 3) Revisions or additional information based on comments from the Housing Alliance workshop
 - 4) A draft contract

Application Fee

All economic development applicants are required to:

At the time of final application submission to the Town Council, a retainer of \$2,500 will be made by the applicant to account for staff time, legal fees, consulting costs, and any other professional services required to process or consider the application. Any funds not used during that time may be returned. If the retainer is insufficient to cover all related costs, the applicant agrees to assume responsibility for all third-party costs as broadly outlined above.

APPENDIX A

ASSESSMENT CRITERIA for PROPOSED CEA's

Credit Enhancement Agreement Criteria to be Assessed			
Does the project:	Possible Score	Applicant Self-Score	Finance Committee Score
1. Attract, retain or expand businesses for the purpose of improving the Town's economic base Documentation of financial projections must be provided by the party making the request and will serve as the basis for the agreement	0-5		
2. Directly implement specific recommendations of the Town's strategic planning documents such as the Comprehensive Plan	0-5		
3. Present extraordinary development/redevelopment costs such as: - Remodeling/Rehabilitation/Demolition - Environmental Remediation - Capital purchases - Facility expansion - Public infrastructure	0-5		
4. Include new employment potential - Number of new employees - Skill and education levels required for the jobs - Range of salary and compensation rates for the jobs as compared with the median income level for the community	0-5		
5. Create incremental tax value equal to or greater than \$2 million, excluding personal property, for Economic Development CEA's	0-5		
6. Have infrastructure value beyond the current project	0-5		
7. Enhance the streetscape and pedestrian experience.	0-5		
8. Preserve or rehabilitate a locally significant historic structure.	0-5		

9. Have a quality of development and overall aesthetics (architectural, site design, landscaping, etc.) beyond that which is minimally required by the Zoning Ordinance.	0-5		
10. Adhere to higher standards of building design, materials, and energy efficiency such as meeting LEED certification, Energy Star, etc.	0-5		
11. Enhance environmental protections resulting in a more sustainable community and enhance/increase access to natural resources	0-5		
12. Makes financial/economic sense for the Town - positive Return-On-Investment	0-5		
13. Other criterial.	0-5		

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
 Councilor Cushing - Yea Councilor Donovan - Yea
 Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Order No. 25-011. Act on the request to approve the names posted to the various committees/boards, as recommended by the Appointments/Negotiations Committee at the January 22, 2025, Town Council meeting. [Appointments/Negotiations Committee] Motion by Councilor Donovan, seconded by Councilor Cushing, to move approval of the names posted to the various committees/boards, as recommended by the Appointments/Negotiations Committee at the January 22, 2025, Town Council meeting, as follows:

Board of Assessment Review:

Appoint Richard Silkman as a full voting member, with a term to expire 2027, Leroy Crockett as first alternate, with a term to expire 2025 and Jean-Marie Caterina as second alternate, with a term to expire 2027.

Coastal Waters and Harbor Advisory Committee:

Appoint Vincent Clough, Andrew Fortunato, and Alfred Morrow as full voting members, with a term to expire 2027.

Community Services Advisory Board:

Appoint Amanda Doherty and Ellen Coughlin-Quin as full voting members, with a term to expire 2027 and Brittaney Jackson as first alternate, with a term to expire 2027.

Conservation Commission:

Appoint Abel Plaud and Jessica Sargent as full voting members, with a term to expire 2027, appoint Bennett Flanders as a full voting member, with a term to expire 2026, appoint Kate Borduas as first alternate, with a term to expire 2026, and Crescencia Maurer as second alternate, with a term to expire 2027.

Long Range Planning Committee:

Appoint Portia Hirschman as a full voting member and business representative, with a term to expire 2027 and Jean-Marie Caterina as first alternate, with a term to expire 2027.

Parks and Conservation Land Board:

Appoint Noah Perlut and Stephen Zamierowski as full voting members, with a term to expire 2027.

Personnel Board of Appeals:

Appoint Peter Freilinger as a full voting member, with a term to expire 2027, appoint Penny Whitney-Asdourian as first alternate with a term to expire 2026 and appoint Brittaney Jackson as second alternate with a term to expire 2027.

Planning Board:

Appoint Jennifer Ladd as a full voting member with a term to expire 2027, appoint Bennett Flanders as first alternate, with a term to expire 2026, and appoint Tyler Davis a second alternate, with a term to expire 2027.

Transportation Committee:

Appoint Jennifer Ladd as full voting member, with a term to expire 2027, Craig Robinson as a full voting member and Chamber of Commerce member, with a term to expire 2027 and Stanis Moody-Roberts as first alternate, with a term to expire 2027.

Scarborough Housing Alliance Committee:

Appoint Eric Boucher, Leroy Crockett, and Jean-Marie Caterina as full voting members, with a term to expire 2027.

Shellfish Conservation Commission:

Appoint Liam Erickson as a full voting member, with a term to expire 2027, appoint Jason Quirk as a full voting member, with a term to expire 2026 and Julie Gondzar as first alternate, with a term to expire 2027.

Sustainability Committee:

Appoint Ronald Allen as a full voting member, with a term to expire 2027, appoint Lydia Jopp as a full voting member, with a term to expire 2025, appoint Patrice Kastenholz to first alternate, with a term to expire 2026 and appoint Dan Shapiro as second alternate, with a term to expire 2027.

Zoning Board of Appeals:

Appoint David Bourke and Peter Freilinger as full voting members, with a term to expire 2027, appoint Kyle Noonan as a full voting member, with a term to expire 2025, appoint Joseph Doherty as first alternate, with a term to expire 2026 and Michael Campbell as second alternate, with a term to expire 2027.

Roll Call Vote:	Councilor Doherty - Yea	Councilor Fellows - Yea
	Councilor Cushing - Yea	Councilor Donovan - Yea
	Councilor Anderson - Via Zoom - Yea	Council Chair Sither - Yea

Motion Passes.

NEW BUSINESS:

Order No. 25-012. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 311 – Schedule of License, Permit and Application Fees relating to Beach Passes. [Community Services Advisory Board] Councilor Chair Sither Trish Brigham, Chair of the Community Services Advisory Board, gave an overview this Order.

The following individual spoke on this Order:

- Penny Whitney-Asdourian of Friendship Lane, asked that her email be made part of the public record:

“My name is Penny Whitney-Asdourian and I live at 6 Friendship Lane in Scarborough. While I am writing to you as a resident and taxpayer, I bring with me the unique perspective of a person who has worked at the Scarborough beaches for the past two years.

Each of our beaches provide a safe parking area, restrooms, showers, benches, doggie poop bags and trash receptacles. Hurd Park (a/k/a Pine Point) also has a handicap-accessible ramp with benches that permit those with mobility challenges access to the beach. From Memorial Day weekend through Labor Day the beaches are staffed daily, excepting inclement weather, from 7:00 AM to 5:00 PM and beach attendants are told that if they want to start their shift early, they can start work at 5:30 AM or stay until 6:00 PM.

*The mission of Community Services is to enhance the quality of life for all **residents** by promoting a community centered environment through properly maintained public spaces and engaging recreation opportunities. I believe the beach program does just that. It offers our residents an affordable beach pass and offers our seniors a free beach pass.*

It is my understanding that the Community Services Advisory Board (CSAB) has made recommendations to change the parking fee at our beaches to a flat rate daily fee of \$20, regardless of the time you enter the parking lot. It is further my understanding that you will be considering an amendment to the beach fees at your February 5, 2025, meeting. Currently, as you know, the parking fee is \$5 from 5:30 AM to 9:00 AM, then increases to \$15 until 3:00 PM, at which time it reduces to \$5 until 6:00 PM. Then, there is the \$30 parking fee on the weekends in July and August, but which does not include any holidays. To be honest, that \$30 fee created a lot of negative comments and attitudes directed at our beach staff.

When the Town newsletter was published on social media, there was a fair amount of feedback to the CSAB proposal. Many people who identified themselves as Scarborough residents felt the increased fee wasn't high enough and lauded the Board for keeping the pass fees for residents affordable.

I have heard a fair amount of criticism from people who come to the beach in the early morning to walk, and most to walk their dogs. Scarborough is one of the very few, if not the only local town that permits dogs to be off-leash on the beach at any point during the beach season. From my experience, those who are paying the daily fee upon arrival (and please note that several purposely come before our beach attendants are scheduled to work and do not pay the parking fee to the kiosk), most are not residents of Scarborough. I tend to ask, “Where are you visiting with us from?” If they are from Scarborough, I provide information on how to get the parking pass, citing the low cost and added convenience.

It should also be noted that for those who are “early morning beach walkers”, two of the three beaches have on-street parking available during early hours. I am not aware of what time the parking fees at Higgins Beach for on-street parking starts, but there is plenty of on-street free parking within a block or two of the parking lot at Hurd Park. These are options that are available to those not wanting to pay the fee.

During the past year I have been attending most of the CSAB meetings. I have enjoyed learning how the decisions are made with regard to our Community Services programs, but was very surprised to learn that our beaches are not funded with tax dollars, but from beach revenue. This means that in order to maintain our beach services or make any

improvements, we need careful budgeting and the collection of sufficient revenue to ensure necessary repairs and future enhancements can be made. A \$5 beach fee at any time of the day simply will not meet that standard.

In closing, I want to urge the entire Council to approve the recommendations of the Community Services Advisory Board and adopt the requested changes to the beach ordinance.

I want to thank you for your time and consideration. If any of the council would like to discuss this matter with me, I would be happy to do so.”

Motion by Councilor Cushing, seconded by Councilor Donovan, to move approval of the first reading on the proposed amendments to Chapter 311 – Schedule of License, Permit and Application Fees relating to Beach Passes and scheduled a Town Council Workshop at 6:00 p.m. on February 19, 2025 followed by the public hearing at 7:00 p.m. and schedule the second reading for Wednesday, March 5, 2025, as follows:

Chapter 311 – 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):

<u>Chapter 1006 - Ferry Beach/Hurd Park Fees Season Passes</u>	<u>Fee</u>
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 <u>limited to 425 annually</u> - (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~~ <u>180.00</u>
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> , <u>must</u> 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 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)	FREE

DAILY PARKING RATES (WITHOUT PASS)	
Daily Parking <u>from 5:30 a.m. to 5:30 p.m.</u> : Ferry Beach, Higgins Beach And Hurd Park (amended 05/05/04) (amended 05/02/2012)(amended 12/20/17)	\$ <u>20.00</u> ~~15.00~~
~~Weekend Daily Parking: During the months of July and August (amended 05/03/2023)~~	~~\$30.00~~
~~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 <u>Bus</u> Fee - ~~(R.V.'s, Campers and Buses)~~ (amended 05/05/04)(amended 12/20/17)	\$ <u>50.00</u> ~~45.00~~

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
 Councilor Cushing - Yea Councilor Donovan - Yea
 Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Order No. 25-013. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 302 – Council Rules and Policies Manual, 202.3: Decorum. [Rules and Policies Committee] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Cushing, seconded by Councilor Fellows, to move approval of the first reading on the proposed amendments to Chapter 302 – Council Rules and Policies Manual, 202.3: Decorum and schedule a public hearing and second reading for Wednesday, February 19, 2025, as follows:

CHAPTER 302 SCARBOROUGH TOWN COUNCIL RULES & PROCEDURES

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 302 – Scarborough Town Council Rules and Procedures Manual, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

202.3: Decorum.

Persons present at Council meetings, including Elected Officials, are requested not to applaud or otherwise express approval or disapproval of any statements made or action taken at such meeting.

202.3.a: Persons addressing the Council shall direct their remarks exclusively to the Council Chair unless the Chair allows otherwise. Persons will strive to be accurate in their statements and avoid making ~~personal, rude or provocative remarks~~ comments that are obscene, threatening, or disruptive. All statements should respect the dignity and seriousness of the proceeding. Persons shall conduct themselves in a manner expected of all meeting participants. [amended 04/18/01; amended 04/01/15]

202.3.b.: It shall be at the discretion of the Council Chair to ask any persons violating the expectations outlined in 202.3.a. ~~making inappropriate statements, and/or conducting themselves in a disrespectful manner~~ to cease such action or risk being asked to be seated or removed. [adopted 10/21/09]

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
Councilor Cushing - Yea Councilor Donovan - Yea
Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Order No. 25-014. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 302A – Committees/Boards Manual. [Rules and Policies Committee] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Cushing, seconded by Councilor Fellows, to move approval of the first reading on the proposed amendments to Chapter 302A- Committees/Boards Manual, as follows:

**CHAPTER 302A – TOWN OF SCARBOROUGH
COMMITTEES/BOARDS MANUAL**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 302A – Scarborough Committees and Boards Manual, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

PARKS AND CONSERVATION LAND BOARD

[An Advisory Body to the Town Council]

[Adopted August 15, 2001, Amended March 20, 2002, Amended November 6, 2002]

....

Organization and/or Membership

The Board shall consist of ~~seven (7)~~ nine (9) members appointed by the Town Council for a term of three (3) years. The terms shall be staggered with three (3) members serving an initial one (1) year term, two (2) members serving a two (2) year term, ~~and~~ two (2) members serving a three (3) year term and two (2) alternates. The members of the Board shall elect a Chair and Vice-Chair. In the event of resignation or other incapacity of the Chair, the Vice-Chair shall act as Chair until a new Chair is selected. The Town Manager or his or her designee shall be an ad hoc member of the Board. A member of the Town Council shall serve as a Liaison to the Board. (Amended 3/20/02)

...

Procedures

The committee shall meet ~~at least quarterly~~ bimonthly (every two (2) months) and provide an annual report to the Town Manager and Town Council on its activities in addition to any recommendations presented throughout the year. The Chair shall call meetings as required and when requested to do so by a majority of the members of the Board, the Town Manager or the Town Council. The Chair shall preside at all the meetings of the Board. Permanent records of the minutes of the all Board meetings and all correspondence of the Board shall be maintained and filed by and in the office of the Town Clerk.

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
Councilor Cushing - Yea Councilor Donovan - Yea
Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Order No. 25-015. Act on the request to approve the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2025 to May 15, 2025. [Director of Public Works] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Cushing, seconded by Councilor Donovan, to move approval of the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2025 to May 15, 2025, as follows:

Town of Scarborough

POSTED ROADS 2025

The following roads will be posted until the posting is lifted by the Scarborough Public Works Department. Access to posted roads may be granted as weather permits. Road conditions are evaluated daily during this time.

To check on a road's status:
www.scarboroughmaine.org or call 207.730.4400.

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

Questions? Contact us at pwinfo@scarboroughmaine.org or call 207.730.4400.

Ash Swamp Road	A
Beaver Brook Road	A
Berry Road	A
Bridges Drive	A
Burnham Road	A
Cloverleaf Lane	A
Cumberland Way	A
Dresser Road	A
Fengler Road	A
Greenacres Lane	A
Hanson Road	A
Hearn Road	A
Holmes Road	40 Holmes Road to Saco Line
Jasper Street	A
Lobos Road	A
Longmeadow Road	A
Maple Avenue	A
Mitchell Hill Road	A
New Road	A
Old County Road	Black Point Road to Winnocks Neck
Pine Ledge Drive	A
Running Hill Road	A
Sawyer Road	A

Scarborough Downs Road	Route One to Gristmill Lane
Scottow Hill Road	A
Tapley Road	A
Two Rod Road	A
Waldron Drive	A
Windsor Pines Drive	A
Winnocks Neck Road	A
Woodfield Drive	A

Roll Call Vote: Councilor Doherty - Yea Councilor Fellows - Yea
 Councilor Cushing - Yea Councilor Donovan - Yea
 Councilor Anderson - Via Zoom - Yea Council Chair Sither - Yea

Motion Passes.

Item 11. Council Member Comments.

- Councilor Fellows commented on the adjustment to the agenda in moving the Council Liaison Reports to just after the Manager's Comments and he agreed. The Rules and Policies Committee will take this up at their next meeting.
- Councilor Cushing noted that he would be not in attendance at the next meeting.
- Councilor Anderson encourage everyone to stay healthy.

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

Meeting Adjourned at 8:55 p.m.

Respectfully submitted,

Yolande P. Justice
 Clerk to the Council.