

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 4, 2026
HYBRID REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Chairman Fellows called the regular meeting of the Scarborough Town Council to Order at 7:01 p.m. The Chair noted that with Councilor Anderson attending the meeting via zoom, all votes taken would be by roll call.

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 present. Those Councilors present:

Councilor Scott W. Doherty	Councilor Jonathan E. Anderson
Councilor Lawrence W. Cain - Vice Chair	Councilor William J. Donovan
Councilor Karin B. Shupe	Councilor Michelle T. Hayes
Chairman Cory R. Fellows	

Prior to Public Comments, Chairman Fellows asked participants to introduce themselves and limit their comments to three minutes. He further commented about the online speakers at the last meeting who made disruptive comments, he reiterated the Rules of Decorum from Chapter 302 of the Town Council Rules and Policies, which grants the Council Chair discretion to address violations.

Item 4. General Public Comments.

- Darlene Durant-Hardin of Milky Way, spoke of the Scottow Hill Road closure and expressed concerns about living off Beach Ridge Road, particularly the lack of water access for firefighters and difficulties caused by flooding on Route One that affects her ability to reach work. She mentioned the neighborhood's isolation, issues with increased traffic, and infrastructure challenges, including closed roads during storms. She went on to highlight the importance of safe access to Route One, especially with recent developments like FedEx on Holmes Road.
- Ron Grondin of Beech Ridge Road spoke on the Scottow Hill Road and mentioned specific culverts near their property, including ones adjacent to Payne Road and Beech Ridge Road, and emphasize the potential impact of traffic on this area. He advocated for resilience and durability in infrastructure planning and expressed hope in keeping Scottow Hill Road open.
- Tammy Mittman of Beech Ridge Road emphasized the importance of involving emergency management and the fire chief in planning discussions. She shared an anecdote about a bridge replacement that neglected to consider emergency access, highlighting that input from the fire chief could have improved safety and logistics.
- Katie Foley of Acorn Lane and Chair of the Dog Owners of Greater Scarborough Political Action Committee, expressed disappointment in having to revisit discussions on the animal control ordinance after 8-9 months of prior consensus. She highlighted that 73% of residents support the current ordinance, yet the Council is sharing incomplete data with the Maine Department of Inland Fisheries and Wildlife. She emphasized the need for trust and community cohesion, warning that ongoing disputes could lead to chaos and division in the town. She called for accurate data when engaging with federal.
- Suzanne Foley-Ferguson of Black Point Road, expressed her concerns regarding issues related to dogs on the beach, asserting that the presented data is unscientific and unsupported claims of noncompliance with beach management agreements. She criticize the town council's unprecedented actions in sending unsolicited data to a federal agency, highlighting the emotional connection people

have with their pets and the divisive nature of the issue. She advised the council to approach the topic honestly and scientifically, offering expertise in statistical biological methods for better data presentation.

- Emma James of Chamberlain Road shared her positive experiences of receiving support from fellow beachgoers after acquiring a dog. She invited others to join her for morning walks at the beach, emphasizing the community aspect shared among residents of Scarborough, South Portland, and Cape Elizabeth. She was frustrated over ongoing discussions regarding dog access to the beach, arguing for enforcement rather than restrictions and highlighted the familial bond with dogs and community connections. She hoped to achieve a consensus on this issue to avoid repetitive debates.
- Sue Hamill of Bay Street, emphasized the importance of hiring an independent owner's representative (OR) for the ongoing \$140 million school project. She advocated for fiscal responsibility, urging the Town Council and Board of Education to separate design and oversight to avoid conflicts of interest. She highlighted the complexity of the project, which included demolishing and rebuilding an elementary school while maintaining occupancy in other schools. She argues that an independent OR would safeguard public investment, manage costs, and ensure accountability.

The Following were via Zoom:

- Taylor-Anne Vaughn expressed her love for her community but highlighted concerns about the state of local roads and the need for increased funding to address recurring crash sites. She referenced a recent study and suggested that community funds could be better utilized. She also mentioned Operation Catch the Day by the Department of Homeland Security, which has arrested immigrants in Maine, and proposed that the community could help provide a safer environment for ICE operations. She believed this would lead to safer streets and the necessary funds for road improvements, advocating for a collaborative approach to support the efforts of law enforcement while ensuring community safety.
- Two other speakers via Zoom did not meet the criteria of the Rules of Decorum from Chapter 302 and were informed they were no longer able to speak.

Item 5. Minutes: January 21, 2026 - Town Council Meeting. Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval of the minutes from the January 21, 2026 - Town Council Meeting, as written.

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
Chairman Cory R. Fellows – Yea

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

- **Scottow Hill Road Closure** -
 - Town Council workshop - February 4, 2026
 - Council Corner Live - February 12, 2026
 - FY 27 Budget Implications

- Regardless of decision, road will be closed until late Fall 2026
- **Legislative Matters** -
 - LD 2173 (LD 1829 “fix it”)-
 - Staff recommendations for changes
 - Involvement in public hearings- testimony to be offered
 - LD 1093 - State Park naming- Scarborough Beach
 - “Ought Not To Pass” recommendation for Committee
 - Working Group to be assembled
- **Assessor Recruitment** -
 - Recruitment concluded
 - Candidate recommended for appointment on February 18, 2026
- **Communication from IF&W** -
 - Recommendations on Animal Control Ordinance forthcoming
- **Saco Pathfinders** -
 - Met with Club President
 - Had erroneous information on trails in Scarborough
 - Will be recommending reversal of decision
- **Peterson Field Lighting Project** -
 - Preparation for construction in early February
 - Poles to arrive in March
 - Communications with abutters and interested parties
- **Project GRACE Fuel Rally** -
 - February 7, 2026 from 10-Noon at Scarborough Public Library
- **Sawyer Street Matter** -
 - Imposing a weight limit
- **Software we use for agenda**
 - The format will be a little different
 - Will go live on Friday, February 6th
 - Ordinance and Finance would be the first two meetings held in this new format
- **Tax Bills** -
 - Second Half bills to be mailed second week of February
 - Information insert included

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

- Councilor Hayes noted that she would reaching out to the Rules and Policy Committee members, to set up their first meeting to discuss several items. She commented on the first Conversation with Councilors that had been held last night at Pleasant Hill School. She as well as Councilors Doherty and Donovan felt the discussions were productive There will be six upcoming meetings scheduled throughout town, including a Saturday session at the Public Safety Building, aimed at accommodating more attendees. Feedback from past meetings has led us to adjust times and days to encourage greater participation.

- Councilor Anderson noted that upcoming discussions include a meeting with the Councilors this Thursday at the Community Services Hub from 6 to 7:30 PM, followed by a virtual-only meeting on Monday from 5:00 to 6:30 p.m. and next Tuesday, at Blue Point School from 6:30 to 8:00 p.m. and on the 12th, we will host the Councilor Corner Live regarding Scottow Hill Road from 6:30 to 8:00 p.m. providing numerous opportunities for engagement.
- Councilor Donovan noted that at the last Housing Alliance Committee there had been discussion around LD1829 and supported the Town Council's objections. The Committee reviewed the advancement of the Burnham Apartments' 24 units to the Planning Board, addressing workforce housing needs. The Committee would be preparing a Request for Qualifications (RFQ) to hire a consultant for a housing assessment in Scarborough, focused on low-income and workforce housing issues.
- Councilor Shupe noted the Ordinance Committee would be meeting Wednesday, February 11th at 5:00 p.m. Items on the agenda would be the first draft of the Short-Term Rental Ordinance, updates to the Traffic Ordinance from the Traffic Safety Group and discussions on tweaks to the cannabis ordinance as previously addressed in the goal-setting session.
- Councilor Cain noted that at the last Finance meeting there was discussion on the School Impact Fee proposal and will be on the February 18th Town Council Agenda. The collaboration among staff relating to the reduction in municipal fees, demonstrated effective communication with the business community. The school project's next meeting is on February 10th, focused on organizational structure and timely decision-making for project advancement.
- Councilor Doherty noted that during the Conversations with Councilor meeting at Pleasant Hill, many attendees expressed positive views on LD1829, though some aspects are concerning for Scarborough. Overall, there seems to be support for accessory dwelling units (ADUs) and a desire to ease regulations related to them.
- Chairman Fellows noted the Long Range Planning Committee would be Friday, February 6th at 8:00 a.m. He had received an invitation to the Kiwanis Club to attend their meeting on Friday, the 13th.
- Councilor Donovan noted that one of the nominee's to the Conservation Commission had withdrawn her application and the Town Manager would provide further details, when that items comes up on the agenda.

Order No. 26-006, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1019, Manufactured Housing Community Ordinance with regards to LD949. [Town Clerk's Office] A brief overview was given on this Order. Chairman Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:48 p.m.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 1019, Manufactured Housing Community Ordinance with regards to LD949, as follows:

**CHAPTER 1019
TOWN OF SCARBOROUGH
MANUFACTURED HOUSING COMMUNITY LICENSING ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following proposed amendments to Chapter 1019 - the Town of Scarborough Manufactured Housing Community Licensing Ordinance and reflects only that portion of the Ordinance

that will be changed. Chapter 1019 hereby is amended, as follows (additions are underlined; deletions are struck through):

SECTION 2. Manufactured Housing Community License

- (1) It shall be unlawful for any person to establish, maintain or operate within the corporate limits of the Town of Scarborough any manufactured housing community, unless such person shall first obtain a license therefor as hereinafter provided.
- (2) Manufactured housing community licenses shall be issued by the Town Clerk only after approval of such license by vote of the Town Council.
- (3) Any person desiring to establish and operate a manufactured housing community shall file with the Town Clerk a written application for a license. Such license ~~application shall be accompanied by the required license fee and~~ shall state the name and address of the owner or lessee, the location of the manufactured housing community, the maximum number of manufactured housing units the park will accommodate and the name of the person who will be in charge and directly responsible for the operation and maintenance of the manufactured housing community.
- (4) After such investigations have been made as the Town Council may deem advisable, the Town Council shall approve or disapprove the license application, and if said application is approved by the Town Council the Town Clerk shall thereupon issue said license. License shall not be transferable from person to person or place to place.
 - A. Prior to license renewal, the Town Council shall confirm with the Tax Assessor that the applicant has furnished to the Tax Assessing Department a complete plan of the Community together with the names and location of all homeowners in the Community as of April 1st of the same year. The applicant shall also furnish the make, size and year of manufacture of all manufactured homes in the community. Failure to file the above information shall allow the Town Clerk to revoke the licensee's license.
- ~~(5) Each application for such license shall be accompanied by a license fee as specified in the Schedule of License, Permit and Application Fees established by the Town Council. Each such license shall expire at the end of the calendar year in which it is issued, but in event a license is issued more than six months after the beginning of any calendar year, the fee to be paid shall be reduced one half. Before any manufactured housing community license shall be renewed the premises shall be subjected to the same inspection as provided herein for the original application.~~
- (6) Such license shall be conspicuously posted on the premises of the manufactured housing community at all times.

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
 Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
 Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
 Chairman Cory R. Fellows - Yea

Motion Passes.

Order No. 26-007, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1015.A Mobile Food Vendor Ordinance. [Town Clerk's Office]] A brief overview was given on this Order. Chairman Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:52 p.m.

Motion by Councilor Donovan, seconded by Councilor Cain, to move approval of the second reading on the proposed amendments to Chapter 1015.A Mobile Food Vendor Ordinance. as follows:

**CHAPTER 1015.A
TOWN OF SCARBOROUGH
MOBILE FOOD VENDOR ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following proposed amendments to Chapter 1015.A - the Town of Scarborough Mobile Food Vendor Ordinance and reflects only that portion of the Ordinance that will be changed, Chapter 1015.A, hereby is amended, as follows (additions are underlined; deletions are struck through):

B. Permitted Mobile Food Vendor Locations

Approved Mobile Food Vendor Court. Mobile food vendors may operate at approved Mobile Food Vendor Courts with permission of the property owner.

One-time Events. Mobile food vendors may operate on private property for a private one-time event provided the unit ~~is not operational for more than thirty-six (36) hours.~~ has All other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).

Private Catered Events. Mobile food vendors may operate at a private catered event. A private catered event is an event that sells food and beverages coinciding with an event and only to the attendees of the event. Private catered events are not open to the general public and advertising to the public is prohibited.

Town Sponsored Events. Mobile food vendors may operate at Town sponsored events. Site locations shall be approved by Public Safety Departments.

D. Application Process

Every mobile food vendor shall obtain a license issued by the Town Clerk to conduct business in the Town. Each mobile food vendor unit requires a separate license.

A complete and signed application shall require the following information from the applicant to be considered:

1. Name of applicant, as well as physical street address, mailing address, telephone number(s), and e-mail address.
2. Legal name of business or entity.
3. Proof of a State of Maine health and Servsafe certificates at the time of application
4. Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
5. Phone number for the private property owner on which the mobile food vendor unit will be placed.
6. Name, phone number and driver's license number of business owner and all employees or other persons authorized to operate the mobile food vendor.
7. Valid and current vehicle/trailer registration of mobile food unit.
8. Description of product being sold and menu.
9. The name(s) and applicable pad site location(s) of the approved mobile food vendor court at which the mobile food vendor will be located, and/or the permitted location at which the mobile food vendor will be located.

10. Identification of where the food prep operations will occur. If a commissary kitchen is located in the Town of Scarborough, it will be inspected as well.

E. Public Hearing Required

The Town Council shall hold a public hearing on all new seasonal applications for mobile food vendor licenses. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the hearing, at the expense of the applicant.

F. Approval Authority

Upon submission to the Town and prior to any public hearing, an application shall receive a recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Tax Collector, for the Town Council's consideration.

An initial application for a license to operate as a mobile food vendor within Scarborough shall be approved by the Town Council following a public hearing as described in Section E of this ordinance upon a determination that the application complies with the provisions of this ordinance. The Town Clerk, or their designee, may approve seasonal renewal licenses, 1 day or 2-7 consecutive day licenses, but may refer licenses to the Town Council.

J. License Requirements. Any applicant for a license under this ordinance must demonstrate each of the following:

1. General Standards

- a. A license shall only be granted if the applicant demonstrates compliance with all applicable Federal, State and local requirements, the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, and that the applicant is not delinquent in the payment of any personal taxes or fees owed to the Town of Scarborough.
- b. An applicant must additionally and specifically demonstrate that the applicant:
 - i. Meets all State of Maine Health Department regulations;
 - ii. Holds a State of Maine Eating Place Mobile License;
 - iii. Servsafe Certificate
 - iv. Complies with the State of Maine rules relating to eating and lodging places, as periodically amended; and
 - v. Shall not sell anything other than food, beverages and associated related and incidental goods.

2. Equipment Standards

- a. Use of petroleum fuel powered generators is prohibited on mobile food vendor courts
- b. Mobile food vendors shall be attended at all times during operating hours.
- c. The allowable dimensions of a mobile food vendor (including all attachments, except hinged canopies that open to reveal food serving areas) shall be no more than 30 feet long, 13 feet tall, and nine feet wide.
- d. Mobile food vendors shall have a gray water holding tank.
- e. Mobile food vendor operators shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- f. Mobile food vendor operators shall ensure there is an adequate and safe source of electrical power.

- g. Mobile food vendor operators shall ensure all storage of food supplies and other business material is within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- h. The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.

3. Inspections Required

- a. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including but not limited to applicable fire and electrical codes and any other safety requirements imposed by the Town.
- b. If the cooking procedures involve producing grease laden vapors, a hood suppression system with a class k fire extinguisher must be in place in the food truck with current inspection tags attached.
- c. Mobile food vendors conducting cooking operations shall obtain an annual fire inspection from the Fire Department prior to operating its business.
- d. Open flame cooking, either within or outside a food vendor, is prohibited, except where such activity is specifically permitted by the Fire Department.
- e. The mobile food vendor will be subject to inspection upon submission of the license application through the Code Enforcement Department and the Fire Department, and may be subject to random inspection and upon reissuance of the permit. The inspection must be completed by April 15th.
- f. Inspections can be waived by the Code Enforcement Department or the Fire Department, if the applicant provides documentation of a passed inspection from another acceptable municipality.

K. License Fee Required

The ~~initial fee and renewal fees~~ payable for a mobile food vendor license shall be as specified in Chapter 311, the *Schedule of License, Permit and Application Fees* established by the Town Council.

L. Operating Without a License

If it is determined by Town staff that a Mobile Food Vendor is operating with a Town of Scarborough Mobile Food Vendor License, operation must cease immediately or the following steps can be taken:

- a. Complete requirements in Section J; and
- b. Pay license and after the fact fee outlined in Chapter 311 – Schedule of Fees.

Roll Call Vote: Councilor Scott W. Doherty -Yea Councilor Jonathan E. Anderson - Yea
 Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
 Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
 Chairman Cory R. Fellows - Yea

Motion Passes.

Order No. 26-008, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1002, Shellfish Conservation Ordinance. [Marine Resource Officer] A brief overview was given on this Order. Chairman Fellows opened the public hearing. The following individual spoke on this Order:

- David Lancaster of Black Point Road and a commercial clammer, voiced his support on the recommended increase to the commercial shellfish licenses.

As there were no further comments either for or against, the hearing was closed at 7:55 p.m.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 1002, 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 proposed amendments to Chapter 1002 - the Town of Scarborough Shellfish Conservation Ordinance and reflects only that portion of the Ordinance that will be changed. Chapter 1002, hereby is amended, as follows (additions are underlined; deletions are struck through):

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:

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 ~~per day~~ at each tide. [Amended 02/18/98; 01/20/99]

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 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 01/17/2024; Amended 02/05/2025]

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 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 01/17/2024; Amended 02/05/2025]

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]

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 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. An additional .5 hours for each hour of survey conducted. [Amended 01/07/2024; 02/05/2025]

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 Commission, 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 Commission 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 Commission 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, as well as the town's social media sites or online posting, 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.

L. Penalty:

Any person who violates any provision of this ordinance will be held accountable ~~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) and (10-A). 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]

P. Method of ~~Harvest~~ of Taking Soft Shell Clams.

~~Pursuant to Title 12 Section 6623, it shall be unlawful to fish for or take soft shell clams. 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 Scott W. Doherty -Yea Councilor Jonathan E. Anderson - Yea
Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
Chairman Cory R. Fellows – Yea

Motion Passes.

Order No. 26-009, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 311, Schedule of License, Permit and Application Fees. [Town Staff] A brief overview was given on this Order. Chairman Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:58 p.m.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 311, Schedule of License, Permit and Application Fees, as follows:

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following proposed amendments to Chapter 311- the Town of Scarborough Schedule of License, Permit and Application Fees and reflects only that portion of the Ordinance that will be changed. Chapter 311, hereby is amended, as follows (additions are underlined; deletions are struck through):

Recommendations from the Planning Director

<u>Chapter 405 – Zoning</u>	<u>Fee</u>
Requests for Zoning Amendments (Not from Planning Board or Town Council)	\$250.00
Contract Zoning – Non-Refundable Application Fee (Adopted 11/20/2002)(Amended 05/05/2004)	\$500.00
Zoning Determination Letter (Adopted 05/07/2014)	~~\$35.00~~ <u>50.00</u>
~~Planning Administrative Review Fee (Adopted 05/07/2014)~~	~~\$75.00~~
Review Fee for Private Way Registration (Amended 06/02/2004; 06/02/2021)	\$300.00
Paper Copy of the Official Zoning Map and/or the Official Shoreland Zoning Map (Amended 05/03/2023)	\$30.00 each
Plus Fee for inspections conducted by Town Staff, per hour (Section 7) (Adopted 06/02/2021)	\$75.00
One (1) Dwelling Unit Credit (<i>as per Section VIID(E)1, Development Transfer Provisions</i>) (July 18, 2007)(Amended 10/16/2019)	\$50,000.00
Affordable Housing In-Lieu Fee Per Dwelling Unit [Adopted 11/06/2013][Amended 10/16/19]	\$50,000.00
Utility-Scale Solar Energy System (Adopted 10/20/2021)	\$500.00
Electronic Vehicle Charging Station (EVCS) In-Lieu Fee Per Required Parking Space: [Adopted 05/03/2023]	

Level 3 EVCS	\$15,000.00
Level 2 EVCS	\$8,000.00
EVCS-Ready	\$3,000.00
EVCS-Capable	\$1,000.00
CODE ENFORCEMENT -	
Building Permit Fees [a minimum of] (Amended 05/06/2009)	\$50.00
Per Unit fee for each new dwelling unit created (Adopted 06/02/2021)	\$50.00
Residential / Commercial Unfinished, per square foot (Amended 05/05/04) (Amended 05/03/2006; 06/02/2021)	\$0.25
Residential / Commercial Finished, per square foot (Amended 05/05/04) (Amended 05/03/2006; 06/02/2021)	\$0.50
Renovations/Remodels/Alterations/Minor Additions, Residential/Commercial (Adopted 05/07/2014; Amended 06/02/2021)	\$12.50 per \$1,000 of est. cost of construction
Sheds less than 250 SF(Adopted 05/07/2014)	\$50.00
Permit After-The-Fact Double the Permit Fee	
Demolition Permit Fees (Amended 05/05/2004) (Amended 05/06/2009; 05/02/2012)	\$50.00
Zoning Board Of Appeals - Per Appeal (Amended 05/05/2004)	\$250.00
Certificate of Occupancy/Change of Use Fee [no charge if in conjunction with other active permits) (Adopted 05/06/2009) (Amended 05/07/2014)	\$50.00
Sign Permit Fees – Each [Adopted 05/03/2023]	~~\$35.00~~ 50.00
Temporary Storage Containers - Per Application (10/01/1997) (Amended 05/05/2004; 05/03/2023)	\$50.00
Heating Appliance Permit (Adopted 05/07/2014) (Amended 05/03/2023)	\$50.00
Utility-Scale Solar Energy System Installations: (Adopted 10/21/2021) 1 – 10 Panels	\$45.00
11 – 50 Panels	\$100.00
51 – 100 Panels	\$200.00
≥100 Panels	\$500.00
The fees for electrical permits, plumbing permits and building permits shall include one inspection of the work covered by each permit. Typically permits include the following inspections: A) Foundation; B) Bed bottom for leach fields; C) Leach bed; D) Electrical; E) Plumbing; F) Framing; and, G) Insulation and H) Certificate of Occupancy. For each re-inspection thereafter, per-permit, a fee of \$50 shall be charged. If a re-inspection is required because the permit holder called for an inspection before the work was ready for inspection, such re-inspection shall not occur for at least two (2) weeks, unless the permit holder pays a surcharge of \$200 in addition to the \$50 re-inspection fee. For after the fact Certification of Occupancy/Change of Use Permits and Inspections, the fee is doubled (Amended 10/06/2004; 05/07/2014; 05/03/2023)	

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

Chapter 405B - Site Plan Review	Fee
<u>Planning Administrative Renew Fee (Adopted 05/07/2014)</u>	<u>\$75.00</u>
<u>Site Plan Minor Amendment Review Fee</u>	<u>\$250.00</u>
Site Plan Application Fee (plus fee per Square Feet)(Adopted 05/07/2014)	\$500.00
Site Plan Amendment Fee (plus fee per Square Feet)(Adopted 05/07/2014)	\$250.00

Under 1,000 Square Feet (Amended 05/07/2014)	\$0.00
1,000 to 2,000 Square Feet (Amended 05/07/2014)	\$250.00
>2,000 to 5,000 Square Feet (Amended 05/07/2014)	\$500.00
>5,000 to 10,000 Square Feet (Amended 05/07/2014)	\$1,000.00
>10,000 Square feet and over, plus \$25.00 per 1,000 above 10,000 square feet (Amended 05/07/2014)	\$1,000.00
Inspection fee for inspections conducted by Town Staff, per hour (Section 11) (Adopted 06/02/2021) (Amended 05/03/2023)	\$100.00

Recommendations from the Shellfish Commission and the MRO

<u>Chapter 1002 – Shellfish Ordinance, Fees</u>	<u>Fee</u>
Resident Commercial	~~\$200.00~~ <u>\$300.00 for 2026</u> <u>\$400.00 for 2027</u>
Non-resident Non-reciprocating Commercial	~~\$400.00~~ <u>\$600.00 for 2026</u> <u>\$800.00 for 2027</u>
Resident Student Commercial	~~\$100.00~~ <u>\$150.00 for 2026</u> <u>\$200.00 for 2027</u>
Non-resident Student Commercial	~~\$200.00~~ <u>\$300.00 for 2026</u> <u>\$400.00 for 2027</u>
Over - 60 ~~Years~~ Resident Commercial (Bushel)	~~\$100.00~~ <u>\$150.00 for 2026</u> <u>\$200.00 for 2027</u>
Resident Recreational <u>(200 licenses available)</u> ~~(Over 65 Free)~~	~~\$200.00~~ <u>\$300.00 for 2026</u> <u>\$400.00 for 2027</u>
Non-Resident Recreational 20 ~~Available~~ ~~—(Over 65 Free—14 Available)~~ (Adopted 12/17/2003)	~~\$400.00~~ <u>\$600.00 for 2026</u> <u>\$800.00 for 2027</u>
<u>Over 65 Resident Recreational (140 licenses available)</u>	<u>\$10.00</u>
<u>Over 65 Non-resident Recreational (14 licenses available)</u>	<u>\$15.00</u>
Resident Recreational Day Pass (Amended 04/06/05; 01/17/2024)	\$10.00
Non-Resident Recreational Day Pass (Adopted 01/17/2024)	\$20.00
Non-Resident Recreational 3 Day pass (Adopted 02/05/2025)	\$45.00

Recommendations from the Town Clerk

<u>Chapter 1015A – Mobile Food Vendor License (Adopted 01/08/2025)</u>	
~~Mobile Food Vendor License (Required for each Unit.)~~	~~\$250.00~~
<u>Class 1: Annual (New)</u>	<u>\$250.00</u>
<u>Class 1: Annual (Renewal)</u>	<u>\$150.00</u>
<u>Class 2: 2-7 consecutive days</u>	<u>\$100.00</u>
<u>Class 3: 1 day</u>	<u>\$50.00</u>
<u>After The Fact (in addition to the license fee)</u>	<u>½ license cost</u>

<u>Chapter 1015 -Food Handlers Registration Fee</u> <u>(Adopted 05/03/06)(Amended 05/21/08; 05/05/2010; 04/02/2025)</u>	
Class 1: Beer, Wine and Spirits (Adopted 04/02/2025)	\$600.00
Class 2: Beer and/or Wine (Adopted 04/02/2025)	\$500.00
Class 3: No Liquor (Adopted 04/02/2025)	\$400.00
Class 4: Catering (Adopted 04/02/2025)	\$300.00
~~Class 5: Temporary (Adopted 04/02/2025)~~	~~\$50.00~~
~~Class 5: In-home~~	~~\$150.00~~
~~Class 6: Temporary (including Farmers Market)~~	~~\$50.00~~

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

<u>Miscellaneous Fees [Adopted 05/03/2005] (Amended 02/15/2006; 04/03/2024)</u>	<u>Fee</u>
Application Fee for all <u>new</u> Town Clerk Licenses (Adopted 04/02/2025)	\$50.00
Marriage Ceremonies Performed (Amended 02/15/2006; 04/02/2025)	\$100.00

Roll Call Vote: Councilor Scott W. Doherty -Nay Councilor Jonathan E. Anderson - Yea
 Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
 Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
 Chairman Cory R. Fellows - Yea

Motion Passes.

Order No. 26-012, 7:00 p.m. Public hearing and action on the new request for a Liquor License from Chananyu Phijarnwanit d/b/a Taste ME, located at 680 US Route One. [Town Clerk's Office] A brief overview was given on this Order. Chairman Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:01 p.m.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval on the new request for a Liquor License from Chananyu Phijarnwanit d/b/a Taste ME, located at 680 US Route One.

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
 Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
 Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
 Chairman Cory R. Fellows - Yea

Motion Passes.

OLD BUSINESS:

Order No. 26-013. Act on the request to approve the names posted to the various committees/boards, as recommended by the Appointments/Negotiations Committee at the January 21, 2026, Town Council meeting. [Appointments/Negotiations Committee] A brief overview was given on the Order. The Town Manager noted that Caitlin Barry had to withdraw from the Conservation Commission.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval on the names posted to the various committees/boards, as recommended by the Appointments/Negotiations Committee at the January 21, 2026, Town Council meeting.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval on the request to remove Caitlin Barry from the Conservation Commission.

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
Chairman Cory R. Fellows - Yea

Motion Passes.

Vote on Main Motion as Amended:

Appointments and Negotiations Committee
January 2026 Appointments

Board of Assessment Review:

Appoint David Bourke as a full voting member with a term to expire 2028, Leroy Crockett as a full voting member with a term to expire 2027, Jean Marie Caterina as first alternate with a term to expire 2027, and Rebecca Hatt as second alternate with a term to expire 2028.

Coastal Waters and Harbor Advisory Committee:

Appoint Mike Slavin and Tyler Davis as full voting members with a term to expire 2028.

Community Services Advisory Board:

Appoint Brittaney Jackson as a full voting member with a term to expire 2027, Darryl Wright and Dennis Meehan as full voting members with a term to expire 2028, Karolina Sands as first alternate with a term to expire 2028, and Mike Slavin as second alternate with a term to expire 2028.

Conservation Commission:

Appoint Cathleen Miller as a full voting member with a term to expire 2028, Christine Labaree as a full voting member with a term to expire 2026, Crayton Silsby as a full voting member with a term to expire 2027, Carrick Gambell as first alternate with a term to expire 2028.

Long Range Planning Committee:

Appoint Robyn Saunders as a full voting member with a term to expire 2028 and Jean-Marie Caterina as a full voting member with a term to expire 2027, Ed Hodgson as a full voting member with a term to expire 2028, and Rebecca Hatt as first alternate with a term to expire 2028.

Parks and Conservation Land Board:

Appoint J. Anton Bodor as a full voting member with a term to expire 2027, Betts Armstrong as a full voting member with a term to expire 2028, and Susan Williams as second alternate with a term to expire 2028.

Personnel Board of Appeals:

Appoint Amanda Doherty as a full voting member with a term to expire 2028, appoint Penny Whitney-Asdourian as a full voting member with a term to expire 2026, Brittaney Jackson as first alternate with a term to expire 2027, and Susan Williams as second alternate with a term to expire 2028.

Planning Board:

Appoint Rick Meinking and James Hebert as a full voting member with a term to expire 2028, appoint Tyler Davis as a full voting member with a term to expire 2027, William Sedlack as first alternate with a term to expire 2026 and Carrick Gambell as second alternate as a term to expire 2028.

Scarborough Housing Alliance Committee:

Appoint Stephen Zamierowski and Mahir Hasanov as full voting members with a term to expire 2028.

Shellfish Conservation Commission:

Appoint Noah Nygren, Eric Quirk, Robert Willette as full voting members with a term to expire 2028.

Sustainability Committee:

Appoint Deb McDonough and Lydia Jopp as full voting members with a term to expire 2028.

Transportation Committee:

Appoint Portia Hirschman with a term to expire 2028.

Tree Care Advisory Board:

Appoint Andrew Mackie as a full voting member with a term to expire 2029.

Zoning Board of Appeals:

Appoint Richard Silkman as a full voting member with a term to expire 2028, Joseph Doherty as a full voting member with a term to expire 2026, Michael Campbell as first alternate with a term to expire 2026, and Rebecca Hatt as second alternate with a term to expire 2028.

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
Chairman Cory R. Fellows - Yea

Motion Passes.

NEW BUSINESS:

Order No. 26-014. Act on the request from the Shellfish Conservation Commissions to approve the Shellfish Allocations for the 2026 Season. [Shellfish Conservation Commission/MRO] A brief overview on this Order was given.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval on the request from the Shellfish Conservation Commissions to approve the Shellfish Allocations for the 2026 Season, as follows:

<i>Class</i>	<i>Subclass</i>	<i>Amount</i>
Commercial	Resident	30
Commercial	Nonresident	3
Commercial	Senior Resident – 1 bushel	2
Commercial	Junior/Student Resident	10
Commercial	Junior/Student Nonresident	1
Recreational	Resident	200
Recreational	Nonresident	20
Recreational	Senior Resident	140
Recreational	Senior Nonresident	14
Recreational	Day- Resident	10 per day
Recreational	Day- Non-resident	10 per day
Recreational	3-day Non-resident	Included in Day Non-resident number

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
Chairman Cory R. Fellows - Yea

Motion Passes.

Order No. 26-015. Act on the request to approve the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2026 to May 15, 2026. [Director of Public Works] A brief overview on this Order was given,

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval on the annual "Seasonal Road Posting" for weight restrictions, if necessary, from February 15, 2026 to May 15, 2026, as follows:

**Town of Scarborough
POSTED ROADS 2026**

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:

pwinfo@scarboroughmaine.org or www.scarboroughmaine.org or 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
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
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 Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
 Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
 Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
 Chairman Cory R. Fellows - Yea

Motion Passes.

Order No. 26-016. Act to authorize the Town Manger to provide written comments/recommendations to LD2173 – *An Act to Update the Laws Regarding Housing Developments and accessory Dwelling Units* as was approved in LD1829 and to provide testimony if necessary. [Council Leadership] Chairman Fellows and the Town Manager gave a brief overview on this Order. The following individual spoke on this Order:

- Bill Shanahan, Chair of the Affordable Housing Alliance, expressed support for a housing initiative, acknowledging the town's history of pro-housing efforts. He emphasized the statewide housing shortage identified by the Council and advocated for changes to LD1829 as suggested in the Planner's memo, asserting the Alliance's backing for these efforts in Scarborough.

Motion by Councilor Donovan, seconded by Councilor Hayes, to move approval to authorize the Town Manger to provide written comments/recommendations to LD2173 – *An Act to Update the Laws Regarding Housing Developments and accessory Dwelling Units* as was approved in LD1829 and to provide testimony if necessary.

Roll Call Vote: Councilor Scott W. Doherty - Yea Councilor Jonathan E. Anderson - Yea
 Councilor Lawrence W. Cain - Yea Councilor William J. Donovan - Yea
 Councilor Karin B. Shupe - Yea Councilor Michelle T. Hayes - Yea
 Chairman Cory R. Fellows - Yea

Motion Passes.

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

Item 11. Council Member Comments.

- Councilor Shupe, as the Chair of the Ordinance Committee, she had received requests for amendments from a Councilor and residents. She takes all requests seriously and sought clarification from the State about our current practices related to the Animal Control Ordinance. She noted that

she had made the inquiry out of a desire to better understand the situation and not to escalate any issues. While concerns from residents are valid, she did not anticipate significant changes from the State. It is crucial for the Council to remain cohesive and not get bogged down by past issues. Communication is key, and she welcomed any concerns from residents or fellow Councilors as we wait for the State's response.

- Councilor Cain appreciated Councilor Shupe's comments, transparency is helpful. His disappointment lies in the process; asking for collaboration could have led to a more comprehensive data set instead of relying on potentially flawed conclusions from a single source. While he agreed that the current situation did not impact the animal ordinance, it did open the possibility for changes fueled by State suggestions. He believed the process could have been handled differently for a more balanced report to the State.
- Councilor Doherty noted that he has known the Clerk of the Council for 40 years, and while mental blocks can occur, she is described as an excellent person.
- Councilor Cain thanked Chairman Fellows for handling the public comments and supported Chairman Fellow in his managing the public comment session, which can be challenging. He commended the Chair on how clearly he communicated with the callers. It was important to consistently reiterate the rules, and appreciate your efforts in this regard.
- Chairman Fellows appreciated Council Cain for his comments. He takes the First Amendment seriously and feel a responsibility to honor it, while also ensuring respect for all attendees and the business at hand. Determining what is offensive or disruptive can be subjective, but he would not accept anti-Semitic, racist, or purely disruptive language. He welcomed input on how to address these issues moving forward, which could be a discussion at the Rules and Policies Committee.

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

Roll Call Vote: Councilor Scott W. Doherty - Yea	Councilor Jonathan E. Anderson - Yea
Councilor Lawrence W. Cain - Yea	Councilor William J. Donovan - Yea
Councilor Karin B. Shupe - Yea	Councilor Michelle T. Hayes - Yea
Chairman Cory R. Fellows - Yea	

Motion Passes.

Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council