

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – NOVEMBER 8, 2023  
HYBRID REGULAR MEETING – 7:00 P.M.**

**Item 1. Call to Order.** Chairman Anderson called the regular meeting of the Scarborough Town Council to order at 7:12 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Kristen Barth, Deputy Town Clerk. Thomas Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

Councilor April V. Sither	Councilor Jean-Marie Caterina
Councilor John R. Cloutier (via ZOOM)	Councilor Donald R. Hamill
Councilor Karin B. Shupe	Councilor Nicholas S. McGee
Chairman Jonathan E. Anderson	

**Item 4. General Public Comments.**

- Averyl Hill of Maple Avenue, spoke in regards to speed tables on Maple Avenue.
- Seth Fernald of Maple Avenue, spoke in regards to the speeding on Maple Avenue.
- Jim Pritchard of Maple Avenue, provided the Council with Chapter 601 Traffic Control, Section 13, Traffic Control Devices and a document on speed tables from the National Association of City Transportation Officials. He spoke in regards to traffic calming and how policies are made.
- Jack Faye of Mulberry Lane, spoke in regards to zoning changes, the survey that recently went out to residents, and traffic from Maple Avenue to Route 114.
- Shannon Lindstrom of Jasper Street and the Chair of the Board of Education, spoke in regards to the school election results and a path forward.
- Susan Hamill of Bay Street ,spoke in regards to the energy that went into the school project, that the Town Council needs to take a look at why the school failed, and how to move forward. In addition, she spoke in regards to the CEA.
- Neil Gregoire of King Street, spoke in regards the time the Council put in to the work they do and the school showed the public has spoken so they need to listen and work to move forward.
- Alyson Bristol of Bayview Avenue, spoke in regards to the workshop.
- Julia Plunkett of Maple Avenue spoke in regards to speed on Maple Avenue including area roads as well. In addition, she spoke in regards to the school vote and how to move forward.
- Rory Benjamin of Maple Avenue spoke in regards to finding a traffic solution for Maple Avenue and the school vote including how to move forward.

**Item 5. Minutes: October 18, 2023 - Town Council Meeting.** Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the October 18, 2023, Town Council meeting minutes, as written.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Vote unanimous.

**Item 6. Adjustment to the Agenda.**

Motion by Council Hamill, second by Council McGee to move approval to move Order No. 23-125, to the top of the agenda items.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– No
Councilor John R. Cloutier– No	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– No	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– No	

Motion failed.

**Item 7. Items to be signed: a. Treasurer’s Warrants.** Treasurer’s Warrants were signed prior to the meeting.

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

- School Building Project Update -
  - Easterly Access Evaluation -
    - Track View Terrace - Title Review Legal Memo
  - Buyers Obligations under the Purchase Option Agreement -
    - November 8- TIF Expansion/CEA Amendment
    - November 15 - Buffer Reduction and Zone Map Changes
    - Option Fee Authorization
- Eastern Trail - Close The Gap–
- Gorham Connector - Public Engagement Start up
  - Stakeholder Meeting
  - 3 General Public Meetings
- Dredge Update - Contractor on site- mobilizing at Ferry Beach
- Pine Point Pier Improvements- Update on crane replacement and pier
- Downs Project Fiscal Model - Committed to an update by end of the year
- Curbside Collection- Private Roads/Condo Associations
- Affordable Housing - Jocelyn Place and Village Commons tours
- 2nd Annual Maine Junior Firefighters Muster - Report on Muster
- Traffic Calming - Staff Process for Review
  - Town-wide Transportation Plan- “Toolbox” Identified
- Higgins Beach Association
- Costco Opening- fuel will be opening, Friday, November 10 and the store will be opening the following week on, Friday, November
- Senior Tax Assistance Program- program has closed with included 424 applicants which will be approximately \$311,000 in State reimbursement.
- Election Day

Thomas J. Hall, Town Manager, responded to Council questions.

**Order No. 23-104, 7:00 p.m. Public hearing and second reading the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments relating to buffers. [Planning Director]**

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading the proposed amendments to Chapter 405 Zoning Ordinance Section XX.C Crossroads Planned Development (CPD), Subsection D.2. Planned Developments relating to buffers.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to table this Order to the next Town Council meeting scheduled for November 15, 2023.

Roll Call Vote:

Councilor April V. Sither– Yea  
Councilor John R. Cloutier– Yea  
Councilor Karin B. Shupe– Yea  
Chairman Jonathan E. Anderson– Yea  
Councilor Jean-Marie Caterina– Yea  
Councilor Donald R. Hamill– Yea  
Councilor Nicholas S. McGee– Yea

Motion unanimous.

**Order No. 23-117, 7:00 p.m. Public hearing and second reading on the new request for a Cannabis Establishment License from Nickolas Levasseur, d/b/a Watchtower, LLC, located at 137 Pleasant Hill Road for an Adult Cannabis Products Manufacturing Facility [Tabled from the October 18<sup>th</sup>]. [Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.**

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading on the new request for a Cannabis Establishment License from Nickolas Levasseur, d/b/a Watchtower, LLC, located at 137 Pleasant Hill Road for an Adult Cannabis Products Manufacturing Facility.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to table this Order to the next Town Council meeting scheduled for December 6, 2023.

Roll Call Vote:

Councilor April V. Sither– Yea  
Councilor John R. Cloutier– Yea  
Councilor Karin B. Shupe– Yea  
Chairman Jonathan E. Anderson– Yea  
Councilor Jean-Marie Caterina– Yea  
Councilor Donald R. Hamill– Yea  
Councilor Nicholas S. McGee– Yea

Motion unanimous.

**Order No. 23-119, 7:00 p.m. Public hearing and second reading on the proposed Zoning Map change for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD). [Planning Director]**

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading on the proposed Zoning Map change for a portion of R052006 and U056001, being an approximately 9.4-acre parcel located off of Haigis Parkway, currently zoned Haigis Parkway (HP) to Crossroads Planned Development (CPD).

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to table this Order to the next Town Council meeting scheduled for November 15, 2023.

Roll Call Vote:

Councilor April V. Sither– Yea  
Councilor John R. Cloutier– Yea  
Councilor Karin B. Shupe– Yea  
Chairman Jonathan E. Anderson– Yea  
Councilor Jean-Marie Caterina– Yea  
Councilor Donald R. Hamill– Yea  
Councilor Nicholas S. McGee– Yea

Motion unanimous.

**Order No. 23-120, 7:00 p.m. Public hearing and second reading to the proposed changes to the official zoning map for R053004, being an approximately 35.8-acre parcel located off of Preservation**

**Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD). [Planning Director]**

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading to the proposed changes to the official zoning map for R053004, being an approximately 35.8-acre parcel located off of Preservation Way, currently zoned Village Residential 4 (VR-4) to Crossroads Planned Development (CPD).

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to table this Order to the next Town Council meeting scheduled for November 15, 2023.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion unanimous.

**Order No. 23-121, 7:00 p.m. Public hearing and action on the request for a new Food Handlers License, from James Hartley d/b/a Dustan Smokehouse Co., located at 2 Dunstan Avenue. [Town Clerk]** Kristen Bath, Deputy Town Clerk, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request for a new Food Handlers License, from James Hartley d/b/a Dustan Smokehouse Co., located at 2 Dunstan Avenue.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion unanimous.

**OLD BUSINESS:**

**Order No. 23-109. Second reading on the Council Order approving the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program. [Town Council]** Chairman Anderson gave a brief overview on this Order

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading on the Council Order approving the Third Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to table this Order to the next Town Council meeting scheduled for December 6, 2023.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion unanimous.

**Order No. 23-110. Second reading on the Council Order approving the First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings LLC. [Town Council]** Chairman Anderson gave a brief overview on this Order

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the second reading on the Council Order approving second reading on the Council Order approving the First Amendment to the Credit Enhancement Agreement between the Town of Scarborough, Maine and Crossroads Holdings LLC.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to table this Order to the next Town Council meeting scheduled for December 6, 2023.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion unanimous.

**NEW BUSINESS:**

**Order No. 23-122. First reading and schedule a second reading on the request to use School Impact Fees to make the FY2023 required payments to Crossroads Holdings, LLC beginning on December 1, 2023 through November 2024, or until the Town closes on the purchase of the property with a total maximum exposure of \$175,000. [Town Manager]** Chairman Anderson, gave a brief overview on this Order and opened the hearing for public comment. The following public comments were made:

- Neil Gregoire of King Street spoke in regards to spending these funds when the voters clearly do not want the school deal.
- Richard Hayes of Martin Avenue, spoke in regards to walking away from the deal with the Downs.

There being no further comments either for or against, the hearing was closes at 8:29 p.m.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the first reading and schedule a second reading on the request to use School Impact Fees to make the FY2023 required payments to Crossroads Holdings, LLC beginning on December 1, 2023 through November 2024, or until the Town closes on the purchase of the property with a total maximum exposure of \$175,000.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Nay
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion passes.

**Order No. 23-123. Act on the request from the Conservation Commission to approve the charge to establish an Ad-Hoc Open Space Committee. [Conservation Commission]** Randi Hogan of the Conservation Commission gave a brief overview of this order. There was no public comment therefore Chairman Anderson closed the hearing at 8:39pm.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request from the Conservation Commission to approve the charge to establish an Ad-Hoc Open Space Committee, as follows:

## **Ad-Hoc Open Space Committee**

1. **Purpose.** The purpose of the Ad-Hoc Open Space Committee is to create a broadly-based community group to work with the Town staff, Town Council, and consultants to support and guide the development of an Open Space Plan that will help Scarborough meet the Town Council’s goal of achieving 30x30.

**Expectations:**

- Participate in educational opportunities presented by the selected consultant to aid in review and decision making throughout the Open Space Plan development process and act as a sounding board for the consultant team, weighing in with the best interests of the community in mind.
  - Willingness to view the project holistically to ensure the final product is something for the entire community now and in the future.
  - Ensure the process considers all opportunities to support land conservation within the community as well as potential partnerships to achieve the Town’s 30x30 goal.
2. **Membership.** The membership will include a full and fair representation of key stakeholders and where possible have unique expertise. In all cases, membership should include individuals who possess specific expertise and prior experience to the task at hand, if possible representing professions in conservation, natural resource management, community engagement, and real estate acquisition. Appointees to the Committee shall be nominated by their respective committee or organization to the Town Council. The Town Council shall appoint the members of the Committee. It shall be comprised of nine (9) voting members; one (1) member from each of the following, and one (1) member of the Town Council (non-voting).

Voting Members (9)

- Conservation Commission
- Parks and Conservation Land Board
- Community Services Advisory Committee
- Long Range Planning Committee
- Shellfish Committee
- Coastal Waters and Harbor Advisory Committee
- Scarborough Land Trust
- Friends of Scarborough Marsh
- Scarborough Fish and Game Association

Non-voting members (ex-officio) (1)

- Town Council

Although official membership is limited to ten (10) members (9 voting, 1 non-voting Town Councilor), the Committee is encouraged to draw upon other resources and invite other key stakeholders to participate in their proceedings as they feel appropriate.

3. **Timeframe.** It is anticipated it will take nine (9) months to complete the Open Space Plan; therefore, this Committee shall be in place from January through September 2024.
4. **Staff Resources Available.** The Director of Planning will serve as support to this Committee and other Town resources will be made available as may be necessary for the Committee to complete its task. In particular, it is anticipated that the Committee will involve the Town Manager, Community Services Director, Town Engineer, and Sustainability Manager to supplement their efforts.

5. **Vacancies and Removal.** Any vacancies shall be recommended by the vacating committee to the Town Council. The Town Council may remove any member of the Committee by vote of a majority of its members for misconduct or nonperformance.
6. **Officers.** The Committee shall elect a Chair and Vice Chair as well as a Recording Secretary from among its members. The Chair shall be counted to determine a quorum and shall have the same rights as other members of the Committee, including the right to vote.
7. **Quorum and Voting.** A quorum shall consist of five (5) members. The concurrence of a majority of the members present and voting shall be necessary to decide any question before the Committee.
8. **Meeting and Records.** The Committee shall meet often enough to complete its responsibilities within the timeline set and shall strive to meet on a date, time and frequency specified by a vote of the majority of the Committee at its first organization meeting. Other meetings may be called by the Chair, provided that the Chair shall call a meeting of the Committee upon the request of at least five (5) members. The Committee shall keep minutes of its meetings and submit them to the Town Clerk's Office.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion unanimous.

**Order No. 23-124. Act on the request from the Town Clerk to certify the results of the Municipal General/Referendum Election & the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023.** [Town Clerk] Chairman Anderson read the results of the Municipal General/Referendum Election and the Portland Water District Trustee Election, results are as follows:

Presented for certification by the Town Council, are the election results for the Municipal Election and the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023:

**TOWN COUNCIL - 3 SEATS:**

5,639 ANDERSON, Jonathan E.\*  
5,622 CATERINA, Jean-Marie\*  
5,037 CUSHING, JR., Donald W. \*  
4,805 DOHERTY, Scott W.  
7,322 BLANKS

**TRUSTEES FOR THE SANITARY DISTRICT – 3 SEATS:**

6,781 GREENLEAF, Jason A.\*  
6,456 MCDOUGAL, Benjamin T.\*  
6,695 SUMMERS, Ruth A.\*  
8,493 BLANKS

**PORTLAND WATER DISTRICT TRUSTEE – 1 SEAT:**

4,513 CROCKETT, Leroy P.\*  
3,101 PELLEZZI, Nicole M.  
1,861 BLANKS

**QUESTION 1: - SCHOOL REFERENDUM:**

3,364 YES

5,913 NO\*

198 BLANKS

There are approximately 17,134 active voters on our voter registration list for this Election [does not include same day registration]. There were 9,475 voters who cast ballots in the November 7<sup>th</sup> the Municipal General Election and the Portland Water Trustee Election, of which 4,104 were absentee ballots comprising of 43% of the ballots cast. The percentage for overall voter turnout for this Election was 55%.

Pursuant to Section. 206. Induction of Council into Office. Councilors elect shall be sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk’s designee and shall assume their duties at the commencement of the second meeting (2<sup>nd</sup>), whether regular, special, or emergency, of the Town Council following the regular Town election. [Amended 11/07/ 2000, (as noted); Effective 01/012001]. Therefore, the newly elected officials will be sworn in on Wednesday, November 15, 2023, and at this meeting a new Council Chair and Vice Chair will be elected.

\*The winners are indicated with an asterisk.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request from the Town Clerk to certify the results of the Municipal General/Referendum Election & the Portland Water District Trustee Election, that were held on Tuesday, November 7, 2023.

Tody Justice, Town Clerk, responded to Council questions.

Roll Call Vote:

- |                                    |                                    |
|------------------------------------|------------------------------------|
| Councilor April V. Sither– Yea     | Councilor Jean-Marie Caterina– Yea |
| Councilor John R. Cloutier– Yea    | Councilor Donald R. Hamill– Yea    |
| Councilor Karin B. Shupe– Yea      | Councilor Nicholas S. McGee– Yea   |
| Chairman Jonathan E. Anderson– Yea |                                    |

Motion unanimous.

**Order No. 23-125. Act on the request to approve the Town Manager’s Employment Agreement.** [Town Council] Chairman Anderson and Councilor Hamill gave a brief overview of this order, noting that not all the information relating to the Town Manager’s Contract was made public.

Councilor Sither called a Point of Order noting that the Town Clerk wanted to speak. The Town Clerk stated that information showing the changes between to two contracts, the new employment contract and the current employment contract had been included in the Council Packet.

Chairman Anderson called a Point of Information noting that Councilor Hamill provided incorrect information by commenting that he stated that he was not a part of the full process. In addition, he stated that Bernstein Shur was brought in at the end of the discussion, which was a conflict since they are the Town Manager’s attorney as well but that was incorrect.

Liam Gallagher, Assistant Town Manager, gave additional details on the employment agreement, including the process that had been followed.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval on the request to approval the Town Manager’s Employment Agreement.



Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Nay
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion passes.

**Item 9. Non-Action Item.** None at this time.

**Item 10. Standing and Special Committee Reports and Liaison Reports.**

- Councilor Caterina wanted to thank Councilor Cloutier on this service to the Town over the past 4 years.
- Councilor McGee spoke in regards to Councilor Cloutier’s service to the Council. He also spoke in regards to the great participation on the last Councilor Corner Live.
- Councilor Hamill spoke in regards to the positives that Councilor Cloutier has brought to the Council.
- Councilor Sither also spoke in regards to the last Councilor Corner Live and the short videos that are posted on social media showing a great community response. She also spoke in regards to the ribbon cutting at the Land Trusts’ new bird trail at Fuller Farm. Councilor Sither mentioned name calling from Council members and this needs to be addresses in the near future.
- Councilor Shupe wanted to thank Councilor Cloutier.
- Councilor Anderson wanted to thank the public for his reappointment and how he hopes the Council can bring the community together and improve trust between the Town and the community. Councilor Anderson welcomed Donald Cushing to the Town Council, congratulate Councilor Caterina for her reappointment, and thank Councilor Cloutier for his time on the Council.
- Councilor Cloutier wanted to congratulate everyone who won the election and is excited to watch what the Council does from the sidelines. He also stated that the school vote gave them a good direction to where to head next.

**Item 11. Council Member Comments.**

**Item 12. Adjournment.** Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to adjourn the regular meeting on the Scarborough Town Council.

Roll Call Vote:

Councilor April V. Sither– Yea	Councilor Jean-Marie Caterina– Yea
Councilor John R. Cloutier– Yea	Councilor Donald R. Hamill– Yea
Councilor Karin B. Shupe– Yea	Councilor Nicholas S. McGee– Yea
Chairman Jonathan E. Anderson– Yea	

Motion unanimous.

Meeting adjourned at 9:22 p.m.

Respectfully submitted,

Kristen Barth  
Deputy Town Clerk