

**TOWN COUNCIL MINUTES
WEDNESDAY – JUNE 17, 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 7:03 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Clerk to the Council. Thomas J. Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were present. Those Councilors present:

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

Item 4. General Public Comments. None at this time.

Item 5. Minutes: June 3, 2026 - Town Council Meeting. Motion by Councilor Donovan, seconded by Councilor Cain, to move approval of the meeting minutes of the June 3, 2026, as written.

Vote: 6 Yeas. Motion Carried.

Item 6. Adjustment to the Agenda. Motion by Chairman Fellows, seconded by Councilor Hayes, to move Item 10. Resolution/Proclamations, to just before the Town Manager's Report.

Vote: 6 Yeas. Motion Carried.

Item 10. RESOLUTION/PROCLAMATIONS.

Proclamation 26-003. Proclamation 26-003, recognizing Sumner Thompson on his 100th Birthday. [Chairman Fellows] Chairman Fellows read Proclamation 26-003 into the record.

Motion by Chairman Fellows, seconded by Councilor Hayes, to move approval of Proclamation 26-003, as follows:

PROCLAMATION 26-003

HONORING SUMNER THOMPSON ON HIS 100TH BIRTHDAY

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

WHEREAS, Mr. Sumner Thompson was born on June 21, 1926, making him 100 years young on June 21, 2026; and has reached the remarkable and joyous milestone of one hundred years of life; and,

WHEREAS, Mr. Thompson, has witnessed a full century of history, progress, and change, experiencing a lifetime of memories, experiences, and invaluable wisdom; and,

WHEREAS, at the age of 15, Mr. Thompson joined the Maine State Guard along with two others to serve in the military. At 17 he joined the Navy and served as a Radioman on two different transports in the Pacific. He was recalled to active duty to serve in the Korean War; and,

WHEREAS, in the 1950's he joined the US Coast Guard Reserve where he rose through the ranks to Commander and served as the Commander of the Coast Guard Base in South Portland; and,

WHEREAS, throughout the past century, Mr. Thompson has contributed immeasurably to his family, friends, community, service to his Country and through acts of kindness, resilience, and a legacy of love that spans multiple generations.

NOW, THEREFORE, BE IT PROCLAIMED, that in consideration of Mr. Sumner Thompson's longevity of life, spanning a century of experience and growth, that the Scarborough Town Council, the Town Manager, and the citizens of Scarborough, do hereby congratulate Mr. Thompson on the joyous occasion of his 100th Birthday and wish him continued health, peace, and happiness in the years to come.

Signed and dated this the 17th day of June, 2026, on behalf of the Scarborough Town Council and Town Manager. Signed by: Cory R. Fellows, Council Chair and attested by: Yolande P. Justice, Clerk to the Council.

Vote: 6 Yeas. Motion Carried.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrant 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- 2/4/26 and Councilor Corner Live - 2/12/26
 - MIAF Grant application submitted
 - Budget authority secured for all options
 - Town Council Decision in August
- **Eastern Trail Project**
 - Considerably ahead of schedule- result in budget savings
 - Contract Dispute- In process, headed to mediation
 - Additional funding request to MDOT Commissioner
- **Community Services Projects Update**
 - Pickleball
 - Fencing week of June 15
 - Project completion by mid-July
 - Skatepark
 - Planning Board - June 15
 - Community Forum - June 25
- **Website Enhancement** - "Ask Scarborough"
 - AI Assistant - ChatBot
- **July 4 Parade Involvement**
 - July 3 @ 4:00 PM - Higgins Beach
 - July 4 @ 9:00 AM - Pine Point
 - July 4 @ 3:00 PM - Prouts Neck

- **Fireworks Vigilance**
 - Expected Increase with 250th Anniversary
 - Additional staff resources scheduled
- **Community Events**
 - Chamber Concert Series - starts June 25
 - National Night Out - August 4
 - Summerfest - August 21
- **Summer Meeting Schedule**
 - July 15 and August 19
- **Workshop Schedule**
 - July 15 - Complete Streets Manual/Wood Bank
 - August 19 - Regional Optional Sales Tax
- **Moratorium**
 - Expires on November 30, 2026
 - GPCOP working on information regarding this matter.
- **Pine Point Parking**
 - Re-striped E. Grand Avenue
 - Jones Creek – final paving in the fall – will have a new parking layout
 - Residents voicing concern relating to the parking

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

- Councilor Hayes noted that she had attended a forum on how to enhance communication in Maine called “Press Forward.” This initiative aimed at improving communication in Maine, especially in areas lacking local newspapers. A community foundation is considering funding a pilot project and has reached out to the committee for participation. While Scarborough's communication efforts are strong, Councilor Hayes felt the Communication Committee should explore further funding and pilot project opportunities.
- Councilor Shupe noted that the Ordinance Committee met to discuss mobile saunas, with further work planned for clear cutting to return in August. The Conservation Commission engaged in discussions on clear cutting, influencing ordinance recommendations. The Parks and Conservation Land Board would be meeting Monday to consider an application for 46 acres off Payne Road for conservation. The Planning Board had a light week, reviewing the skate park and mobile food truck vendor license ordinance. Lastly, she could be attending ecomaine's Annual Board meeting tomorrow, along with the Public Works Director.
- Councilor Cain noted the Finance Committee focused on two main initiatives: a 10-year capital improvement plan and a potential sales tax for Cumberland County school projects, which are progressing well with consultations and expected reports. Traffic impact fees do not apply, saving over \$500,000. The final meeting for the "Sustaining Scarborough" initiative produced five key climate action initiatives, including energy efficiency education and zero emissions for the vehicle fleet, along with a plan for residential composting. Jamie Fitch and staff will lead the implementation of a vulnerability plan to protect municipal assets.
- Chairman Fellows noted that the Long-Range Planning Committee met to review zoning districts and potential consolidations, addressing whether areas like Dunston and Higgins Beach should remain growth zones. They conducted an interactive planning exercise using satellite maps,

revealing common themes and varied perspectives among participants. Additionally, he would represent Scarborough on the Maine Municipal Association Legislative Policy Committee, which convenes in early August to begin its yearly work.

Item 11. PUBLIC HEARINGS:

Order No. 26-043. 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 405 Zoning Ordinance to add a new use, mobile food vendor site, establishing where the new use is permitted and establishing performance standards that apply. [Planning Director] Autumn Speer, Planning Director, 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 7:32 p.m.

Motion by Councilor Cain, seconded by Councilor Hayes, to move approval of second reading on the proposed to Chapter 405 Zoning Ordinance to add a new use, mobile food vendor site, establishing where the new use is permitted and establishing performance standards that apply; as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 405 the Town of Scarborough Zoning Ordinance, be and hereby is amended, as follows as presented (additions are underlined and in red font):

CHAPTER 405 ZONING ORDINANCE

SECTION VI DEFINITIONS

Mobile Food Vendor:

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time. Mobile food vendors are subject to Chapter 1015.A Mobile Food Vendor License Ordinance. [01/08/2025]

Mobile Food Vendor Court:

A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site. Mobile food vendors courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards and Chapter 405B Site Plan review requirements. [01/08/2025]

Mobile Food Vendor Site:

A site with one (1) mobile food vendor located on the property. For the purpose of this definition the mobile food vendor site shall be accessory use to the primary use of the site. Mobile food vendor sites are subject to Chapter 405 Zoning Ordinance use standards, applicable performance standards and Chapter 1015.A Mobile Food Vendor License Ordinance.

SECTION XIII.A ZONING DISTRICT USE TABLES

Use	Additional Standards Performance Standards Apply to All Districts	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
Mobile Food Vendor Site (drive through or drive in service is prohibited)	Section IX.BB	P	P	P	P				PD	P	P	P	P		P
Mobile Food Vendor Court (drive through or drive in service is prohibited)	Section IX.BB	C22	C14	C14	C21				PD	P	P	P	C23		P

SECTION IX.BB. MOBILE FOOD VENDOR SITE AND MOBILE FOOD VENDOR COURT **[Adopted 01/08/2025]**

The following standards shall apply to all mobile food vendor sites:

1. The Town Clerk shall have the authority to issue a permit for a mobile food vendor site. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.
2. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the registration.
3. Upon submission to the Town Clerk, an application shall be distributed to the Director of Planning and Codes, the Police Chief, the Fire Chief, and the Assessor for their review and recommendation for approval or disapproval with reasons noted.
4. No more than one mobile food vendor is allowed per lot.
5. A mobile food vendor is permitted only as an accessory use.
6. The mobile food vendor operator shall have available, and under written agreement, at least three off-street parking spaces. In cases where on-street parking is available immediately in front, the operator must have one off-street parking space for any vehicle belonging to an employee working on a given shift.
7. Minimum setbacks for the zoning district in which the mobile food vendor site is located shall apply.
8. Mobile food vendors shall be parked on existing asphalt or concrete. No new material may be installed for the placement of a mobile food vendor without Site Plan approval.
9. Appropriate spill control and counter-measures plan with sufficient materials to address typical releases shall be provided.
10. Mobile food vendors are not permitted within any ADA accessible parking space.

11. Mobile food vendors are not permitted within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
12. Mobile food vendors are not permitted to be located in the public right-of-way, impede traffic, interfere with the general ingress and egress to and from any property, public or otherwise, or present an unsafe condition for patrons, pedestrians, or other vehicles.
13. Limited on-site dining is permitted if all other standards are met.

The establishment of a mobile food vendor court shall be through the site plan process. In addition, all mobile food vendors in the mobile food vendor court shall adhere to licensing requirements found in Chapter 1015.A Mobile Food Vendor License Ordinance.

The following standards shall apply to all mobile food vendor courts:

1. Minimum setbacks for the zoning district in which the mobile food vendor court is located shall apply to all mobile food vendor pad sites.
2. Each mobile food vendor located at a mobile food vendor court shall be located on a pad site that meets the standards in this ordinance.
3. Each mobile food vendor pad site shall be equipped with electrical connections.
4. Mobile food vendor pad sites shall be designed to maintain a five (5) foot clear space around each mobile food vendor.
5. Mobile food vendor pad sites shall be designed so that mobile food vendors shall be parked on asphalt, concrete or other approved surfaces. Appropriate spill control and counter-measures plan with sufficient materials to address typical shall be provided for every pad site.
6. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set-up within any ADA accessible parking space.
7. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set up within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
8. Mobile food vendor pad sites shall be designed so that no mobile food vendor is located in the public right-of-way, impedes traffic, interferes with the general ingress and egress to and from any property, public or otherwise, or presents an unsafe condition for patrons, pedestrians, or other vehicles.
9. Mobile food vendor courts shall provide temporary or permanent public restroom facilities.

Vote: 6 Yeas. Motion Carried.

Order No. 26-044. 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1015.A. Mobile Food Vendor License Ordinance to address mobile food vendor sites. *[Planning Director]* 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 7:33 p.m.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval of the second reading on the proposed amendments to Chapter 1015.A. Mobile Food Vendor License Ordinance to address mobile food vendor sites, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 1015-A - the Town of Scarborough

Mobile Food Vendor Ordinance, is hereby is amended, as follows (additions are underlined; deletions are struck through):

CHAPTER 1015.A MOBILE FOOD VENDOR ORDINANCE

A. Applicability

No person shall carry on the business of operating to sell food or beverage from a mobile food vendor within the limits of the Town of Scarborough without first having obtained a license from the Town of Scarborough. Mobile food vending may only occur on locations in Section B below.

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.

Registered Mobile Food Vendor Site. Mobile food vendors may operate at approved Mobile Food Vendor Sites with permission of the property owner. See Section O. Mobile Food Vendor Site Registration Requirements.

One-time Events. Mobile food vendors may operate on private property for a private one-time event provided the unit has all other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit). [Amended 02/04/2026]

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.

C. Definitions

Mobile Food Vendor. A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time.

Mobile Food Vendor Court. A collection of two or more mobile food vendor pad sites in a common outdoor plaza or space providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site. Mobile food vendors courts are subject to Chapter 405, Zoning Ordinance use standards and applicable performance standards and Chapter 405B Site Plan Review requirements.

Mobile Food Vendor Site. A site with one (1) mobile food vendor located on the property. For the purpose of this definition the mobile food vendor site shall be accessory use to the primary use of the site. Mobile food vendor sites are subject to Chapter 405 – Zoning Ordinance use standards, applicable performance standards and this Ordinance.

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. [Amended 02/04/2026]
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. [Amended 02/04/2026]

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. [Adopted 02/04/2026]

G. License Renewal

The Town Clerk shall renew a license issued under Section F above to operate a mobile food vendor unit on or before May 1st of each year, provided the applicant must still meet all of the licensing standards set forth in this ordinance.

The applicant must submit the application and the renewal fee within 30 days before expiration of the license or must reapply as a new applicant.

H. License Revocation

Any license issued pursuant to this ordinance may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine, or upon a determination that any owner or operator has

violated any condition of a license, made a material misstatement on the application for the license, or has kept or operated her/his mobile food vending unit in an unsafe, unclean or unsatisfactory condition.

I. License Posting Required

Every required license shall be displayed at all times in a conspicuous place where they can be read by the general public on the mobile food vendor unit.

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. Servesafe Certificate [Adopted 02/04/20026]
 - 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.
- [Adopted 02/04/2026]

4. Refuse and Waste

- a. Mobile food vendors are responsible for the proper disposal of waste and trash associated with the operation and shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety.
- b. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space.
- c. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the license application.

5. Signage

- a. Mobile food vendors shall not place signs/banners in or alongside the public right-of-way or across roadways.
- b. Mobile food vendor signs must be permanently affixed to or painted on the mobile food vehicle; sandwich boards are acceptable if placed directly in front of the mobile food vendor they are advertising for.

6. Noise, Lighting and Odors

- a. Mobile food vendors shall not emit sounds, outcry, speaker, amplifier or announcements and amplified music or sounds may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

7. Hours of Operation

- a. Mobile food vendors may operate beginning at 6:00 AM and ending at 10:00 PM, unless otherwise qualified or limited by the municipal review authority.

K. License Fee Required

The 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. [Amended 02/04/2026]

L. Operating Without a License [Adopted 02/04/2026]

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.

M. Insurance Required

Mobile food vendors shall provide, at their expense, and keep in force during the term of their contract, with a responsible insurance company or companies authorized to do business in the state, commercial general liability insurance in the amount of at least \$1,000,000. The mobile food vendor shall deliver certificates of such insurance to the town at the time of application.

N. License Expiration

A new license, when granted, shall be valid until May 31st, immediately following said granting of said license, except that new licenses granted during April and May shall be valid until May 31st of the following calendar year. A license issued under this section is not transferable.

O. Mobile Food Vendor Sites. Mobile Food Vendor Sites must be registered with the Town Clerk.

A. Application. An application for a Mobile Food Vendor Site Property registration shall contain the following information:

1. Name of Applicant/Owner of Record of the Mobile Food Vendor Site Property.

- a. If the applicant is an individual: The individual shall state their legal name and any aliases.
- b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all the partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any.
- c. If the applicant is a corporation: the corporation shall state its complete name, the date of its incorporations, evidence that the corporations is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process.
- d. If the applicant is a limited liability company (LLC): the LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process.

2. The applicant's mailing address and residential address.

3. The location of the proposed Mobile Food Vendor Site, including a legal description of the property, street address, and telephone number. The applicant must also demonstrate that the property meets the zoning requirements for the proposed use.

4. Security Measures. The applicant agrees to be duly accountable and ensure all licenses Mobile Food Vendor within their property adhere to the standards outlined above.

B. Town Review. Upon submission to the Town Clerk, an application shall be distributed to the Director of Planning and Codes, the Police Chief, the Fire Chief and the Assessor for their review and recommendation for approval or disapproval with reasons noted.

C. Fee. The Mobile Food Vendor Site Registration fee shall be specific in Chapter 311, the Schedule of License, Permit, and Application Fees established by the Town Council. Applicants are also responsible for the Town's expenses associated with the review of an application, including the cost of any third-party review, if necessary.

D. Duration of Registration. The registration will be valid from September 1 through August 31 and be subject to annual renewals.

E. The Town Clerk shall have the authority to issue Mobile Food Vendor Site Registrations. If the Clerk finds verified complaints against an applicant or premises, the Clerk shall refer the application to the Town Council for review to revoke or deny under this section.

Vote: 6 Yeas. Motion Carried.

Order No. 26-045. 7:00 p.m. Public Hearing and second reading on the proposed amendment to Chapter 311 Schedule of Fees, to add applicable Short-Term Rental Registration fees. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Chairman Fellows opened the public hearing. The following individuals spoke on this Order:

- Stephen Zamierowski of Theresa Masse Lane supported the short-term rental policy and suggested it be reviewed annually. He noted the average daily rental rate in Scarborough is around \$500, reaching \$1,000 in summer, with hosts incurring a 15% fee on platforms like Airbnb. To fund the program's administration, he recommended increasing fees or applying commercial real estate taxes, aiming to balance the rights of property owners with the town's obligations to residents.

There being no further comments the hearing was closed at 7:37 p.m.

Motion by Councilor Hayes, seconded by Chairman Fellows, to move approval of the second reading on the proposed amendments to Chapter 311 Schedule of Fees, to add applicable Short-Term Rental Registration fees, as follow:

**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 changes to Chapter 311 – Town of Scarborough Schedule of License, Permit and Application Fees, is hereby amended, as follows (additions are underlined; deletions are struck through):

<u>Chapter 1020 – Short-Term Rental Ordinance</u>	<u>Fee</u>
<u>Annual Registration Fee</u>	<u>\$200.00</u>

Vote: 5 Yeas. 1 Nay [Councilor Doherty], Motion Carried

Order No. 26-052. 7:00 p.m. Public hearing and action on the new request for a Waste Haulers License from Garbage to Garden. [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 7:40 p.m.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval on the new request for a Waste Haulers License from Garbage to Garden.

Vote: 6 Yeas. Motion Carried.

Order No. 26-053. 7:00 p.m. Public hearing and action on the new requests for a Massage Therapist License from Julita Luke and Kaihlil Tayva Patience Nigro working at the Oasis Wellness Center, located at 433 US Route One and Nicole Grace Fritz working at Grounded Motion, located at 200 Expedition 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 7:41 p.m.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval on the new requests for a Massage Therapist License from Julita Luke and Kaihlil Tayva Patience Nigro working at the Oasis Wellness Center, located at 433 US Route One and Nicole Grace Fritz working at Grounded Motion, located at 200 Expedition Drive.

Vote: 6 Yeas. Motion Carried.

Item 12. OLD BUSINESS: None at this time.

Item 13. NEW BUSINESS:

Order No. 26-054. First reading and schedule a public hearing on the proposed amendments to Chapter 413 Rate of Growth Ordinance to amend by adding rate of growth permit allocation for fiscal year 2027. (Planning Director) Autumn Speer, Planning Director, gave a brief overview on this Order. The following individuals spoke on this Order:

- Alyson Bristol, Bayview Avenue, questioned the methodology for calculating total housing units, particularly the inclusion of affordable housing, which skews the 10-year average. She noted that zoning regulations allow permits to expire, if construction doesn't begin within six months, yet some permits, like those for the Downs project, are counted despite no construction occurring. She argued that the affordable housing allocation for Downs should reflect a 10% requirement, given that no affordable units have been constructed in the current cycle. She also criticized the use of land sales to fulfill affordable housing obligations, deeming it inappropriate for future considerations.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval of the first reading on the proposed amendments to Chapter 413 Rate of Growth Ordinance to amend by adding rate of growth permit allocation for fiscal year 2027 and schedule a public hearing and second reading for Wednesday, July 15, 2026, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 413 the Town of Scarborough Growth Management Ordinance, be and hereby is amended, as follows (additions are underlined; deletions are struck through in red font):

**CHAPTER 413
TOWN OF SCARBOROUGH
RATE OF GROWTH ORDINANCE**

Repealed and Replaced May 5, 2021

Effective June 1, 2021

Amended October 5, 2022

Amended June 21, 2023 – Effective July 1, 2023

Amended XX, 2026 – Effective July 1, 2026

Proposed Amendment:

A. TITLE

This ordinance shall be known as the “Rate of Growth Ordinance of the Town of Scarborough, Maine” and shall be referred to herein as the “Ordinance.”

B. LEGAL AUTHORITY

This Ordinance is adopted pursuant to the home rule powers as provided for in VIII-A of the Maine Constitution and 30-A M.R.S.A. §3001, 30-A M.R.S.A. § 4323, and 30-A M.R.S.A. §4360.

C. PURPOSE [Amended 06/21/2023]

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Scarborough through placing reasonable and appropriate limitations on residential development in accordance with the Comprehensive Plan

D. EFFECTIVE DATE AND TRANSITION PROVISIONS. [Amended 06/21/2023; xx/xx/2026]

This Ordinance is effective as of July 1, 20263. Any growth permits issued prior to July 1, 2063, shall be governed by the Growth Management Ordinance provisions in effect prior to July 1, 20263. Applications for growth permits that were accepted under the Growth Management Ordinance provisions in effect prior to July 1, 20263 that are pending at the time of adoption of this Ordinance shall have access to the growth permits or building permits available prior to the adoption of this Ordinance.

Proposed Amendment:

I. GROWTH PERMITS ALLOCATED BY AREA [Adopted 06/21/2023]

1. Allocation of growth permits in Area 1.

- a. Commencing on July 1, 20263, the maximum number of growth permits annually issued between July 1st, 2026 and June 30th, 2027 shall be twenty-five (25). Any growth permits not issued in the ~~calendar~~ one-year period shall expire and shall not be carried forward to the next year.
- b. During each one-year period, no more than fifty percent (50%) of the growth permits available from the Area 1 allocation shall be issued to a common scheme of development.
- c. Three months prior to the end of each one-year period, all remaining growth permits shall be made available regardless of common scheme limitations.
- ~~d. The allocation of 25 growth permits in Area 1 shall continue to renew every year on July 1st, until such time Town Council acts to adjust.~~

2. Allocation of growth permits in Area 2.

- a. Commencing on July 1, 20263, the maximum number of growth permits issued between July 1, 20263, and June 30, 20276, shall be seventy two-hundred-ten (70 210). Any growth permits not issued in the ~~three~~ one-year period shall expire and shall not be carried forward to the next years.
- b. No more than thirty-five percent (35%) of the growth ~~permits available from the three-year allocation~~ shall be issued for units with three one (3) or more bedrooms.

- c. ~~During each three-year period, N~~ no more than fifty percent (50%) of the growth permits available from the Area 2 allocation shall be issued to a common scheme of development.
- d. Six months prior to the end of each ~~three~~ one-year period, all remaining growth permits shall be made available regardless of common scheme limitations.
- e. ~~The allocation of 210 growth permits in Area 2 shall continue to renew every three years on July 1st, until such time Town Council acts to adjust.~~

3. Allocation of growth permits in Area 3.

- a. Commencing on July 1, 202~~63~~, the maximum number of growth permits issued between July 1, 202~~63~~, and June 30, 202~~76~~, shall be one hundred twenty-five (125) ~~four hundred (400)~~. Any growth permits not issued in the ~~three~~ one-year period shall expire and shall not be carried forward to the next years.
- b. No more than thirty-five ~~twenty~~ percent (35%) of the growth permits ~~available from the three-year allocation~~ shall be issued for units with three (3) or more bedrooms.
- c. ~~The allocation of 400 growth permits in Area 3 shall continue to renew every three years on July 1st, until such time Town Council acts to adjust.~~

J. AFFORDABLE AND WORKFORCE HOUSING GROWTH PERMITS ALL AREAS

[Adopted 06/21/2023]

1. Allocation of Affordable and Workforce Housing growth permits Town wide.

- a. Growth permits issued under this section are required meet the definition of affordable and/or workforce housing as defined in this Ordinance and be deed restricted for a period of thirty (30) years.
- b. Commencing on July 1, 202~~63~~, the maximum number of growth permits issued between July 1, 202~~63~~ and June 30, 202~~76~~ shall be twenty-four ~~one hundred (24 100)~~. Any growth permits that are not issued in the ~~three~~ one-year period shall expire and shall not be carried forward to the next years.
- c. No more than twenty percent (20%) of the growth permits ~~available from the three-year allocation~~ shall be issued for units with three (3) or more bedrooms.
- d. Any time permits allocated under this section fall below fifty percent (50%) of the total allocation, staff will advise Town Council to the number remaining.
- e. If at any time during the ~~three~~ one-year period growth permits are expended, Town Council may act to replenish the number of Affordable and Workforce Housing growth permits available.
- f. ~~The allocation of 100 growth permits for Affordable and Workforce Housing in all areas shall continue to renew every three years on July 1st, until such time Town Council acts to adjust.~~

Proposed Amendment:

L. REPORTING. [Amended 06/21/2023]

- 1. The Code Enforcement Officer will maintain a listing of all permits issued under this ordinance and any exemptions granted. The listing shall be made accessible to the public on file and through the Town Website and shall include the following:
 - a) Growth Area classification as defined by Section I above
 - b) Owner and/or applicant name

- c) Tax map, lot number, address and zoning
- d) Building type and number of units (if applicable) and number of bedrooms per unit
- e) Exemption type (if applicable)
- f) Site Plan approval date (if applicable)
- g) Building permit issued date (if applicable)
- h) Certified of occupancy date (when available)

2. The ~~Director of Planning and Codes~~ Planning and Codes Department shall prepare an annual report to the Town Council as to the status of growth permits issued and remaining in the three areas as defined by Section I and Section J above. The annual reports shall also include performance metrics relating to impacts of growth as defined by Town Council.

~~M. PERIODIC REVIEW OF ORDINANCE~~ ~~[Amended 06/21/2023]~~

~~The Town Council shall conduct a biennial review of this Ordinance to determine if it remains consistent with the Town's ability to absorb growth, to achieve the priorities outlined within the Comprehensive Plan, and to determine if the number of growth permits available under this Ordinance should be adjusted by amendment. During its review the Town Council shall set the number of growth permits at 105% or more of the mean number of growth permits issued during the ten (10) years immediately prior to the year in which the number is calculated. The Town Council may seek assistance or advice from the Planning Board in connection with such review.~~

~~This section does not limit Town Council's authority to review and/or amend the Ordinance at any other time. All changes other than the required review during each three year period shall require supermajority vote by the Town Council for amendments.~~

M ~~N~~. VIOLATION, PENALTIES AND ENFORCEMENT [Amended 06/21/2023]

Any person who constructs, creates or places a dwelling unit within the Town of Scarborough without a growth permit required by this Ordinance or who owns or occupies a dwelling unit constructed, created or placed within the Town of Scarborough without a growth permit required by this Ordinance commits a civil violation and is subject to the fines, penalties and remedies provided in 30-A M.R.S.A. § 4452. Each day a violation continues to exist after notice of the violation constitutes a separate violation. This Ordinance shall be enforced by the Town of Scarborough Code Enforcement Officer in the manner provided for enforcement of violations of the Zoning Ordinance under Section IV, subsections (A) and (B) of the Zoning Ordinance.

N ~~O~~. APPEALS [Amended 06/21/2023]

Any decision under the provisions of this Ordinance may be appealed to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B. Any decisions under the provisions of this Ordinance are not appealable to the Scarborough Board of Appeals.

O ~~P~~. SEVERABILITY. [Amended 06/21/2023]

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of this ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Vote: 6 Yeas. Motion Carried.

Order No. 26-055. First Reading and refer to the Planning Board the proposed amendments to Chapter 405 Zoning Ordinance; including the creation of a new use, mobile sauna; adding the use to Section VI Definitions; adding the use to allowed districts in Section XIII.A Zoning District Use Tables; and adding Section IX.GG Performance Standards Mobile Saunas. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. The following individual spoke via zoom on this Order:

- Asch Gregory, founder of Rove Sauna, expressed gratitude for the community's support after pausing operations due to land use concerns. She highlighted the positive response from locals during the first winter season, emphasizing the sauna's role in fostering connections and wellness and urged the council to support the necessary ordinance to permit the operation of Rove Sauna again, appreciating the efforts of town staff and looking forward to re-establishing the business in Scarborough..

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval of the first reading and refer to the Planning Board, the proposed amendments Chapter 405 Zoning Ordinance; including the creation of a new use, mobile sauna; adding the use to Section VI Definitions; adding the use to allowed districts in Section XIII.A Zoning District Use Tables; and adding Section IX.GG Performance Standards Mobile Saunas and schedule the public hearing and second reading for Wednesday, July 15, 2026, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 405 the Town of Scarborough Zoning Ordinance, be and hereby is amended, as follows as presented (additions are underlined and in red font):

CHAPTER 405 ZONING ORDINANCE

SECTION VI DEFINITIONS

Mobile Sauna:

A portable, towable trailer or other mobile platform designed and constructed to provide the same heat and steam experience as a traditional sauna. Mobile saunas are designed to be temporarily placed on sites and not permanently installed. For the purpose of this definition the mobile sauna use shall be an accessory use to the primary use of the site. Mobile saunas are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards.

SECTION XIII.A ZONING DISTRICT USE TABLES

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Vilage Residential 2 (VR-2)	Vilage Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fngie (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Halgis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
SHOP, SERVICE AND MEDICAL USES																								
Retail Sales and Service											C22	C14	C6	C21	C12	C7;C11	C15	PD	C20	C14	P	C23	C47; C58	C58
Outdoor Sales and Services																				SE, C57				
Personal Service											C22	C14	C14	C21	C12	C40	C40	PD	P	P	P	C23	P	P
Health Club											C22	C14	C14; C46	C21	C12	C14	P	PD	P	P	P	C23	P	P
Mobile Sauna											P	P	P	P	P			PD						
Business Services and Business Office										C12	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23	P	P
Professional Office							C12			C12; C13	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23	P	C9
Medical and Diagnostic Facility																		PD	P					
Addiction Treatment Facility	Section IX (L)																							C9
Financial, Insurance and Real Estate Office										C12	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23		
Veterinary Clinic		SE	SE							C12; C13	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23	P	C9
Pet Care Facility (Indoor)		SE	SE															PD						P
Kennel (Indoor and/or Outdoor)		SE	SE																					
Non-Residential Accessory Use (excludes outdoor storage)		P	CZ	P	P	P	P	P	P	P	C22	P	P	P	P	P	P	P	P	P	P	C23	P	P
Non-Residential Accessory Use (includes outdoor storage)																							P	P

SECTION IX.GG. MOBILE SAUNAS

The following standards shall apply to all mobile saunas:

1. The Town Clerk shall have the authority to issue a permit for a mobile sauna. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.
2. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the registration.
3. Upon submission to the Town Clerk, an application shall be distributed to the Director of Planning and Codes, the Police Chief, the Fire Chief, and the Assessor for their review and recommendation for approval or disapproval with reasons noted.
4. No more than one mobile sauna is allowed per lot.
5. A mobile sauna is permitted only as an accessory use to a permitted non-residential use in the zoning district in which it is located.
6. The mobile sauna operator shall have available, and under written agreement, a minimum of three off-street parking spaces. Additional parking and/or a shared parking agreement may be required at the discretion of the reviewing authority.
7. Minimum setbacks for the zoning district in which the mobile sauna is located shall apply.
8. Mobile saunas shall be parked on existing asphalt or concrete. No new material may be installed for the placement of a mobile sauna without Site Plan approval.
9. Mobile saunas are not permitted within any ADA accessible parking space.
10. Mobile saunas are not permitted within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
11. Mobile saunas are not permitted to be located in the public right-of-way, impede traffic, interfere with the general ingress and egress to and from any property, public or otherwise, or present an unsafe condition for patrons, pedestrians, or other vehicles.

Vote: 6 Yeas. Motion Carried.

Order No. 26-056. First reading and schedule a public hearing on the proposed new Chapter 1015.B. entitled Mobile Sauna Vendor License. *[Planning Director]* Autumn Speer, Planning Director, gave a brief overview on this Order. She noted there are two correction that need to be made. One under the application process, D7 should say mobile sauna and two, eight should be stricken because they will not be selling food.

Motion by Councilor H, seconded by Councilor , to move approval of the First reading and schedule a public hearing on the proposed new Chapter 1015.B. entitled Mobile Sauna Vendor License.

Motion by Councilor Donovan, seconded by Councilor Cain, to move approval to amend the main motion and correct the application process, D7 should say mobile sauna and eight should be stricken because they will not be selling food.

D. Application Process

Every Mobile Sauna operator shall obtain a license issued by the Town Clerk to conduct business in the Town. Each Mobile Sauna 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 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 Sauna 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 Sauna.
7. Valid and current vehicle/trailer registration of mobile ~~sauna~~ sauna-foed unit.
8. ~~Description of product being sold and menu.~~

Vote on amendment: 6 Yeas. Motion Carried.

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following new Chapter 1015. B Mobile Sauna Ordinance be established, as follows as presented (additions are underlined and in red font), as amended:

CHAPTER 1015.B MOBILE SAUNA ORDINANCE

A. Applicability

No person shall carry on the business of operating from a Mobile Sauna within the limits of the Town of Scarborough without first having obtained a license from the Town of Scarborough. Mobile saunas may only occur on locations in Section B below.

B. Permitted Mobile Sauna Locations

Registered Mobile Sauna Site. Mobile Saunas may operate at approved Mobile Sauna Sites with permission of the property owner. See Section O. Mobile Sauna Site Registration Requirements.

One-time Events. Mobile Saunas may operate on private property for a private one-time event provided the unit has all other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).

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

C. Definitions

Mobile Sauna.

A portable, towable trailer or other mobile platform designed and constructed to provide the same heat and steam experience as a traditional sauna. Mobile saunas are designed to be temporarily placed on sites and not permanently installed. For the purpose of this definition the mobile sauna use shall be an accessory use to the primary use of the site. Mobile saunas are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards.

D. Application Process

Every Mobile Sauna operator shall obtain a license issued by the Town Clerk to conduct business in the Town. Each Mobile Sauna 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.
9. Legal name of business or entity.
10. Proof of a State of Maine Health Certificates at the time of application.
11. Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
12. Phone number for the private property owner on which the Mobile Sauna unit will be placed.
13. Name, phone number and driver's license number of business owner and all employees or other persons authorized to operate the Mobile Sauna.
14. Valid and current vehicle/trailer registration of mobile sauna unit.

E. Public Hearing Required

The Town Council shall hold a public hearing on all new seasonal applications for Mobile Sauna 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 Sauna 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. [Adopted 02/04/2026]

G. License Renewal

The Town Clerk shall renew a license issued under Section F above to operate a Mobile Sauna unit on or before May 1st of each year, provided the applicant must still meet all of the licensing standards set forth in this ordinance.

The applicant must submit the application and the renewal fee within 30 days before expiration of the license or must reapply as a new applicant.

H. License Revocation

Any license issued pursuant to this ordinance may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine, or upon a determination that any owner or operator has violated any condition of a license, made a material misstatement on the application for the license, or has kept or operated her/his mobile food vending unit in an unsafe, unclean or unsatisfactory condition.

License Posting Required

Every required license shall be displayed at all times in a conspicuous place where they can be read by the general public on the Mobile Sauna unit.

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

1. General Standards

- c. 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.
- d. An applicant must additionally and specifically demonstrate that the applicant:
 - vi. Meets all State of Maine Health Department regulations;

2. Equipment Standards

- i. Mobile Saunas shall be attended at all times during operating hours.
- j. The allowable dimensions of a Mobile Sauna (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.
- k. The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.

3. Inspections Required

- g. All heating and electrical equipment 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.
- h. Mobile Saunas shall obtain an annual fire inspection from the Fire Department prior to operating its business.
- i. The Mobile Sauna 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.

4. Refuse and Waste

- d. Mobile Saunas are responsible for the proper disposal of waste and trash associated with the operation and shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety.
- e. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the license application.

5. Signage

- c. Mobile Saunas shall not place signs/banners in or alongside the public right-of-way or across roadways.
- d. Mobile Sauna signs must be permanently affixed to or painted on the vehicle; sandwich boards are acceptable if placed directly in front of the Mobile Sauna they are advertising for.

15. Noise, Lighting and Odors

- b. Mobile Saunas shall not emit sounds, outcry, speaker, amplifier or announcements and amplified music or sounds may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

6. Hours of Operation

- b. Mobile Saunas may operate beginning at 6:00 AM and ending at 10:00 PM, unless otherwise qualified or limited by the municipal review authority.

J. License Fee Required

The fees payable for a Mobile Sauna license shall be as specified in Chapter 311, the *Schedule of License, Permit and Application Fees* established by the Town Council.

K. Operating Without a License

If it is determined by Town staff that a Mobile Sauna is operating with a Town of Scarborough Mobile Sauna 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.

L. Insurance Required

Mobile Saunas shall provide, at their expense, and keep in force during the term of their contract, with a responsible insurance company or companies authorized to do business in the state, commercial general liability insurance in the amount of at least \$1,000,000. The Mobile Sauna shall deliver certificates of such insurance to the town at the time of application.

M. License Expiration

A new license, when granted, shall be valid until May 31st, immediately following said granting of said license, except that new licenses granted during April and May shall be valid until May 31st of the following calendar year. A license issued under this section is not transferable.

N. Mobile Sauna Sites. Mobile Sauna Sites must be registered with the Town Clerk.

- A. Application. An application for a Mobile Sauna Site Property registration shall contain the following information:

- 1. Name of Applicant/Owner of Record of the Mobile Sauna Site Property.
 - a. If the applicant is an individual: The individual shall state their legal name and any aliases.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any.
 - c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process.
 - d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under

State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process.

2. The applicant's mailing address and residential address.
 3. The location of the proposed Mobile Sauna Site, including a legal description of the property, street address, and telephone number. The applicant must also demonstrate that the property meets the zoning requirements for the proposed use.
 4. Security Measures. The applicant agrees to be duly accountable and ensure all licensed Mobile Sauna within their property adhere to the standards outlined above.
- B. Town Review. Upon submission to the Town Clerk, an application shall be distributed to the Director of Planning and Codes, the Police Chief, the Fire Chief, and the Assessor for their review and recommendation for approval or disapproval with reasons noted.
- C. Fee. The Mobile Sauna Site Registration Fee shall be specified in Chapter 311, the *Schedule of License, Permit, and Application Fees* established by the Town Council. Applicants are also responsible for the Town's expenses associated with the review of an application, including the cost of any third-party review if necessary.
- Duration of Registration. The registration will be valid from September 1 through August 31 and be subject to annual renewals.
- D. The Town Clerk shall have the authority to issue Mobile Sauna Site Registrations. If the Clerk finds verified complaints against an applicant or premises, the Clerk shall refer the application to the Town Council for review to revoke or deny under this subsection.

Vote: 6 Yeas. Motion Carried.

Order No. 26-057. First reading and schedule a public hearing on the proposed amendments to Chapter 311 - Schedule of Fees to add applicable Mobile Food Vendor Site registration fees; Mobile Sauna License fees; and Mobile Sauna Site registration fees. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Chairman Fellows opened the public hearing.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval of the first reading on the proposed amendments to Chapter 311 - Schedule of Fees to add applicable Mobile Food Vendor Site registration fees; Mobile Sauna License fees; and Mobile Sauna Site registration fees and schedule a public hearing and second reading for Wednesday, July 15, 2026, as follows:

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

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

<u>Chapter 1015A – Mobile Food Vendor License</u> (Adopted 01/08/2025 Amended 02/04/2026)	
Class 1: Annual (New)	\$250.00
Class 1: Annual (Renewal)	\$150.00
Class 2: 2-7 consecutive days	\$100.00
Class 3: 1 day	\$50.00
After The Fact (in addition to the license fee)	½ license cost
<u>Mobile Food Vendor Site</u>	<u>\$250.00</u>

<u>Chapter 1015B – Mobile Sauna</u>	
Class 1: Annual (New)	\$250.00
Class 1: Annual (Renewal)	\$150.00
Class 2: 2-7 consecutive days	\$100.00
Class 3: 1 day	\$50.00
After The Fact (in addition to the license fee)	½ license cost
<u>Mobile Sauna Site</u>	<u>\$250.00</u>

Vote: 6 Yeas. Motion Carried.

Order No. 26-058. Act on the request to certify the Election Results of the June 9, 2026, for the Board of Education Election and the School Budget Validation Referendum Election.
[Town Clerk's Office] A brief overview on the election results were given.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval on the request to certify the Election Results of the June 9, 2026, for the Board of Education Election and the School Budget Validation Referendum Election, as follows:

Presented for certification by the Town Council, are the election results for the Municipal Elections and School Budget Referendum Election that was held on Tuesday, June 9, 2026:

BOARD OF EDUCATION – 3 YEAR
4,776 GONDZAR, DONALD SCOTT*
5,280 WEBER, ALEXANDER J.*
4,392 BLANKS

QUESTION 1: SCHOOL BUDGET
4,764 YES*
2,235 NO
212 BLANKS

There are approximately 18,821 active voters on our voter registration list for this Election, which does not include same day registration. There were 7,224 voters who cast ballots in the June 10, 2025 Municipal Election and 7,211 voters who cast ballots in the School Budget Referendum Election, of which 2,726 were absentee ballots. The percentage for overall voter turnout for this Election was 38%.

Vote: 6 Yeas. Motion Carried.

Order No. 26-059. Act on the request to authorize the Town Manger to enter into a Interlocal Agreement for General Assistance Services between the Town of Scarborough and the Town of Old Orchard Beach. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Hayes, seconded by Councilor Cain, to move approval on the request to authorize the Town Manger to enter into a Interlocal Agreement for General Assistance Services between the Town of Scarborough and the Town of Old Orchard Beach.

Vote: 6 Yeas. Motion Carried.

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

Item 11. Council Member Comments.

- Councilor Hayes thanked Public Safety for their excellent work during a challenging week with multiple accidents and various emergencies, emphasizing their role in maintaining safety and organization. Additionally, expressed satisfaction with election day activities, noting high engagement at the council table and positive feedback from the community, including over 100 new newsletter sign-ups.
- Chairman Fellows agreed on the importance of public safety and the election work. I hope everyone enjoys the summer break, even as some work continues. As we approach mid-July, let's remember the enjoyable aspects of living here.

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

Vote: 6 Yeas. Motion Carried.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council