

MINTUES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – FEBRUARY 18, 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 7:05 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Kristen Barth, Town Clerk. Liam Gallagher, Assistant Town Manager, was present. Those Councilors present:

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

Item 4. General Public Comments.

- Alyson Bristol of Bayview Avenue expressed her gratitude to local officials for their testimony on LD1829 and Fix-It 2173. She criticized LD2173 for proposing permit issuance at 105% of the past decade's mean, questioning its accuracy and advocating for three-year periodic reviews before the June deadline. Bristol emphasized the importance of capped permits, suggesting a reduction from 50% to 35% for development licenses to manage growth. She raised concerns about affordable housing developments stagnating for three years and urged Council intervention. Additionally, she critiqued LD2173's minimum lot size and potential zoning changes affecting setbacks at Higgins Beach, requesting the Council uphold suitable development regulations.
- Sean Flaherty of Black Point Road, a graduate of Scarborough High School and law schools, highlighted past political experiences concerning local dog beach access ordinances. He recalled a 2013 special election prompted by public opposition to a council decision and noted a significant 73% of voters sought to repeal restrictive dog access laws. He went on to comment on the importance of public engagement in council decisions, advocating for thorough evidence-based assessment over hasty or isolated actions and warned that decisions on public access and property rights have broad implications and should involve comprehensive participation.

Via Zoom:

- Denise Hamilton of Two Rod Road, commented on the workshop that had been held prior to the Town Council regarding the failing communication system and the concerns raised by Councilors of hearing about this for the first time. As the Council considers a \$13.5 million referendum in November she was skeptical about the Town Council achieving a zero increase in the budget. She felt there were other urgent infrastructure needs, such as road repairs and expressed doubt about balancing these financial demands during the upcoming budget season.

Item 5. Minutes: February 4, 2026 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of minute from the February 4, 2026, regular Town Council meeting, as written

Vote 6 Yeas. Motion Carries.

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. Liam Gallagher, Assistant Town Manager, gave the following updates:

- **Roadwork Projects Update**
 - Scottow Hill Road Closure
 - Councilor Corner Live - February 12, 2026 (approx. 25 residents, councilors and staff)
 - Pine Point - East Grand Avenue Design/Watermain Replacement
 - Avenue 3 watermain replacement underway; Avenue 4 to start in March.
 - Spurwink Road - Phase 2
 - Construction expected to start March 15, 2026 - conclude by Summer
- **Legislative Matters**
 - LD 2173 (LD 1829 "fix it")
 - Councilors Anderson and Cain, as well as the Town Manager, attempted to offer testimony for the bill which was postponed.
- **Bond Ratings/Bond Sale Results**
 - Town's Credit Ratings unchanged
 - Moody's Aa2, S&P AA+ - both are investment grade
 - 2 of 3 bond offerings sold.
 - 3rd to be sold tomorrow (2/19)
- **Automated Parking Update**
 - Staff work continues.
- **Community Survey Dashboard**
 - Live on the Town Website
- **Project GRACE Fuel Rally**
 - Successful Fundraised - over \$32,000 donated.
- **Tax Bills**
 - Second Half bills has been mailed as of last week
 - Information inserts included
- **FY27 Budget**
 - Presentation and First Reading will be April 1, 2026
- **Staff Recognition**
 - Officers Taylor Owen and Justin Cook were recognized by the New England Chapter of Mothers Against Drunk Driving (MADD) for their efforts last year. Each officer was responsible for 10 OUI Arrests.

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

- Councilor Cain gave an update on Finance Committee meeting, noting that there is final budget calendar with the school department. Questions on the grant application process for town projects were addressed by the town Manager, who emphasized staff involvement. The school project is progressing well, with a monitoring calendar and communication strategy adopted. Favorable bond rates at 2.75% were noted, although some bonds will be taxable this year, with plans for tax-exempt issuance next year. The project's financial health had received positive feedback in the bond ratings community. Additionally, involvement in Augusta politics revealed challenges from a delayed meeting and the necessity for clearer presentations on ordinance changes and potentially extending the growth ordinance's effective date for improvements.
- Councilor Shupe noted that during the Ordinance Committee meeting there was discussion around upcoming agenda items, including short-term rentals, which will be revisited in March. The March meeting will occur on Thursday, March 5th, at 5:00 p.m., deviating from the usual schedule. The committee plans to present a draft regarding short-term rentals next month. Additionally, changes to the traffic ordinance will be introduced, and the individual food truck vendors' regulations are expected to be finalized for discussion.
- Councilor Anderson, noted the tomorrow's Conversation with Councilors would be at the Historical Society Museum from 6:30 to 8:00 p.m. followed by a Public Safety meeting on Saturday from 10:00 to 11:30 a.m. A virtual meeting targeting Pine Point is scheduled for Tuesday from 6:00 to 7:30 p.m. Communications will meet tomorrow at 5:00 p.m. to discuss the recent Councilor Conversations. The Cumberland County Finance Committee approved a county budget increase of 13.53%, more than double the typical rate. This increase may affect Scarborough's budget, as Cape Elizabeth anticipates a 1% tax increase due to rising county expenses linked to the loss of federal jail funding. Transportation will meet next Tuesday at 6:30 p.m. to review the East Grand Avenue Complete Streets Design. There will be a proclamation at the March Council meeting for this year's student winner of Scarborough's Got Talent.
- Councilor Hayes commented that during recent Conversations with Councilors, participants expressed appreciation for the engagement and presence in their areas, signifying its symbolic importance. Feedback indicated the need for sessions catering to working individuals; thus, a weekend session and virtual options were introduced. Common themes discussed included growth, traffic, and transportation, with a particular session noted for its high engagement and diverse topics, providing valuable insights for me as a new councilor.
- Chairman Fellows stated that the Long Range Planning met and reviewed Town Council goals, with discussions on implications for the committee. The Committee expressed a favorable opinion on mobile food vendor use, distinct from the previously approved mobile food court, expecting it to progress to ordinance soon. Additionally, they began discussions on revisiting the Zoning Map and definitions, anticipating updates to around 30-35 ordinances due to forthcoming legislation LD1829-2173.

Order No. 26-017. 7:00 p.m. Public hearing and action on the new requests for an Food Handlers License from Jonathan & Olivia Nardell, d/b/a The Pastry Pair, located at 33 Seavey Landing Road, Unit B and from Double Dog Ventures, d/b/a Maine Scoop Company, located at 161 Pine Point Road. [Town Clerk's Office] The Town Clerk gave a brief overview on this order. Chairman Fellows opened the public hearing. There being no comments either for or against, the hearing was closed at 7:40 p.m.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval on the new requests for a Food Handlers License from Jonathan & Olivia Nardell, d/b/a The Pastry Pair, located at 33 Seavey

Landing Road, Unit B and from Double Dog Ventures, d/b/a Maine Scoop Company, located at 161 Pine Point Road

Vote 6 Yeas. Motion Carries.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 26-018. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 415 – Development Impact Fee Ordinance. [Finance Committee] Karen Martin, President of SEDCO - gave a brief overview on this Order.

The following spoke on this order via Zoom:

- Stanis Moody-Robert of County Road questioned the calculation of the ratio of children per housing unit in suburban Portland, noting the significant difference between multi-unit and single-family housing. He felt that senior housing should not be included in these calculations, as it skews the ratio. He suggested that measuring potential students by the number of bedrooms instead of units could provide a fairer assessment. He illustrated his point by comparing the impact fees for a studio accessory dwelling unit with those for a large luxury condo development, stating that the current fee structure is inequitable.

The following individual spoke on this order In-person:

- Alyson Bristol of Bayview Avenue shared her thoughts from a recent Finance Committee meeting and a workshop that had been led by Karen Martin of SEDCO, where she noticed the importance of assessing impact fees by bedroom instead of by unit. She referenced the Planning Director's revised schedule of impact fees, noting specifically that recreation fees are categorized by bedroom, leading her to question the logic behind school impact fees being assessed by unit, consistent with the previous speaker.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of first reading on the proposed amendments to Chapter 415 – Development Impact Fee Ordinance and schedule a public hearing and second reading for Wednesday, March 4, 2026, as follows:

**CHAPTER 415
TOWN OF SCARBOROUGH
DEVELOPMENT IMPACT FEE ORDINANCE**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes reflects only that portion to Chapter 415 the Development Impact Fee Ordinance, of the Town of Scarborough, Maine, that will be changed, hereby is amended, as follows (additions are underlined; deletions are struck through):

SECTION 1. IMPACT FEE GENERAL PROVISIONS

I. Inflation Adjustment.

The ~~School and~~ Recreation impact fees established by the Town Council in this ordinance shall be adjusted annually by the Town Treasurer to account for inflation. Commencing on February 1, 2003 and on each February 1st thereafter, the Treasurer shall increase each impact fee by the dollar amount

(rounded to the nearest ten dollar increment) obtained by multiplying the amount of the fee then-in-effect by the inflation rate. As used in this paragraph, the term “inflation rate” means the percentage increase, if any, during the previous calendar year in the Consumer Price Index – All Urban Consumers, Northeast Urban Area, All Items, base period 1982-84 = 100 (not seasonally adjusted) published by the United States Department of Labor Bureau of Labor Statistics. If there has been no such increase, there shall be no adjustment under this paragraph. Each year on February 1st, the Treasurer shall publish a schedule of impact fees adjusted pursuant to this paragraph (the “adjusted impact fees”) and provide a copy of such schedule to the Code Enforcement Officer. The adjusted impact fees shall apply to all building permits issued on or after March 5 in the calendar year 2003 and on or after February 1st of each calendar year thereafter, whether or not the applications for building permits were filed prior to such dates.

SECTION II. SCHOOL IMPACT FEES

Use of School Impact Fees.

The fees collected under this section of this ordinance shall be used to fund one or more of ~~those~~ projects

- 1) identified in the major capital improvement applications submitted to the Maine Department of Education, dated July 26, 2001, for the Scarborough Middle School, the Scarborough High School, the Wentworth Intermediate School and the primary schools, the Town Council having determined that a portion of the costs of such school projects is made necessary by the projected increases in enrollment due to anticipated new residential housing construction. ~~Those improvements are scheduled to be completed by January 3, 2012, unless the completion dates are extended by order of the Town Council.~~
- 2) identified in the November 2025 School Improvement Program approved by Scarborough voters on November 4, 2025.

Calculation and Collection of School Impact Fees. [Updated 02/26/2020; 02/01/2025]

Prior to the issuance of a building permit for any new dwelling unit, the Code Enforcement Officer shall collect a school impact fee according to the following schedule:

Type of Dwelling	Amount
Single family dwelling	~~\$5,570–\$11,391~~
~~Two-family dwelling~~	~~\$2,130 per unit~~
~~Multiplex~~	~~\$1,410 per unit~~
~~Mobile home in a mobile home park~~	~~\$1,410~~
~~Affordable housing unit~~	~~\$2,800~~
<u>Single Family Attached, Townhouse, 2 to 4 units in a structure</u>	<u>\$5,696 per unit</u>
<u>5 to 9 Units in a structure</u>	<u>\$3,987 per unit</u>
<u>10 or More Units in A structure</u>	<u>\$1,139 per unit</u>

Exemptions.

A school impact fee is not required for a dwelling unit within a development consisting of three or more dwelling units all of which are permanently restricted by recorded deed restriction or covenant and/or regulatory restriction to occupancy by elderly households only. For this purpose, “elderly household” means a household which includes at least one person aged 55 or older and no occupant less than 55 years of age other than a full-time caregiver to or a spouse or companion of the elderly person(s).

Impact Fees to Terminate Upon Completion of Projects.

When the school projects identified in Chapter 415, Section II have been completed and all debt incurred in connection therewith has been repaid, the Town Council shall amend this ordinance either by repeal of this chapter, or by amendment of this chapter if circumstances at the time warrant the continuation of school impact fees.

School Impact Fee Reviews

Since the school impact fee is based on projections of future development, the above fees are subject to a review and update on a three-year cycle starting in 2027. The Council may revisit the fee structure at any time should conditions warrant a change in the projections upon which the fees are based. A technical memorandum is available, which documents the methodology used to derive the fee schedule. Any changes to the fee schedule should include an update to the technical documentation.

Vote 6 Yeas. Motion Carries.

Order No. 26-019. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1018 – Cannabis Establishment Licensing Ordinance.[Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

The following spoke on this Order:

- Paula Corbeau-O'Brien of Pond View Drive Paula Corbeau-O'Brien expressed frustration over a strong odor from a nearby cannabis facility located just 50 feet from her property on Pond View Drive. The odor has intensified since mid-2023, affecting her family's quality of life and home value. She highlighted that she built her home in 1985 when cannabis was illegal, and did not expect such issues. Corbeau-O'Brien attributed the odor problem to a change in ownership of the facility in August 2022, disputing claims about the odor's duration and source. She advocates for effective controls and new ordinances to address the nuisance and noted that her neighbor had sent an email and would like to be added to the records.

- Email from Shane Chanpimol of Pond View Drive:

“Dear Scarborough Town Council,

As a local resident, I am writing to express my strong support for the proposed amendments to the Cannabis Licensing Ordinance that would lower the threshold for license review from five verified complaints per year to two.

Persistent odor issues, particularly in the Pine Point and Pleasant Hill areas, continue to impact the quality of life and property enjoyment for many neighbors. The current five-complaint threshold provides too much leeway for non-compliant facilities to operate without accountability for long periods.

Lowering this limit to two verified complaints will:

Increase Accountability: Ensure that cultivation facilities take immediate and effective action to mitigate odors after the first warning.

Protect Residents: Provide faster relief for neighborhoods that have dealt with ongoing "distinctive smells" permeating their homes.

Streamline Enforcement: Complement the Council's recent efforts to allow police officers to verify complaints, ensuring a more responsive system.

I urge the Council to vote in favor of this change to better balance the interests of our residential community with the local cannabis industry.

Sincerely,

Shane Chanpimol,

- Timothy O'Brien of Pond View Drive expressed concerns about the odor issues stemming from a cannabis business located behind his property. Since 2013, cannabis businesses in the area had not been problematic. He criticized the attorney for Coastal Remedies for suggesting that odor complaints, primarily from his business, were unfounded. He emphasized the ongoing odor problem and shared that the owner of Coastal Remedies declared at a Zoning Board meeting that no further investment would be made to address it. He expressed frustration that the same attorney blamed another business for the issues while representing both. MR. O'Brien concluded by stating their patience had worn thin and, although they didn't wish for any business to fail, they were prepared for that outcome if necessary.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading on the proposed amendments to Chapter 1018 – Cannabis Establishment Licensing Ordinance and schedule a public hearing and second reading for Wednesday, March 4, 2026; as follows:

**CHAPTER 1018
TOWN OF SCARBOROUGH
CANNABIS ESTABLISHMENT
LICENSING ORDINANCE**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes reflects only that portion to Chapter 1018 – Cannabis Establishment Ordinance, of the Town of Scarborough, Maine, that will be changed, hereby is amended, as follows (additions are underlined; deletions are struck through):

Section 11. Odor Observation and Enforcement [Adopted 08/16/2023; Amended 07/17/2024]

Per Section 10(7), odor of cannabis by a Licensee shall not be detectable beyond the property boundary. Cannabis odor observation shall be undertaken to arrive at a determination that a cannabis odor exists beyond the property line. All cannabis odor observations made by the Town shall be made in writing. This Section applies to Licensed Cannabis Establishments and Registered Cannabis Properties. [Amended 07/17/2024]

- A. This section of the Ordinance may be enforced by any Code Enforcement Officer, Law Enforcement officer, or their Municipal designee. [Adopted 07/17/2024]
- B. No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of her/his duty. [Adopted 07/17/2024]
- C. Violations of this Ordinance shall be enforced under the provisions in Section 12 of this Ordinance; provided, however, that for an initial violation of this Ordinance, a written notice of violation may be given to the alleged violating owner of the Licensed Cannabis Establishment which specifies

the time by which the condition shall be corrected. No verified complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice of violation. If the cause of the violation is not abated or fully corrected within the time period specified in the written notice of violation, or if the licensee commits a subsequent violation of the same provision or provisions of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation. If, due to a multi-tenant situation or other reasons, the alleged violating licensee cannot be identified in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violating licensee at her/his last known address or to the owner of the Registered Cannabis Property where the violation occurred, and shall be posted in a conspicuous location at that premises, in which event the specified time period for abating or appealing the violation shall commence at the date of the day following the mailing of such notice. All verified complaints provided to the Town regarding the same premises by individual residents within a twenty-four-hour period, if a violation has been verified within that period, will count as one violation. [Adopted 07/17/2024]

After the ~~fifth (5th)~~ second (2nd) violation within the license or registration period, the licensee(s) or registrations shall have their approval referred to the Town Council for a suspension or revocation hearing within thirty (30) days of the verified complaint being verified. All verified complaints and any related documentation associated with the investigation of the cannabis odor verified complaints shall be made available to the licensee or registrant within fourteen (14) days of the hearing. The Council may only suspend or revoke a license or registration with a vote of five members of the Council. In the event the Council determines to revoke the license or registration, the licensee or registrant will have sixty (60) days to cease operations supported by the license or registration. During this time period, the license holder or registrant will continue to be subject to civil violations for further verified violations. [Adopted 07/17/2024]

Vote: 6 Yeas. Motion Carries.

Order No. 26-020. First reading and schedule a second reading to amend Order No. 25-115, adopted by the Town Council on December 17, 2025 (the “Original Order”) be and herby is amended by replacing the Original School Project with the Replacement School Project as noted in the supporting documentation.[Finance Director] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of the first reading to amend Order No. 25-115, adopted by the Town Council on December 17, 2025 (the “Original Order”) be and herby is amended by replacing the Original School Project with the Replacement School Project as noted in the supporting documentation and schedule a second reading for Wednesday, March 4, 2026; as follows:

TOWN OF SCARBOROUGH AMENDMENT TO ORDER 25-115

BE IT HEREBY ORDERED by the Scarborough Town Council as follows:

1. That Order No. 25-115 adopted by the Town Council on December 17, 2025 (the “Original Order”) be and herby is amended by replacing the Original School Project with the Replacement School Project, as set forth below

Original School Project:

2022-2023 School	
Interior Construction and Renovation	150,000

Replacement School Project:

2022-2023 School	
District Wide Energy Improvements	150,000

2. That in all other respects, the Original Order is hereby incorporated by reference and ratified, confirmed and approved as if more fully set forth herein.

Vote 6 Yeas. Motion Carries.

Order No. 26-021. Act on the request from the Town Manager to rescind action taken on Order No. 25-120 and designate all snowmobile refund monies that the Town receives from the State to the Saco Pathfinders Snowmobile Club to help maintain trails located within Scarborough. *[Town Manager]* Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Cain, to move approval on the request from the Town Manager to rescind action taken on Order No. 25-120 and designate all snowmobile refund monies that the Town receives from the State of Maine to the Saco Pathfinders Snowmobile Club to help maintain trails located within Scarborough.

Vote 6 Yeas. Motion Carries.

Order No. 26-022. Act on the appointment of Deanne Vail, as the new Tax Assessor for the Town of Scarborough. *[Town Manager]* Liam Gallagher, Assistant Town Manager gave a brief overview on this Order.

Motion to move approval of the appointment of Deanne Vail, as the new Tax Assessor for the Town of Scarborough.

Vote 6 Yeas. Motion Carries.

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

Item 11. Council Member Comments.

- Councilor Anderson thanked Councilor Cain for his efforts in going to Augusta to speak on LD2173. He recognized the challenges of participation in the legislative process. He expressed his frustration over the complexity of accessing meetings, noting a personal struggle even as someone who considers themselves tech-savvy and noted the need for reform at the State to for improvements to ensure better governance and public engagement.
- Councilor Hayes also thanked Councilor Cain for his testimony in Augusta. She had received positive feedback from other towns regarding our proactive approach, professionalism, and leadership in our recent initiative. During a public meeting on Scottow Hill Road, about 25 participants engaged in a respectful and productive dialogue, sharing personal experiences related to the road. This collaborative effort reassured me that our decision-making process is transparent and inclusive, fostering respect from the community and left the meeting feeling optimistic about our governance practices.
- Councilor Cain expressed his appreciation for the support from town staff relating to LD 2173. He then shared that the Scarborough Girls Indoor Track Team had won the State Championship

for the second time in three years. He went on to thank Allison Carrier for her excellent insert in the tax bill, which effectively communicated important information.

- Chairman Fellows commented on conversations with his neighbors regarding the transparency of tax bills, emphasizing accountability. He praised the contributions of individuals like Councilor Cain and the Planning Director for their efforts in organizing and summarizing information related to potential ordinance changes. Additionally, the importance of state legislators was highlighted, particularly in light of upcoming elections that may alter House representatives and Senate positions, stressing the need to maintain those relationships.

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

Vote: 6 Yeas. Motion Carriers.

Meeting adjourned at 8:42 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council.