

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 3, 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 Liam Gallagher, Assistant Town Manager. Thomas J. Hall, Town Manager was also present. Those Councilors present:

Councilor Scott W. Doherty	Councilor William J. Donovan
Councilor Lawrence W. Cain	Councilor Cory R. Fellows
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson
Council Chair April V. Sither	

Item 4. General Public Comments. No comments at this time.

Item 5. Minutes: August 20, 2025 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the meeting minutes of August 20, 2025, as written.

Vote: 7 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 meeting.

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

- **Eastern Trail- Close The Gap**
 - Construction going as planned
 - Potential need to replace a drainage pipe
- **Scottow Hill Road Closure**
 - Complete failure of culverts
 - Regulatory Agency consultation - work cannot occur until November 2025
 - Repair Options being evaluated -
 - \$825K repair estimate
 - \$200K restoration estimate (grant opportunity)
 - Exploring feasibility of the permanent road closure- public outreach planned
 - Applying for NMRPC Grant which would cover the cost of restoration
- **Sawyer Street/Spurwink Marsh Update**
 - Public Meeting scheduled for September 24 @ 6:00 PM
 - Road Discontinuance action in October
- **MDOT Bridge Repair/Replacement Projects**
 - Pleasant Hill Road -Complete road closure from September 19 to the 22
 - Spurwink Bridge over Spurwink River- One-way Alternating traffic - September/October

- Mitchel Hill Road over Nonesuch River- 45 day road closure
- **Vulnerability Assessment- Neighborhood Meeting**
 - Higgins Beach- September 4, 6:00 PM @ HB Clubhouse
 - Pine Point - September 9, 6:00 PM @ Fire House (Engine 4)
- **Pine Point Update**
 - Water main replacement
 - Paving delayed until after construction - Fall 2026
- **LD 1829 Forum**
 - Scarborough hosted GPCOG Event on August 25
 - GPCOG to further solicit input from members
 - Consider regional response
 - Engage local Legislative Delegation
- **Tax Bill Update**
 - Tax Bills are expected to be mailed out by the end on this week
- **Nomination Papers**
 - Nomination papers were due by 5:00 p.m. and are subject to verification of signatures by the Clerk's Office. As soon as he knows the slate of candidates he would notify everyone.

The Manager responded to questions from the Council.

Item 9. Standing and Special Committee Reports and Liaison Reports.

- Councilor Anderson gave updates on the Transportation Committee; Finance Committee and he went on to speak on the incident that happened this past summer where residents felt that ICE had been involved and they were not.
- Councilor Fellows gave an update on the LRPC, Rules & Policies Committee meeting and spoke on the meeting relating to LD1829.
- Councilor Shupe gave an update on the Conservation Commission, the Parks and Conservation Land Board and the Pine Point Association meeting. Ordinance Committee meeting will be held next week.
- Councilor Cain gave an update on the School Projects Communications Committee and the Communications Committee.
- Council Chair Sither thanked Councilor Anderson for organizing the meeting with GPCOG on LD1829 and the discussion around it from the surrounding communities. She did a brief interview with WGME. A review of possible workshops for future meetings.

OLD BUSINESS:

Order No. 25-070. Second reading regarding the establishment of a Dunstan Omnibus Municipal Tax Increment Financing District. [Town Manager] Council Chair Sither introduced the Order and opened it up for public comments.

The following individuals spoke on this Order:

- Liam Somers of Holmes Road, spoke against the proposed TIF and asked that the Council vote "No."
- Denise Hamilton of Two Rod Road, asked the Town Council to vote "No" on this Order.
- Richard Hayes of Martin Avenue, also spoke against the proposed Dunstan TIF and asked the Town Council to vote "No."
- A.M.K. of Scarborough, spoke against the TIF being proposed. [Via Zoom]
- Clara Humbolt of High Point Road, spoke on the things that she loved about Scarborough and asked the Council to vote "No" to preserve Scarborough's natural beauty.

- Neal Gregoire of King Street, spoke on the proposed TIF and why it should not pass.
- Jim Pritchard of Maple Avenue, as the Council to vote "No" the TIF and add a 6 month moratorium on any development.
- Alex Christie of Cammock Road spoke on why she moved here and did not support the TIF.
- Jane Davies of Mitchell Hill Road, commented on the bridge on Mitchell Hill Road and went on to comment on how she felt the town has exploded with development and how the character of the town has completely changed.
- Tim Diomede of Ryefield Drive, voiced his concerns around what would happen if there was more development in the Dunstan area and did not support the proposed TIF.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the second reading regarding the establishment of a Dunstan Omnibus Municipal Tax Increment Financing District, as follow:

(Town Council Order)
TOWN OF SCARBOROUGH, MAINE
AN ORDER DESIGNATING THE DUNSTAN OMNIBUS MUNICIPAL TAX INCREMENT
FINANCING DISTRICT AND DEVELOPMENT PROGRAM

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the Town as the Dunstan Omnibus Municipal Tax Increment Financing District (the "District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, there is a need to provide continuing affordable housing for the residents of the Town and the surrounding region; to improve and broaden the tax base of the Town, and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town held a public hearing on August 20, 2025 on the question of establishing the District in accordance with the requirements of 30-A M.R.S. §5226, upon at least ten (10) days prior published notice in a newspaper of general circulation within the Town; and

WHEREAS, the Town desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development ("DECD"), approving the designation of the District and the adoption of the Development Program;

NOW THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF SCARBOROUGH, MAINE:

Section 1. The Town hereby finds and determines that:

- (a) At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S. §5223(3); and
- (b) The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town (including the District) does not exceed five percent (5%) of the total acreage of the Town; and

- (c) The aggregate original assessed value of the District plus the original assessed value of all other existing tax increment financing districts in the Town does not exceed five percent (5%) of the total value of taxable property within the Town as of April 1, 2025; and
- (d) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the Town and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including affordable housing, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the District and adopts the Development Program all as more particularly described in the Development Program presented to the Town Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S. §5227, the percentage of increased assessed value to be retained in the District as captured assessed value and the term for which it will be retained is hereby established as set forth in the Development Program.

Section 4. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S. §5226(2).

Section 5. The foregoing designation of the District and adoption of the Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by DECD, without requirement of any further action by the Town, the Town Council, or any other party.

Section 6. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions and corrections to the Development Program or to the scope, cost or description of the public improvements to be financed with tax increment revenues generated by the District as described in the Development Program, and to the exhibits to the Development Program, as the Town Manager deems reasonably necessary or convenient, necessary in order to facilitate the process for review and approval of the District or the Development Program by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The Town Manager, or his duly appointed representative, is hereby authorized and directed to enter into the specific credit enhancement agreements with the owners of the District property in substantially the form as presented to the Town Council and consistent with the terms of the credit enhancement agreements that are described in the Development Program.

Section 8. This Order shall take effect immediately upon adoption.

Approved September ____, 2025 by the Town Council, at a meeting duly convened and conducted in Scarborough, Maine.

Vote: 7 Nays. Motion Fails.

Council Chair Sither called for a brief recess at 8:13 p.m. The meeting reconvened at 8:23 p.m.

NEW BUSINESS:

Order No. 25-081. First reading to repeal Chapter 401 Town of Scarborough Ordinance Adopting the 2003 International Building Code; repeal Chapter 401-A Town of Scarborough International Residential Code; repeal Chapter 401-B Town of Scarborough International Mechanical Code; and adopt a new Chapter 401-C Building Code Ordinance and amend Chapter 405 Zoning Ordinance and refer to the Planning Board, Section IV.G Certificate of Occupancy and Section VII.B to amend administration titles and include reference to MUBEC. (Planning Director) Autumn Speer, Planning Director, gave a brief overview on this Order.

The following individual spoke on this Order:

- Denise Hamilton of Two Rod Road, noted that the Council went to break to quick and her comments were totally unrelated to this Order, but on behalf of Not So Fast Scarboro and the taxpayers for your unanimous vote against the Dunstan TIF

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading to repeal Chapter 401 Town of Scarborough Ordinance Adopting the 2003 International Building Code; repeal Chapter 401-A Town of Scarborough International Residential Code; repeal Chapter 401-B Town of Scarborough International Mechanical Code; and adopt a new Chapter 401-C Building Code Ordinance and amend Chapter 405 Zoning Ordinance and refer to the Planning Board, Section IV.G Certificate of Occupancy and Section VII.B to amend administration titles and include reference to MUBEC, as follows: The public hearing will be scheduled upon Planning Board Review:

AMENDMENTS TO THE TOWN OF SCARBOROUGH ORDINANCES APPLYING THE MAINE UNIFORM BUILDING & ENERGY CODE

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Ordinances are amended as follows:

- I. Chapter 401, TOWN OF SCARBOROUGH ORDINANCE ADOPTING THE 2003 INTERNATIONAL BUILDING CODE is repealed.**
- II. Chapter 401-A, TOWN OF SCARBOROUGH INTERNATIONAL RESIDENTIAL CODE is repealed.**
- III. Chapter 401-B, TOWN OF SCARBOROUGH INTERNATIONAL MECHANICAL CODE is repealed**
- IV. The following ordinance is adopted as shown below in underline:**

Chapter 401-C, BUILDING CODE ORDINANCE

Section 1. Maine Uniform Building and Energy Code.

- A. The Town of Scarborough adopts and enforces the provisions of the Maine Uniform Building and Energy Code (“MUBEC”), as required by 10 M.R.S. § 9724 and permitted by 30-A M.R.S. § 3003.**
- B. The Code Enforcement Officer shall serve as the building official as defined in 25 M.R.S. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time. The**

procedures for administration and enforcement of MUBEC, including permits, fees, violations, penalties, and appeals from decisions of the Code Enforcement Officer, shall be in accordance with the Schedule of License, Permit and Application Fees (Chapter 311) and the Zoning Ordinance (Chapter 405).

- V. **Chapter 405, ZONING ORDINANCE, is amended by adding the underscored language and deleting the language in strikeover type to Section IV.G(1)(a), as shown below:**

G. CERTIFICATE OF OCCUPANCY.

1. (a) It shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof which is created, erected, changed, converted, altered or enlarged, or to change, alter or enlarge the use of any land, building, or structure until a certificate of occupancy is issued therefore by the Code Enforcement Officer ~~Building Inspector~~ and endorsed to the effect that the proposed use of the land, building or structure conforms with the requirements of this Ordinance and with the Maine Uniform Building and Energy Code (MUBEC).

- VI. **Chapter 405, ZONING ORDINANCE, is amended by adding the underscored language and deleting the language in strikeover type to Section IV.G(2), as shown below:**

2. An applicant for a building permit shall also make application for a certificate of occupancy, which application must be received before a building permit may be issued. Upon completion of the work permitted by the building permit, the ~~Building Inspector~~ Code Enforcement Officer shall issue the certificate of occupancy upon finding that the building, structure or land and the use or occupancy thereof comply with ~~the provisions of~~ requirements of MUBEC and this Ordinance, with all provisions of any site plans or subdivision plans approved by the Planning Board and with any conditions imposed by the Planning Board or Board of Appeals. The certificate of occupancy shall contain a statement that the building or structure, if constructed in a designated Flood Hazard Area, complies with the requirements of Section IV, F of this Ordinance.

- VII. **Chapter 405, ZONING ORDINANCE, is amended by adding the underscored language and deleting the language in strikeover type to Section VII.B(4) as shown below:**

4. Separation between principal buildings located on the same lot shall be a minimum of 30 feet. This minimum separation requirement may be reduced by the Planning Board, but lesser separation must be in accordance with the provisions of ~~Chapters 6 and 7 of the International Buildings Code 2003~~ MUBEC governing Construction Types and Fire-Resistance-Rated Construction. Any separation of less than 30 feet between buildings needs to be accompanied by a note on the approved plan indicating the need for building construction and materials in accordance with the Fire Resistance Rating Requirements of the MUBEC ~~International Building Code 2003~~ cited above.

Vote: 7 Yeas. Motion Passes.

Order No. 25-082. First reading and schedule a second reading, to approve the expenditure, in an amount not to exceed, \$470,000 from the Land Acquisition Reserve Fund to assist the Scarborough Land Trust in purchasing 60 acres located at 244 Beech Ridge Road, identified by the Scarborough Tax Assessors Map R012/Lot 004, 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] Steve Zamaroski and Doug Williams, members of the Parks and Conservation Land Board, gave a brief overview on the process the Board uses to evaluate property and have updated the forms that we currently use to be in alignment with the Open Space Plan. They went on to present the application on 244 Beech Ridge Road.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading, to approve the expenditure, in an amount not to exceed, \$470,000 from the Land Acquisition Reserve Fund to assist the Scarborough Land Trust in purchasing 60 acres located at 244 Beech Ridge Road, identified by the Scarborough Tax Assessors Map R012/Lot 004, 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 and schedule a second reading for Wednesday, September 17, 2025.

Vote: 7 Yeas. Motion Passes.

Item 10. Non-Action Item. None at this time.

Item 11. Council Member Comments.

- Council Chair Sither noted that earlier in the meeting, the Council agreed to carve out a little time to discuss the feedback that the Communications Committee is looking for the on the survey and asked that the Council members start their Council comments related to that and if you don't have any to say that's perfectly fine.
- Councilor Shupe shared her thoughts on the Survey regarding the Animal Control Ordinance, adding that we need to be mindful about everyone's wants and needs and priorities in the town.
- Councilor Anderson noted what is the data point around this question we hope to learn from and then we can give it to the survey provider to craft the best question(s) to get to that answer.
- Liam Gallagher, Assistant Town Manager, added at this point the survey is largely complete. it is at a length that we are bordering on whether we really have a lot of capacity. The survey is not really great about being instructive on policy. There were some questions that were brought up around the applicability of this ordinance in places outside of town beaches. We could probably do a whole page trying to dig down on this and we really don't have that. So what would be the most important community feedback that would be statistically valid that would help serve our purposes moving forward for potentially a policy discussion?
- Councilor Cain wanted to be clear the question that he had quoted was not at all meant to be the suggested question and that you all to go yay or nay. It was to get his point that it was broader than one particular thing was a good way to get at the data point as Councilor Anderson was suggesting.
- Councilor Fellows noted that all comments made have been helpful. He felt the purpose of the question is to really try to ease out how much of an issue is there really, based on the survey responses and we don't want to be a solution in search of a problem. He felt that it's generally good in his mind to try to err on the side of not layering on more regulations unless there is really compelling evidence and really compelling reason for it.
- Council Chair Sither noted that we are all really close to this. There has been a lot of public comments, but this survey is going out to a statistically valid number of residents that are going to cross all kinds of different um spectrum. We need to make sure that we frame the question in a way that is going to feel relevant to people who were not sitting in chambers the day we had that big ordinance meeting is really important because otherwise I think we are going to miss the mark.

- Councilor Shupe noted that everyone keeps saying beaches and she wanted to look at Scarborough as a whole. She would like a question that applies across the town.
- Councilor Anderson suggested a few ideas and the question should reference town properties and domesticated animals. Councilor Shupe agreed.
- Councilor Chair Sither asked for further feedback. She went on to suggest that if Councilors had further comments to send them on to Councilor Cain or other members of the Communications Committee, so they can work on recommendation and still be able to get the survey to the publisher on time.
- Councilor Doherty made comments related to the topic, adding that's great to get some input and see if there is an issue or a problem. He personally has never had any issues.
- Councilor Cain stated for clarification, Do you want the Committee to have the intention of putting in a clarifying preface to this about what the existing ordinance states. He felt the need to make that concise.
- Councilor Anderson felt a more broad-based question on general experience with domesticated animals on town owned properties.
- Liam Gallagher, Assistant Town Manager, noted that sharing some comments to the Chair of the committee and then um perhaps he and I can go offline and workshop and then get reach out to the Council for some feedback. In response to the Council Chair, Mr. Gallagher noted the first survey did for just discussion and feedback; however, the Communications Committee handled the second survey.
- Councilor Fellows added that he wanted to make sure we don't lose sight of the fact that one of the other things that we talked about was having staff collect data over the course of the summer season focusing on the beaches. Those are other data points that we'll look forward to seeing that will factor into future discussions.
- Council Chair Sither asked if there were any other council comment unrelated to the survey? There was none. She went on to mention an experience she and her daughter had gone through. She found that public safety personnel and residents were very helpful and wanted to thank everyone for their assistances.
- Councilor Doherty stated that he was shocked to hear that Council Chair Sither would not be running for re-election. He went on to comment on how really good she is at what she does and how he may have disagreed with her at times, but you were very fair and always listen and I appreciate it.
- Councilor Anderson quipped that she was going to turn in her papers, but her car broke down.
- Council Chair Sither thanked Councilor Doherty for his comments.

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

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 8:54 p.m.

Respectfully submitted,

Yolande P. Justice

Clerk to the Council

[Not present at meeting, Transcribed by Video.]