

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 15, 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 Yolande P. Justice, Clerk to the Council. Thomas J. Hall, Town Manager and Liam Gallagher, Assistant Town Manager, was present. Those Councilors present:

Councilor Scott W. Doherty	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.

Present in the Room:

- Rod Wendt of Armstrong Lane, a dog owner and piping plover monitor at Higgins Beach, highlighted the critical nesting period for plovers from April 1 to May 14, warning that off-leash dogs can disrupt nesting, leading to nest abandonment or relocation. He criticized current regulations that allow off-leash dogs during this time, which draw dog owners from outside the area and increase violations. He proposed extending restrictions on off-leash dogs to begin on April 1, aligning with the nesting season and thereby better protecting plovers while balancing canine access outside of their nesting period.
- Francis Walsh from Cape Elizabeth, a volunteer and shorebird ambassador, emphasized the vulnerability of shorebirds, particularly piping plovers and least terns, when they arrive at beaches to nest. He expressed concern over the sustainability of volunteer efforts to educate dog owners about protecting nesting birds during March and supported moving restrictive dates to April 1 to allow better monitoring. He commented on the challenges posed by out-of-town visitors who may not be aware of the protective measures needed for the birds.
- Suzanne Foley-Ferguson of Black Point Road, expressed concern regarding the management of beach dog regulations influenced by a group opposing dogs, using the presence of plovers as justification. She noted that there is no substantial evidence showing that dogs cause harm to plover nests, challenging the existing data and urging caution before implementing unnecessary regulatory changes. She stressed the need for consistent, scientifically-backed data when making decisions. She questioned what the use of "significant violations" in the letter from IF&W as vague and advocated for the town to pursue a FOIA request for necessary information from wildlife authorities to better inform regulatory changes regarding dogs on the beach.
- Alyson Bristol of Bayview Avenue, commented on the ongoing discussion of the proposed Metro Pilot Program, expressing gratitude to Chairman Fellows and the Council for their prior considerations. She noted that public transportation ranked third in importance satisfaction among town services and emphasized that discussions about the program had been ongoing since spring 2025. She raised concerns about the termination clause in the interagency agreement, suggesting it could impose financial burdens on taxpayers. She called for a better understanding of the financial implications of joining the Metro District and the specifics of the proposed service routes and schedules before proceeding. Lastly, she warned against entering costly long-term

agreements amidst existing significant financial commitments, such as school funding and infrastructure improvements.

- Kathleen Miller of Broadturn Road and a member of the Conservation Commission, emphasized the importance of scientific data on bird habitats and expressed gratitude for the citizen scientists involved in plover protection. She acknowledged the concerns of dog owners regarding their impact on plovers, she urged the audience to consider the broader scientific context and the ongoing need for protective measures to ensure the stability of bird populations, advocating for attention to the insights of experts in bird habitat and lifecycle.
- Nina McKee of Black Point Road, expressed concern about dangerous crossing conditions at Oak Hill. She noted that pedestrians, including schoolchildren, often have to wait excessively to cross the street and lack clear signage or markings. She commented on the vulnerability of individuals with disabilities trying to navigate these crossings, emphasizing the urgency for improvements to prevent accidents.
- Todd Walters of Partridge Lane, expressed concern about the school budget meeting, noting a proposed reduction of \$2.19 million for the school system. He highlighted that over 60% of this reduction affects education, while financial documents indicate increasing TIF revenues exceeding \$6 million and a fund balance over \$18 million and asked for clarification from the town council on why these revenues are not being utilized to address the budget shortfall in education.
- Denise Hamilton of Two Rod Road, voiced her opinion relating to dogs on the beach, citing negative past experiences. She further commented on what she felt as a lack of independent review of town staff actions, which she found insufficient. She called for increased transparency and accountability to rebuild public trust. She did not agree with the Town Manager's report process for not allowing public comment and lacking prior detailed information. She noted that by allowing public comments after the Town Manager's report could enhance resident engagement.

Via Zoom:

- Claire Rutenbeck of Ocean Avenue, expressed her perspective on the ongoing debate about dogs on the beach. She acknowledged changes over time and referenced a past attempt to ban surfing that was unsuccessful. She noted that while a small group opposes dogs, many dog owners are respectful and cooperative regarding the new ordinance. She mentioned incidents as part of life and suggests that dogs might help protect wildlife, such as foxes. Despite confusion over recent developments, she highlighted the successful return of plovers for nesting and called for evidence-based considerations rather than anecdotal opinions. She urged the town to observe how the situation unfolds this year before making further decisions.
- Sophia Cain of Ocean Avenue, opposed moving the dog restriction date from May 14th to April 1st at Higgins Beach. She felt this change would unfairly limit access for responsible dog owners who value the beach as part of their community routine. She supported the protection of wildlife, specifically piping plovers, but believed a balance could be achieved without further restricting access. She emphasized the success of existing protections and advocated for focusing on enforcement and education rather than imposing broader restrictions.
- Katy Foley of Acorn Lane spoke on the importance of respecting current ordinances regarding dog leashing. She appreciates Francis's acknowledgment but clarified that she did not request people to leash their dogs, instead advocating for adherence to existing rules. She reflected on past compromises made to create fair solutions for all parties, acknowledging discomfort in finding unanimous agreement. She referenced a misunderstanding regarding the impact of the Plover incident on leash laws, proposing that community preferences also play a role in such

regulations. She highlighted the challenges of coordinating volunteers for signage at Higgins Beach, arguing that even limited signage could effectively inform the public. She concluded by stating her willingness to assist but believed no current changes should be made to existing policies.

Item 5. Minutes: April 1, 2026 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of the minutes of the April 1, 2026, regular Town Council meeting.

Vote: 7 Yeas. Motion Carried.

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 - 02/04/26 and Councilor Corner Live - 02/12/26
 - MIAF Grant open, application due May 11
- **FY27 Budget** -
 - Detailed Budget Reviews - April 13 and April 14
 - Guidance from Finance Committee - next meeting April 30
 - Public Hearing - April 15
- **Legislative Matters** -
 - LD 2173 (LD 1829 "fix it")
 - Final bill language in process
 - Some concessions expected
 - Vote expected next week
- **Curbside Collection Bids** -
 - Contract Award to Garbage to Garden
- **Road Projects Update** -
 - Seasonal Road Postings lifted
 - Spring Cleaning - street sweeping and catch basin
 - Pine Point Watermain Replacement Project - drainage considered
 - Spurwink Phase 2 - widening completed, road reclaim next week
- **Eastern Trail Project** -
 - Considerably ahead of schedule
 - Major bridge to be set - April 15/16
 - Contract Dispute- In process
 - Material cost overruns - working with consultants and funding partners
- **Communication Project Funding** -
 - \$5M in CDS Funding sought - Senators Collins and King
 - EDA grant
 - BRIC grant (FEMA)

- **Board of Education Candidates -**
 - Two candidates on the ballot: Donald Gondzar and Alexander Weber
- **PCLB- Acquisition Evaluation Process -**
 - Updated application and process
 - New application underway for “non-conservation” requests
- **Library Generator Dedication -**
 - May 21 at 12:30 PM
 - Former Librarian Nancy Crowell to attend
- **Property Tax Policy Committee -**
 - Working Group of GPCOG Communities
 - Idea for a local option sales tax that is county-based
 - Intent to introduce it in next legislative session
- **Police Fire Boat -**
 - Boat has been constructed
 - Underwent sea trials
 - Expect delivery the end of April
- **Workshop Schedule -**
 - April 15 - Animal Control Ordinance
 - May 6 - MDOT- Route One Demonstration Project
 - May 20 - Open
 - June 3 - Growth - Report on Rate of Growth Ordinance
 - June 17 - Mid-year Town Council Goals Review

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

- Councilor Doherty noted that Coastal Waters & Harbor Committee met and reported that a new piling will be added at the Pine Point Pier, along with additional docks to replace outdated ones and that the new boat would be arriving and is seen as a valuable addition for the community.
- Councilor Cain gave an update on the Finance Committee noting that he would give further detail prior to the public hearing on the budget. The Sustaining Scarborough Advisory Group is currently working on a climate action plan, having held its second meeting with about 20 participants and external professionals, addressing five initiative categories including recycling. School Building Committee’s design schedule is on track, with initial drawings reflecting community input from faculty. There are ongoing efforts with Geotech for vernal pool testing and site surveys, aiming to present tangible progress to the community.
- Councilor Shupe noted that the Parks and Conservation Land Board discussed their ongoing application and checklist efforts. She also that two of their dedicated members Suzanne Foley-Ferguson and Doug Williams were able to contribute prior to being termed out on the Committee. The Planning Board reviewed zoning ordinance changes related to short-term rentals and approved a 24-unit apartment project, which raised concerns about its proximity to Phillip Brook, an urban impaired stream. The Conservation Commission's meeting was canceled, and the next Ordinance Committee meeting is scheduled for next month.
- Chairman Fellows noted that he had been unable to attend the Long Range Planning Committee meeting this month, but did know the committee had continued to work through looking at zones all over town in an effort to reconsider and reclassify and simplify some of those zones.

- Councilor Donovan noted that the Appointments/Negotiations Committee had met prior to this evenings meeting and would like to posted the following names to the Planning Board:
Move to appoint William Sedlack as a full voting member with a term to expire 2026,
Appoint Ed Hodgdon as first alternate with a term to expire 2028 and Marvin Gates as second alternate with a term to expire 2028.
- Councilor Anderson noted that the Communications Committee was canceled for this month. Meeting. He noted that “Conversations with Counselors” are scheduled from May 4th to May 18th, focusing on the budget instead of traditional roundtables. There will be public meetings held in different locations with invites extended to the school board for collective feedback. Additionally, a pilot program called Communications Ambassadors will engage residents in informal discussions at the end of May. Transportation meetings are on the calendar for next week, but attendance is uncertain due to scheduling conflicts.
- Councilor Hayes noted the Ambassador Group would be made up of approximately 18 individuals from various town regions in response to community feedback regarding information dissemination. The initial meeting, scheduled for the end of May, aims to brainstorm ideas for improved communication and community engagement The Rules & Policies Committee met and discussed a naming facilities policy proposed by the Board of Education for town properties. There was also discussion on the status of inactive committees which will remain intact for potential future engagement, and the placement of the town manager's report will remain as is on the agenda.

Proclamation 26-002. Act on the request from the Scarborough Land Trust to Proclaim Saturday, May 2nd as Scarborough Land Trust Day. [Scarborough Land trust] Andrew Mackie, Executive Director of the Scarborough Land Trust, gave a brief overview on this Proclamation.

Motion by Chairman Fellows, seconded by Councilor Anderson, to move approval on the request from the Scarborough Land Trust to Proclaim Saturday, May 2nd as Scarborough Land Trust Day, as follows:

Proclamation 26-002

Proclaiming Saturday, May 2nd as Scarborough Land Trust Day

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine in Town Council assembled that,

WHEREAS, the Scarborough Land Trust was founded as the Owascoag Land Conservation Trust in 1977 by eight local residents and has served the town for nearly 50 years; and,

WHEREAS, the Scarborough Land Trust has permanently protected over 2,000 acres of natural resources, farmland, scenic vistas, and areas of historical significance throughout Scarborough; and,

WHEREAS, the Scarborough Land Trust works with willing landowners and community partners to conserve land, provide public access, conserve wildlife habitat, protect Scarborough Marsh, and keep farmland for the benefit of the community; and,

WHEREAS, the dedicated volunteers of the Scarborough Land Trust build and maintain trails, monitor lands, manage forests and wildlife habitat, test water quality, conduct citizen science projects, and ensure these lands and waters thrive today, and for future generations; and,

WHEREAS, the Scarborough Land Trust is a partner with the Town of Scarborough and helps work towards the 30x30 goal and implement sections of the Open Space Plan, Comprehensive Plan, and Vulnerability Study; and,

WHEREAS, the Scarborough Land Trust conducts environmental education programs and other field experiences to connect more people to Scarborough’s beautiful and diverse landscapes; and,

WHEREAS, Open lands provide places to recreate, nurture physical and mental health, increase our community’s quality of life, and foster an appreciation for the natural world; and,

NOW, THEREFORE, be it resolved that the Scarborough Town Council, do hereby proclaim Saturday May 2, 2026 as

Scarborough Land Trust Day

throughout the Town of Scarborough Maine, and we urge all citizens to participate in their annual clean-up day on this day.

Signed and dated this 15th day of April, 2026, on behalf of the Town Council and the Town Manager of Scarborough, Maine. Signed by Cory R. Fellow, Chairman and by Thomas J. Hall, Town Manager.

Vote: 7 Yeas. Motion Carried.

Order No. 26-029. 7:00 p.m. Public Hearing on the proposed FY2027 Municipal/School Budgets. [Town Manager/Superintendent of the Schools] Councilor Cain, Finance Committee Chair, gave a brief overview on this Order. The following individuals spoke:

- Todd Walters of Partridge Lane, stated he appreciated the response regarding the proposed budget reductions; however, he would like clarification on the increase in TIF revenues over the past three years and the increased fund balance. How would those funds be utilized, and can they help offset the proposed \$3.4 million budget deficit?

There being no further comments either for or against, the hearing was closes at 8:22 p.m. The second reading on this Order will be scheduled for Wednesday, May 20, 2026.

Order No. 26-032. 7:00 p.m. Public hearing and second reading on the proposed amendment to Chapter 421, the Town of Scarborough Authorization of Outdoor Services Ordinance, amending the applicable time period for May 1, 2026 through November 15, 2026. Autumn Speer, Planning Director, gave a brief overview on this Order. Chairman Fellows opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:23 P.m.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendment to Chapter 421, the Town of Scarborough Authorization of Outdoor Services Ordinance, amending the applicable time period for May 1, 2026 through November 15, 2026, as follows:

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

Chapter 421 – Town of Scarborough Temporary Seasonal Authorization of Outdoor Services Ordinance

Section 1. Purpose: To implement this ordinance to allow businesses who wish to expand their current services to include outdoor services for the summer season beginning May 1, 2026 through November 15, 2026.

Section 2. Provisions: Notwithstanding any Town ordinance provisions to the contrary, the outdoor activity, display, sale of merchandise, and sale, service and consumption of food or drinks, including

alcoholic beverages for restaurant and retail sales and services (together referred to as “outdoor services”) in certain temporary outdoor areas on private property is permitted subject to the following:

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

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

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

review team. Appeals of any denials may be made in accordance with the provisions of Chapter 405, section V.B.1.

The application shall include the following:

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

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

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

Section 3. Sunset Clause. This ordinance shall expire on the 15th day of November, 2026.

Vote: 7 Yeas. Motion Carried.

Order No. 26-034. 7:00 p.m. Public hearing and action on the new request for a Waste Hauler License from Jason Gilpatrick, d/b/a Dump Guy, located at 16 Maietta Drive. [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 8:25 p.m.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval on the new request for a Waste Hauler License from Jason Gilpatrick, d/b/a Dump Guy, located at 16 Maietta Drive.

Vote: 7 Yeas. Motion Carried.

Order No. 26-035. 7:00 p.m. Public hearing and action on the new request for a Innkeepers License, a Food Handlers License and a Liquor License from Higgins Beach Inn, LLC d/b/a The Breakers Inn, located at 2 Bayview Avenue. [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 8:26 p.m.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval on the new request for a Innkeepers License, a Food Handlers License and a Liquor License from Higgins Beach Inn, LLC d/b/a The Breakers Inn, located at 2 Bayview Avenue.

Vote: 7 Yeas. Motion Carried.

Order No. 26-036. 7:00 p.m. Public hearing and action on the new request for a Special Amusement Permit from Maria Caldera, d/b/a All Grill, located at 238 Gorham Road. [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 8:29 p.m.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval on the new request for a Special Amusement Permit from Maria Caldera, d/b/a All Grill, located at 238 Gorham Road.

Vote: 7 Yeas. Motion Carried.

OLD BUSINESS: None at this time.

NEW BUSINESS: None at this time.

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

Item 11. Council Member Comments.

- Councilor Anderson commended Councilor Cain for the successful forums, praising the smooth process and positive atmosphere. He acknowledged the staff's efforts amid challenging decisions and expressed anticipation for the April 30th meeting updates, particularly concerning potential trade-offs for the 2% target. He clarified that TIF revenues cannot be used for school operations and reiterated the decision against utilizing the unassigned fund balance to lower the tax rate, emphasizing the importance of maintaining a healthy fund for favorable bond ratings related to the upcoming school bond.
- Councilor Cain mentioned the town newsletter that had come out earlier in the day with a Council Coroner article from Councilor Anderson, who did a fantastic job of explaining the intent of balancing the budget.
- Chairman Fellows thanked the Finance Committee and staff for their collaborative efforts, noting that while progress is being made towards a workable compromise, it is still early in the process. He acknowledged the challenges faced by neighboring municipalities, which are grappling with difficult decisions such as job cuts and significant tax increases. He went on to express his gratitude towards the Communications Group for facilitating upcoming discussions, reiterating the need for continued hard work ahead.

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

Vote: 7 Yeas. Motion Carried

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council