

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 16, 2025
HYBRID REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Council Vice Chair Anderson called the regular meeting of the Scarborough Town Council to order at 7:04 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	Councilor Vice Chair Jonathan E. Anderson
Council Chair April V. Sither – Absent	

Item 4. General Public Comments.

- Stanis Moody Roberts of County Road, thanked Councilor Cushing for his service to the community. He went on to comment about the workshop that had been held prior to the regular meeting.

Item 5. Minutes: April 2, 2025 - Town Council Meeting. Motion by Councilor Fellows, seconded by Councilor Donovan, to move approval of the minutes from the April 2, 2025, regular Town Council meeting, as written.

Vote: 6 Yeas. Motion Passes.

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

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

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

- **Budget Preparation** -
 - Proposed Budget presented on March 26, 2025
 - First Reading on April 2, 2025
 - Public Hearing on April 16, 2025
 - Finance Committee reviews on April 14th & 15th
 - Budget Roundtables April 10th, 15th and 29th
- **Eastern Trail - Close The Gap** -
 - Bid Notice on March 23, 2025
 - Bid Opening/Award on April 17, 20205
- **Black Point Road Reconstruction Project** -
 - Bid Notice on March 28, 2025
 - Bid Opening/ Award on April 17, 2025
 - Substantial Completion targeted for June 13, 2025

- **Property Tax Relief/Reform Working Group** -
 - Coordinated through GPCOG
 - First Meeting April 10, 2025
 - Diverse membership - elected/appointed - large/small
- **SBAC2 Site Selection** -
 - 2 site options, informed by school solution decision
 - environmental review underway
 - Activity will ramp up this spring
- **Paving Schedule** -
 - 4 hold over projects/2025 new
- **Election Update** -
 - Listed the names for Board of Education and the Town Council members.
 - Candidates night May 13th at 6:00 p.m. – sponsored by the Scarborough Chamber.
- **Quarterly Financial Report - Norman Kildow, Finance Director.** Norman Kildow, Finance Director, gave an overview of the quarterly financials for the Town of Scarborough and responded to questions from the Council.

Order No. 25-033, 7:00 p.m. Public hearing on the proposed FY2026 Municipal/School Budget. [Town Manager/Superintendent of Schools] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Council Vice Chair Anderson opened the public hearing. The following individuals spoke on this Order:

- Chris Bachmeyer of Scarborough resident, spoke in support for more Pickleball Courts within the Town.
- Bryan Bozsik of Clover Leaf Lane, spoke in support for the for lights at Peterson Field for Little League.
- Stannis Moody Roberts of County Road, supported comments that were made by the previous speakers.
- Dennis Meehan of Jameco Mill Road, also spoke in support for lights at Peterson Field for Little League.
- Cindy Bonard of Scarborough, spoke in support for more Pickleball Courts.
- Bethany Mutter of Lancaster Lane, spoke in support for lights at Peterson Field for Little League.

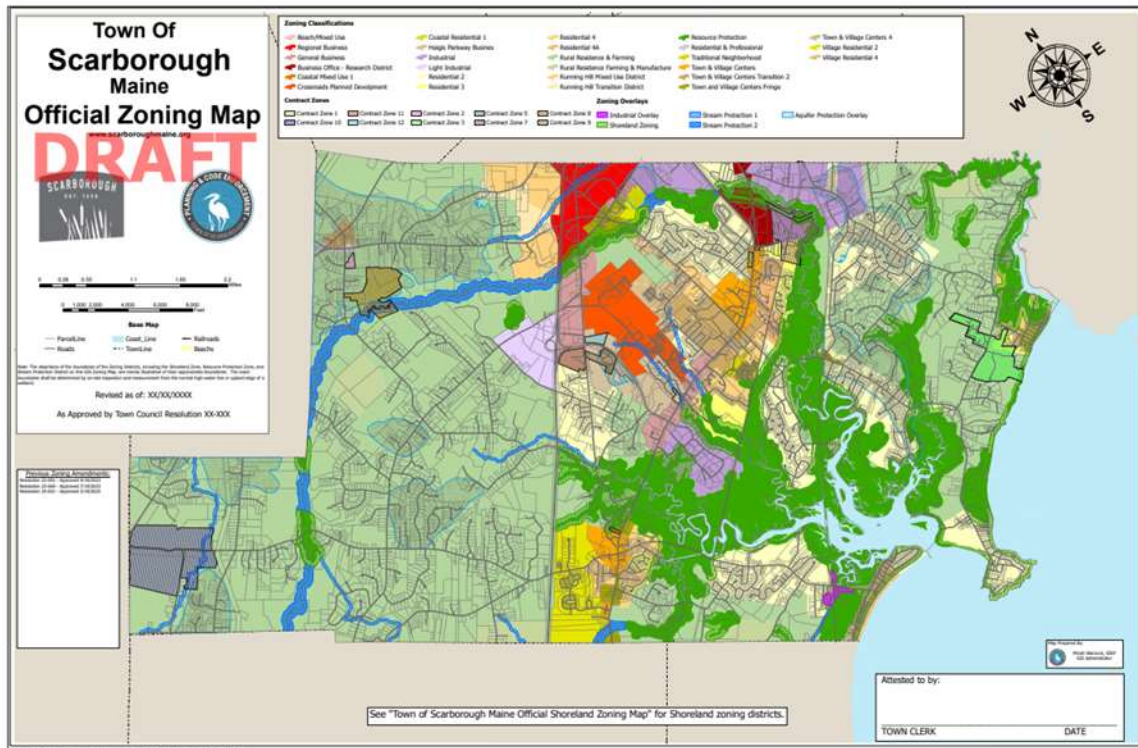
There being no further comments either for or against, the hearing was closed at 7:37 p.m. The second reading on this Order will be scheduled for Wednesday, May 7, 2025.

Order No. 25-035, 7:00 p.m. Public hearing and second reading, to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2) and amend the official zoning map of the Town of Scarborough. [Request from Applicant] Autumn Speer, Planning Director, gave a brief overview on this Order. Council Vice Chair Anderson opened the public hearing. The following individuals spoke on this Order:

- Joseph Christopher of Memory Lane and co-owner of 42 Two Rod Road, spoke in support of this Order.

There being no further comments either for or against, the hearing was closed at 7:40 p.m.

Motion by Councilor Cushing, seconded by Councilor Donovan, to move approval of the second reading to consider a zoning change request for a portion of R050002, being an approximately 2.15-acre parcel located at 42 Two Rod Road, currently zoned Rural Farming (RF) to Residential 2 (R2) and amend the official zoning map of the Town of Scarborough, as follows:



Vote: 5 Yeas. 1 Nay [Councilor Shupe] Motion Passes.

Order No. 25-036, 7:00 p.m. Public hearing and second reading, on the proposed amended Chapter 421, the Town of Scarborough Authorization of Outdoor Services Ordinance, amending the applicable time period for May 1, 2025 through November 15, 2025. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Council Vice Chair Anderson opened the public hearing. There being no comments either for or against, the hearing was closed at 7:42 p.m.

Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval of the second reading on the proposed amended Chapter 421, the Town of Scarborough Authorization of Outdoor Services Ordinance, amending the applicable time period for May 1, 2025 through November 15, 2025, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, approves Chapter 421, the Temporary Authorization of Outdoor Services Ordinance of the Town of Scarborough, Maine, as follows:

Chapter 421 – Town of Scarborough

Temporary Seasonal Authorization of Outdoor Services Ordinance

Section 1. Purpose: To implement this ordinance to allow businesses who wish to expand their current services to include outdoor services for the summer season beginning May 1, 2025, through November 15, 2025.

Section 2. Provisions: Notwithstanding any Town ordinance provisions to the contrary, the outdoor activity, display, sale of merchandise, and sale, service and consumption of food or drinks, including alcoholic beverages for restaurant and retail sales and services (together referred to as “outdoor services”) in certain temporary outdoor areas on private property is permitted subject to the following:

- 1) All properly licensed and/or permitted businesses at the time of enactment of this ordinance in the Town of Scarborough wishing to create or expand existing outdoor services shall first apply to the Town of Scarborough’s Planning Department and receive correspondence of approval from the Town;
- 2) In addition to the creation or expansion of outdoor services areas, temporary awnings, tents or other temporary structures may be permitted to protect the outdoor service areas from the elements;
- 3) All applications for outdoor services shall be submitted by entities properly licensed and/or permitted by the appropriate state and local agencies to perform the sales and services;

Approval for outdoor services under this temporary ordinance shall be granted through the Planning Department in coordination with the Administrative Review Team described below. To receive approval for outdoor services businesses must demonstrate how they shall:

- 1) Refrain from creating or increasing noise, such as playing or allowing amplified music, in violation of Chapter 616, the Good Neighbor Ordinance.
- 2) Not encroach on public right-of-ways.
- 3) Not interfere with handicap parking spaces.
- 4) Maintain adequate parking for patrons (the expansion or creation of outdoor services associated with approved uses may not exceed the approved capacity of the business unless additional parking is available.
- 5) Maintain safe pedestrian and vehicular access.
- 6) Maintain all access required under the Americans with Disabilities Act.
- 7) Not impede fire and emergency access nor not block fire lanes.
- 8) Provide physical barriers between the outdoor services areas and the parking field.
- 9) Demonstrate that any temporary structure complies with the rules and policies of the Town.
- 10) Outdoor service areas can only be used between the hours of 9am and 9pm Sunday to Thursday and 9am to 10pm Friday and Saturday.
- 11) Shall be in compliance with the provisions of the Maine Alcoholic Beverages and Lottery Operations - Division of Liquor Licensing and Enforcement and other federal, state and local laws or regulations. Additionally, any business legally serving alcoholic beverages in the outdoor services area shall clearly delineate, by use of physical markers and barricade, areas where alcoholic beverages are to be served and consumed, and such consumption shall not take place outside of the marked areas. Signage reading, “No Alcohol Beyond This Point” shall be posted at all exit points and as necessary.
- 12) Each business seeking approval for outdoor services under this Ordinance shall apply to the Planning Department.

13) All applications shall be approved or denied by an Administrative Review Team consisting of the Town Planner, or their designee, the Zoning Administrator, or their designee, the Police Chief, or their designee, and the Fire Chief, or their designee. Approvals require unanimous decision of the administrative review team. Appeals of any denials may be made in accordance with the provisions of Chapter 405, section V.B.1.

The application shall include the following:

- 1) A narrative and plan describing the nature of the use, including responses or illustrations demonstrating how the proposal meets the requirements stated above.
- 2) A plan, survey, or aerial of the lot on which the proposed outdoor services will be located with clearly marked limits and capacity of the proposed outdoor services area.
- 3) Details of the proposed barriers used to delineate the outdoor service area.
- 4) Details of any temporary awning, tents or other temporary structures proposed (depending on size and materials additional permits may be required).
- 5) If parking capacity is to be met utilizing off-site parking spaces the application shall include the proposed location, capacity and rights of use of such off-site parking spaces.
- 6) Any additional materials as deemed necessary by the Administrative Review Team to ensure compliance with the standards.

If after the establishment of the outdoor services area the Administrative Review Team determines that the activity is proposing unforeseen hazards and concerns for public health, welfare, and safety the Town may suspend or revoke any permits under this order. Suspended or revoked activities may resubmit an application following the procedures above for review and reconsideration.

Approved outdoor service areas are valid and allowed until the expiration of this Ordinance or any extensions, modifications or replacements thereto, unless revoked by the Town.

Section 3. Sunset Clause. This ordinance shall expire on the 15th day of November, 2025.

Vote: 6 Yeas. Motion Passes.

Order No. 25-039, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from Benjamin Sholl d/b/a The Maine Scoop Company, located at 161 Pine Point Road. [Town Clerk's Office] There was a brief overview on this Order. Council Vice Chair Anderson opened the public hearing. The following individual spoke on this Order:

- Ben Sholl, resident of Scarborough and applicant of this Order, spoke briefly as to what the public could expect in this coming season.

There being no further comments either for or against, the hearing was closed at 7:45 p.m.

Motion by Councilor Cushing, seconded by Councilor Donovan, to move approval of the new request for a Food Handlers License from Benjamin Sholl, d/b/a The Maine Scoop Company, located at 161 Pine Point Road.

Vote: 6 Yeas. Motion Passes.

OLD BUSINESS:

Order No. 25-037. Second reading, to approve the expenditure, in an amount not to exceed, \$260,000 from the Land Acquisition Reserve Fund for the purpose of purchasing property located at 49 Grant Road, identified by the Scarborough Tax Assessors Map R029/Lot 007, as

recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest. [Parks and Conservation Land Board] Jessica Sargent, Chair of the Parks and conservation Land Board, gave a brief overview on this Order.

Motion by Councilor Fellows, seconded by Councilor Donovan, to move approval of the second reading to approve the expenditure, in an amount not to exceed, \$260,000 from the Land Acquisition Reserve Fund for the purpose of purchasing property located at 49 Grant Road, identified by the Scarborough Tax Assessors Map R029/Lot 007, as recommended by the Parks and Conservation Land Board, and authorize the Town Manager, to execute any and all documents as are necessary to protect the Town's interest.

Vote: 6 Yeas. Motion Passes.

NEW BUSINESS:

Order No. 25-040. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 302 – The Town Council Rules & Policies Manual. [Rules & Policies Committee] Councilor Fellows gave a brief overview on this Order.

Motion by Councilor Fellows, seconded by Councilor Cushing, to move approval of the first reading on the proposed amendments to Chapter 302 – The Town Council Rules & Policies Manual and schedule a public hearing and second reading for Wednesday, May 7, 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 amendments to Chapter 302 - the Town of Scarborough Rules & Procedures, Section 107.0. Agendas, Section 118.0 Items for Meetings: Filed When and Section 203.2 under Council Standing Committees, are hereby amended, as follows (additions are underlined; deletions are struck through):

First Amendment – 104.0 Agendas.

107.0 Agendas.

The Council shall take up items, which appear on its agenda in the following order, unless a majority of those Councilors present and voting vote to take an item out of order.

1. Call to Order by the Chair.
2. Pledge of Allegiance.
3. Roll Call by the recording secretary.
4. General Public Comments.
5. Acceptance of minutes.
6. Adjustments to the Agenda. [adopted 10/21/09]
7. Items to be signed; i.e., treasurer's warrants.
8. Town Manager's Report [adopted 10/21/09; amended 10/07/20]
9. Standing and Special Committee Reports and Liaison Reports. [amended 10/21/09]
9. 10. Public Hearings.
10. 11. Proclamations, Resolutions and Resolves.

11. 12. Old Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings.
12. 13. New Business: Ordinances and orders.
13. 14. Non-Action Items. (amended 04/19/00)
- ~~14. Standing and Special Committee Reports and Liaison reports. [amended 10/21/09]~~
15. Council member comments.
16. Adjournment.
17. Executive sessions, which may be scheduled or held anywhere on the agenda.

Second Amendment – 118.0 Item for Meetings: Filed When.

118. 0: Item for Meetings: Filed When.

No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order, or resolve shall be filed in the office of the Town Clerk on or before Noon 2:00 p.m. in the afternoon on the ~~Tuesday~~ Wednesday prior to the regular meeting held on the following Wednesday and before Noon 2:00 p.m. in the afternoon of the business day next to the day of any other special meeting. If the agenda request requires a public hearing and action only at one meeting, the request must be filed with the Town Clerk on or before Noon, 13 days prior to the regular meeting in order to meet the legal notice requirements. [amended 12/01/04]

118.1: In the event that the Town Clerk's Office is not open on ~~Tuesday~~ Wednesday, then the deadline for filing will fall at Noon 2:00 p.m. on ~~Monday~~ Tuesday the day before the original filing deadline. Members of the public wishing to place an item on the agenda shall do so with the support of a Councillor. ~~Agenda items shall not be removed from the agenda after the agenda has been published.~~ [adopted 04/19/00; amended 12/01/04]

Vote: 6 Yeas. Motion Passes.

Order No. 25-041. Act on the request to accept the Open Space Master Plan, as presented to the Town Council on March 5, 2025. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order.

Motion by Councilor Donovan, seconded by Councilor Shupe, to move approval to accept the Open Space Master Plan, as presented to the Town Council on March 5, 2025.

Vote: 6 Yeas. Motion Passes.

Order No. 25-042. Act on the request from the Scarborough Land Trust (SLT) to authorize the Town Manager to sign a Letter of Support to the Land for Maine's Future to acquire and conserve Beech Ridge Preserve. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Donovan, seconded by Councilor Cushing, to move approval on the request from the Scarborough Land Trust (SLT) to authorize the Town Manager to sign a Letter of Support to the Land for Maine's Future to acquire and conserve Beech Ridge Preserve.

Vote: 6 Yeas. Motion Passes.

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

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

- Councilor Doherty commented on the Council's action for amending the Agenda.
- Councilor Cushing noted that the Communications Committee would be meeting tomorrow.
- Councilor Shupe stated that her committees have not met since the last Council meeting and reminded everyone that there is an Ordinance Committee meeting scheduled for next month.
- Vice Chair Anderson gave an update on the Finance Committee meetings that had been held over the past couple of weeks.
- Councilor Fellows gave an update on the Rules & Policies Committee; the LRPC and the Planning Board would be meeting next Tuesday.
- Councilor Donovan commented on the School Building Advisory Committee – Phase II and gave an update on the Housing Alliance Committee.

Item 11. Council Member Comments.

- Councilor Donovan commented on the communications for lights at Peterson Field and fields for more Pickleball Courts.
- Council Vice Chair Anderson thanked those who spoke on the budget.
- Councilor Fellows spoke on the budget process and was interested to hear how the final process plays out.

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

Vote: 6 Yeas. Motion Passes.

Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council