

**MINUTES**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – DECEMBER 18, 2024**  
**HYBRID REGULAR MEETING – 5:00 P.M.**

**Item 1. Call to Order.** Council Chair Sither called the regular meeting of the Scarborough Town Council to order at 5:03 p.m.

**Item 2. Pledge of Allegiance.**

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

Councilor Scott W. Doherty - Arrived Late	Councilor Cory R. Fellows - Absent
Councilor Donald W. Cushing, Jr.	Councilor William J. Donovan - Arrived Late
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson - Vice Chair
Council Chair April V. Sither	

**Order No. 24-121. Act on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating one Hardship/Poverty Tax Abatement Case: Case #2024-001 and to come back to public session to take action on the above mentioned Hardship/Poverty Tax Abatement Case.** [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval on the request for an executive session pursuant to Title 36, of the M.R.S.A. §3841(2), for the purpose of deliberating one Hardship/Poverty Tax Abatement Case: Case #2024-001 and to come back to public session to take action on the above mentioned Hardship/Poverty Tax Abatement Case.

Vote: 4 Yeas. Motion Passes.

The Town Council recessed to executive session at 5:05 p.m. Council Chair Sither reconvened the meeting at 5:53 p.m. She noted the Town Council would be acting on the Tax Abatement Case. [Councilor Doherty arrived during the executive session.]

Motion by Council Chair Sither, seconded by Councilor Anderson, to move approval to grant an abatement, pursuant to Title 36, of the M.R.S.A. §3841(2), for the Hardship/Poverty Tax Abatement Case #2024-001.

Vote: 2 Yeas. 3 Nays [Councilors Cushing, Doherty and Shupe]. Motion Fails

**Order No. 24-122, 5:30 p.m. public hearing between Town Council and the Planning to discuss the proposed Contract Zone for the South Portland Housing Development Corporation for the development of multi-family housing. The development is located at 578 US Route One (Assessor's Map U034, Lot 1). (Applicant, Planning Director)** Prior to the presentation from the applicant, Autumn Speer, Planning Director, gave a quick overview on this Order.

**Planning Board Members:**

Racheal Hendrickson, Chair  
Rick Meinking  
Roger Beeley  
Jennifer Ladd

**Town Council Members:**

Council Chair April V. Sither  
Councilor Jonathan E. Anderson  
Councilor Scott Doherty  
Councilor Donald W. Cushing, Jr.

Autumn Speer, Planning Director

Councilor William J. Donovan [Arrived]  
Councilor Karin B. Shupe  
Thomas J. Hall, Town Manager

- Presentation by the Applicant:
  - Ben Mohny, Development Officer for the South Portland Housing Development Corporation, gave a brief history of the organization and what properties are located in Scarborough.
  - Matt Phillips of Carroll Associates – Landscape Architect, spoke on the existing conditions of the site and what portion of the property would be protected. He further commented the vast parking lot and the curb cuts that are on this property. He then reviewed what the project could potentially look like, if this was approved.
  - Mr. Mohny went to explain how individuals would qualify for affordable housing. He went on to speak on a possible TIF for this project and how it helps with the rating. He then explained why they were requesting a Contract Zone for this project and the public benefits it would bring.

Racheal Hendrickson, Chair of the Planning Board noted that the Planning Board is convened and there is a quorum present.

- Comments from Town Staff:
  - The Planning Director responded to questions from Councilor Cushing relating to height of the buildings in this project.
  - Mr. Mohny responded to Councilor Shupe's concerns relating to the parking for the back units.
  - R. Hendrickson, Chair of the Planning Board spoke in support of the project
- Comments from Members of the Public: Council Chair Sither opened the public hearing. The following spoke on this Order:
  - Victor St. Johns of US Route One and an abutter to the proposed project voiced his concerns around the potential traffic issue.
  - Alyson Bristol of Bayview Avenue, congratulated the Housing Authority on Jocelyn Place. She felt that it would be beneficial for the public to see what the CEA would look like and to see a draft of the Contract Zone Agreement relating to this project.

There being no further comments, the hearing was closed at 6:36 p.m.

- Response or Rebuttal from the applicant:
  - Mr. Mohny noted that a traffic study would be conducted and went on to respond to questions related to the CEA – TIF comments.
- Discussion among members of the Planning Board and Town Council, which may include questions posed to the applicant, staff and the public:
  - Councilor Anderson, spoke on the Affordable Housing TIF.
- Comments from members for the Planning Board concerning the land use implications of the proposed contract zoning amendment:
  - R. Meinking, Planning Board member, noted that in the narrative submitted by the applicant, it talks a lot about sustainability and there is consideration for solar and you want to make sure the Board sees them on your plans.

- R. Beeley, spoke of the Route One Study that had been done and asked that the applicant check to see if there are any improvements that should be made.
- Jen Ladd, also spoke on Route One Studies that are available to review.

There were further comments from the Town Council regarding this application.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request for a contract zoning for the South Portland Housing Development Corporation for the development of multi-family housing, located at 578 US Route One (Assessor’s Map U034, Lot 1) to continue to process the request for contract zoning, with or without modifications suggested by the Council; or (3) to revise and resubmit the application for contract zoning, under Section II(I)(4)(a)(i).

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

Council Chair Sither called for a brief recess at 6:59 p.m. The meeting was reconvened at 7:08 p.m.

**Item 4. General Public Comments.**

- Daniel Dickinson of Holmes Road, requested that the following meeting videos be uploaded to the town’s YouTube channel: The Long Range Planning Committee meetings of September 14, 2012, November 16, 2012 and February 6, 2013. The Town Council meetings of March 6, 2013, March 20, 2013 and the last one where the Light Industrial was adopted by the Town Council. The Planning Board meeting of March 11, 2013.
- John Raby of Estates Drive, presented the Council with the 2024 Nobel Peace Prize Acceptance speech and then requested that the Town Council follow suit like Portland and Belfast and consider to divest public fund from all entities complicit in Israel’s assault on the Gaza Strip.

**Item 5. Minutes: December 4, 2024 - Town Council Meeting.** Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the minutes from the December 4, 2024, Town Council meeting, as written.

Vote: 6 Yeas. Motion Passes

**Item 6. Adjustment to the Agenda.** Motion by Council Chair Sither, seconded by Councilor Anderson, move approval to move all three Resolutions to after Item 7.

Vote: 6 Yeas. Motion Passes.

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

**Resolution 24-007. Act on the request to recognize the Scarborough High School Girls Soccer Team.** [Councilor Fellows] Council Chair Sither read Resolution 24-007.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Resolution 24-007, act on the request to recognize the Scarborough High School Girls Soccer Team, as follows:

**RESOLUTION 24-007  
SCARBOROUGH HIGH SCHOOL GIRLS' SOCCER TEAM**

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

**WHEREAS**, the Scarborough High School Girls' Soccer Team did invest many hours of training in preparation for the 2024 Southern Maine Regional Championship and the State of Maine Class A Championship; and,

**WHEREAS**, the Scarborough High School Girls' Soccer Team did win the 2024 Southern Maine Regional Championship and did compete in the State of Maine Class A Championship.

**NOW, THEREFORE BE IT RESOLVED**, by the Scarborough Town Council, in Town Council assembled, that the following members of the Scarborough High School Girls' Soccer Team, their Coach, Assistant Coaches and Athletic Trainers, are hereby recognized for the great honor they have brought to their team, their families and the Town of Scarborough. The Scarborough Town Council is proud of their efforts and hard work.

Team Members

Freshman: Josie Duncan, Sophie Kelly, Charlotte Kerkela, Gwen Martin and Scarlett Floyd

Sophomores: Margaret Booth, Vera DiSotto and Abigail Roberts

Juniors: Shay Charsky, Thea Comstock, Peyton Crosby, Paige Garlock, Kate Goodwin, Hope Melevsky, Kate Mokriski, Ava Page, Abigail Rasquinha and Maya Taylor,

Seniors: Caroline Benson, Emma Blanchette, Grace Carlista, Ava Carpenter, Amelia Caruso, Avery Charland, Emerson Flaker, Delia Fravert, Elana Jenkins, Sophia Nelson, Sophia Rinaldi, Elizabeth (Ellie) Rumelhart, Megan Rumelhart and Ava Serbin

Head Coach: Michael Farley

Assistant Coaches: Doug Bennett, Hadlee Yescott & Jill Deering

Athletic Trainers: Katie Gladstone and Riley Billings

Signed and dated this the 18th day of December 2024, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by the Council Chair Sither and attested by Yolande P. Justice, Town Clerk.

Vote: 6 Yeas. Motion Passes.

**Resolution 24-008. Act on the request to recognize the Scarborough High School Boys Soccer Team.** [Councilor Fellows] Council Chair Sither read Resolution 24-008.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Resolution 24-008, to recognize the Scarborough High School Boys Soccer Team, as follows:

**RESOLUTION 24-008  
SCARBOROUGH HIGH SCHOOL BOYS' SOCCER TEAM**

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

**WHEREAS**, the Scarborough High School Boys' Soccer Team did invest many hours of training in preparation for the 2024 Southern Maine Regional Championship and the State of Maine Class A Championship; and,

**WHEREAS**, the Scarborough High School Boys' Soccer Team did win the 2024 Southern Maine Regional Championship and did compete in the State of Maine Class A Championship.

**NOW, THEREFORE, BE IT RESOLVED**, by the Scarborough Town Council, in Town Council assembled, that the following members of the Scarborough High School Boys' Soccer Team, their Coach, Assistant Coaches and Athletic Trainers, are hereby recognized for the great honor they have brought to their Team, their families and the Town of Scarborough. The Scarborough Town Council is proud of their efforts and hard work.

Team Members

Sophomores: Connor Casey, Alexander Jordan, Andrew LeFebvre and Papa Osei

Juniors: Denver Bachmann, Carter Blanche, Fletcher Bristol, Aidan Chaplick, Christopher Coburn, Joseph Donahue, Khalil Ghosheh, Angelo Gomez, Matthew Hatch, Everett Herrick, Ibrahim Jibril, Lucas Klimkowski, Wildr Leighton-Hart, William MacDonald, Aidan Pham, Owen Powers, Benjamin Shea, Ryan Shugars and Reed Thurell

Seniors: Matthew Booth, Kaiden Corbett, Seamus Corry, Santana Diaz, Joseph Early, Matthew Fallona, Nicholas Gondolfo, Dillon Grant, Jacob Lavigne, Cooper Mallar, Brayden McDonald, Liam Reagan, Gavin Sanderson and Graham Sponseller

Head Coach: Mark Diaz

Assistant Coaches: David Wakem and Brian Adams

Athletic Trainers: Katie Gladstone and Riley Billings

Signed and dated this the 18th day of December 2024, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Council Chair Sither and attested by Yolande P. Justice, Town Clerk.

Vote: 6 Yeas. Motion Passes.

**Resolution 24-009. Act on the request to recognize the Scarborough High School Boys Cross Country Team and Coach Harmon for being named SMAA Coach of the Year. [Chair Sither]**  
Council Chair Sither read Resolution 24-009.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Resolution 24-009, to recognize the Scarborough High School Boys Cross Country Team and Coach Harmon for being named SMAA Coach of the Year, as follows:

**RESOLUTION 24-009**

**SCARBOROUGH HIGH SCHOOL BOYS' CROSS COUNTRY TEAM**

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

**WHEREAS**, the Scarborough High School Boys' Cross Country Team did invest many hours of training in preparation for the 2024 State of Maine Class A Championship; and,

**WHEREAS**, the Scarborough High School Boys' Cross Country Team did compete in and win the 2024 State of Maine Class A Championship; and,

**WHEREAS**, Coach Jim Harmon was named Coach of Year for 2024, his third time winning this recognition; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Scarborough Town Council in Town Council assembled, that the following members of the Scarborough High School Boys' Cross Country Team and their Coach, Assistant Coach and Athletic Trainers, are hereby recognized for the great honor they have

brought to their team, their families and the Town of Scarborough. The Scarborough Town Council is proud of their efforts and hard work.

Team Members

Freshmen: Callan Driscoll, Kieran Leahy, Peter Melevsky, Eli Smolin and John Wolfgram

Sophomores: Colin Anderson, Cody Brook, Cameron Douglas, Lee Edmunds, Eli Fengler, Sawyer Hayn, Jack Leger, Damien Meissner, Atticus Merriam, Jackson Peters, Caden Smith and Adam Stockwell

Juniors: Jose Bencomo, Max Edwards, Griffith Heath, Noel Heath and Nolan Meyer

Seniors: Sam Assia, Vincent Caruso, Ethan Keller, Nicholas Koziell, Baxter Merriam, Landen Springer and Ethan Stockwell

Head Coach: James Harmon.

Assistant Coach: Craig Robinson

Athletic Trainers: Katie Gladstone and Riley Billings.

Signed and dated this the 18th day of December 2024, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Council Chair Sither and attested by Yolande P. Justice, Town Clerk.

Vote: 6 Yeas. Motion Passes.

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

- **Eastern Trail- Close The Gap** -
  - Bid Document Complete
  - Construction Services Proposal - HNTB
- **Black Point Road Reconstruction** -
  - Design Complete
  - Meeting held with PNIA on 12/13/24
- **Post-Election Debrief** -
  - Establish Internal Protocols
  - Feedback to the State via survey
- **Beach Fees** -
  - Community Services Advisory Board - Proposed Changes
  - Tentatively scheduled for February consideration
  - Feedback sought
- **Council Goals-**
  - TBD in January/GPCOG to facilitate the Goals Workshop
  - Senior Staff/Town Council Workshop first
- **Community services Director** -
  - Solicitation Closed
    - 15 applicants - 6 interviewed
    - 2 finalists considered

- **Town Clerk Transition** -
  - January 1, 2025
- **Holiday Schedule** -
  - Town Hall Closed: 12/25, 12/26 and 1/1
- **BoardDocs Update** -
  - All standing Committees of the Council would be using BoardDocs starting in January
- **Route One Project** –
  - Route One along the Marsh

**Order No. 24-123, 7:00 p.m. Public hearing and action on the following applicants who have applied for renewal of their Manufactured Housing Communities License:**

<u>Name</u>	<u>Address</u>
1. Crystal Springs Manufactured Housing Community Crystal Spring MHP, LLC	U.S. Route 22
2. Pinecrest Manufactured Housing Community Theresa Desfosses	126 U.S. Route One
3. Hillcrest Manufactured Housing Theresa Desfosses	126 U.S. Route One

*[Town Clerk]* The Town Clerk gave a brief update on this Order. Council Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:38 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of Order No. 24-123, as proposed.

Vote: 6 Yeas. Motion Passes.

**Order No. 24-124, 7:00 p.m. Public hearing and action on the new request for a Cannabis Establishment License from Leo Paquette d/b/a UGP, LLC, located at 31 Washington Avenue for a Medical Cannabis Manufacturing Facility [Assistant Town Manager].** Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order. Council Chair Sither opened the public hearing. There being no comments either for or against, the hearing was closed at 7:39 p.m.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the new request for a Cannabis Establishment License from Leo Paquette d/b/a UGP, LLC, located at 31 Washington Avenue for a Medical Cannabis Manufacturing Facility.

Vote: 6 Yeas. Motion Passes.

**OLD BUSINESS:**

**Order No. 24-112. Second reading on the request for a Moratorium in the Light Industrial District.** *[Councilor Anderson]* Council Chair Sither opened this Order up for public comment. Anderson gave a brief overview on the proposed amendment being brought forward. The following individuals spoke on this Order:

- Denise Hamilton of Two Rod Road read the following email from Lori Baxter, of Kennebago Drive:

*"I am sorry that I will be working late tonight and unable to attend. My only response is that I hope our neighborhood concerns and willingness to be proactive in discussions will encourage other councilors to make the right decision beyond a reasonable doubt that they are voting for our town, our neighborhood and protecting the west Scarborough area from becoming the new industrial area of Scarborough. I agree with Denise. Our concerns have always been and will continue to be:*

- 1. 24/7 trucking industry is by no means light industry*
- 2. Our wells and the need for public water supply to the area*
- 3. Traffic safety and road structure vs the rate of growth*
- 4. Overall effect on our investment as tax payers and homeowners*

*Thank you, Lori"*

- Denise Hamilton of Two Rod Road, spoke in support of the proposed moratorium and the process she felt was not followed to get to this point.
- Daniel Dickinson of Holmes Road, spoke against the Moratorium and voiced his concerns why.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the second reading on the request for a Moratorium in the Light Industrial District.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to amend the main motion to accept the amendments that are before the Council this evening:

**TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A TEMPORARY  
MORATORIUM ~~ON~~ IN THE LIGHT INDUSTRIAL DISTRICT**

WHEREAS, under the Town of Scarborough's Zoning Ordinance the Light Industrial District (LI) is an area of small, light industrial development, with a purpose of reestablishing an attractive business/industrial park environment with a roadside buffer along the Holmes Road along with a substantial buffer for residential properties along Two Rod Road and west of the LI; and,

WHEREAS, that zoning has helped meet Town goals for redevelopment and new development in the LI; and

WHEREAS, more recently, ~~in~~ there has been reduction in water levels, increasing high-speed traffic, road deterioration, and concerns about pedestrian safety in the LI; and,

WHEREAS, there have recently been an increasing number of applications ~~for site plan review regarding the establishment or expansion of certain uses~~ in the LI, including the distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing and cultivation facilities; and,

WHEREAS, there is a strong likelihood that the LI District will continue to be subject to this development pressure; and,

WHEREAS, pursuant to 30-A M.R.S § 4356(1), there is a concern that the Town's existing Zoning Ordinance does not provide an adequate mechanism to address ~~the aforementioned development pressures~~ the concerns related to distribution, wholesale trade and transportation and



trucking facilities, and cannabis manufacturing, testing, and cultivation facilities in the LI District and to prevent public harm from an overburden of public facilities and ~~to prevent~~ potential adverse effects on neighborhoods due to environmental concerns and traffic that may create a public nuisance or hazard; and,

WHEREAS, the Town will need at least 90 days to study the LI District ~~and~~, develop and implement amendments to the Zoning Ordinance which appropriately and adequately regulates distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing, and cultivation facilities in the LI Districts to minimize or eliminate the public health, safety, and welfare risks posed by the aforementioned development pressures; and,

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Scarborough as follows:

1. APPLICABILITY AND PURPOSE.

This Ordinance shall apply to any proposal to develop, establish, operate, or expand ~~any the following permitted or special exception~~ uses in the Town of Scarborough's Light Industrial District on or after the effective date of this Ordinance: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed structure.

2. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion ~~of a permitted or special exception use for any development of the following uses in the Light Industrial District: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed structure in the Light Industrial District.~~ No person shall develop, establish, operate, or expand ~~a the following uses in the Light Industrial District related to any application for any approval submitted after the effective date of this ordinance. permitted or special exception use:~~ (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facility; (3) Cannabis Testing Facility, and;

~~(4) Marijuana Cultivation Facility conducted within a fully enclosed structure. in the Light Industrial District related to any application for any approval submitted after November 1, 2024.~~

3. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Scarborough. Any person who violates Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S. § 4452.

4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 90 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

5. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Vote on Amendment: 4 Yeas. 2 Nays [Councilors Doherty and Shupe]. Motion Passes.

Main Motion as amended:

**TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM IN THE LIGHT INDUSTRIAL DISTRICT**

WHEREAS, under the Town of Scarborough's Zoning Ordinance the Light Industrial District (LI) is an area of small, light industrial development, with a purpose of reestablishing an attractive business/industrial park environment with a roadside buffer along the Holmes Road along with a substantial buffer for residential properties along Two Rod Road and west of the LI; and,

WHEREAS, that zoning has helped meet Town goals for redevelopment and new development in the LI; and

WHEREAS, more recently, there has been reduction in water levels, increasing high-speed traffic, road deterioration, and concerns about pedestrian safety in the LI; and,

WHEREAS, there have recently been an increasing number of applications regarding the establishment or expansion of certain uses in the LI, including the distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing and cultivation facilities; and,

WHEREAS, there is a strong likelihood that the LI District will continue to be subject to this development pressure; and,

WHEREAS, pursuant to 30-A M.R.S § 4356(1), there is a concern that the Town's existing Zoning Ordinance does not provide an adequate mechanism to address the concerns related to distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing, and cultivation facilities in the LI District and to prevent public harm from an overburden of public facilities and potential adverse effects on neighborhoods due to environmental concerns and traffic that may create a public nuisance or hazard; and,

WHEREAS, the Town will need at least 90 days to study the LI District, develop and implement amendments to the Zoning Ordinance which appropriately and adequately regulate distribution, wholesale trade and transportation and trucking facilities, and cannabis manufacturing, testing, and cultivation facilities in the LI District to minimize or eliminate the public health, safety, and welfare risks posed by the aforementioned development pressures; and,

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Scarborough as follows:

1. APPLICABILITY AND PURPOSE.

This Ordinance shall apply to any proposal to develop, establish, operate, or expand the following uses in the Town of Scarborough's Light Industrial District on or after the effective date of this Ordinance: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed structure.

2. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion of the following uses in the Light Industrial District: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis Manufacturing Facilities; (3) Cannabis Testing Facilities, and; (4) Marijuana Cultivation Facilities conducted within a fully enclosed. No person shall develop, establish, operate, or expand the following uses in the Light Industrial District related to any application for any approval submitted after the effective date of this ordinance: (1) Distribution, wholesale trade and transportation, including truck terminals; (2) Cannabis

Manufacturing Facility; (3) Cannabis Testing Facility, and; (4) Marijuana Cultivation Facility conducted within a fully enclosed structure.

3. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Scarborough. Any person who violates Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S. § 4452.

4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 90 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

5. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

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

**NEW BUSINESS:**

**Order No. 24-125. First reading and schedule a second reading on the 2025 Bond Order for Municipal and School Capital Improvements.** [*Finance Director*] Norman Kildow, Finance Director, gave a brief overview on this Order and responded to questions from the Town Council.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval of the first reading on the 2025 Bond Order for Municipal and School Capital Improvements and schedule a second reading for Wednesday, January 8, 2024, as follows:

**2025 BOND ORDER FOR  
MUNICIPAL AND SCHOOL CAPITAL IMPROVEMENTS**

**BE IT ORDERED**, That under and pursuant to the provisions of Title 30-A, Sections 5721-5729 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Scarborough, Maine, the following Municipal and School Capital Improvement Projects are hereby approved for funding:

**2024-2025 Capital**

Air Handler Project Town Hall	\$ 121,711
Public Works Ventrac 4520 Tractor	50,406
Public Works Mid-Level Paving	488,978
School Bus Replacement Schedule	490,500
School District-Wide Interior Finishes	199,325
School HVAC Systems	320,694

**2023-2024 Capital**

School District-Wide equipment/infrastructure - IT	620,000
School Roof Restoration	500,000
School District-Wide HVAC Repairs	423,884
Public Works Mid-Level Paving	108,007

**2019-2020 Capital (Land Bond)**

50 Hanson Road - Silver Brook Preserve	210,000
162 Spurwink Road	<u>350,000</u>

**Total** \$3,883,505

**BE IT FURTHER ORDERED**, That a sum, not to exceed **\$3,883,505**, plus any additional premium, is hereby appropriated to provide for the costs of said projects and expenses associated with said projects; and,

**BE IT FURTHER ORDERED**, That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$3,883,505 plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding(s), form(s), premium(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council; and,

**BE IT FURTHER ORDERED**, That in furtherance of the voter-approved referendum question authorizing the issuance of up to \$2,500,000 in general obligation bonds of the Town of Scarborough, of which \$1,633,902 remain authorized but unissued, in furtherance of the prior-approved Council Order No. 19-085 relating thereto, and in order to continue to fund the prior-approved appropriation for the purchase of parks and conservation lands, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed **\$560,000**, plus any additional premium, and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, refunding(s), form(s), premium(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

Vote: 6 Yeas. Motion Passes.

**Order No. 24-126. Act to authorize the Town Manager to sign documents authorizing acceptance of \$4,022.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department’s equitable share for its contribution to the investigation of criminal cases]. [Police Department]** Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval to authorize the Town Manager to sign documents authorizing acceptance of \$4,022.00 or any portion thereof, to be placed in the Asset Forfeiture Account. [This money is the Police Department’s equitable share for its contribution to the investigation of criminal cases].

Vote: 6 Yeas. Motion Passes.

**Order No. 24-127. Act on the request from the Tax Collector for a waiver of foreclosure on the following property: 332 Garnet Drive – Map T002/Lot 332 and authorize the Town Manager to sign the necessary documentation. [Tax Collector]** Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request from the Tax Collector for a waiver of foreclosure on the following property: 332 Garnet Drive – Map T002/Lot 332 and authorize the Town Manager to sign the necessary documentation.

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

**Order No. 24-128. Act on the request, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance, to approve the acceptance of public infrastructure, as noted and recommended by the Town Engineer. [Town Engineer]** Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request, pursuant to Title 23, M.R.S.A. §3025 and the requirements of Section 4, of the Scarborough Street Acceptance Ordinance, to approve the acceptance of public infrastructure, as noted and recommended by the Town Engineer – designated for a portion of Dylan Drive, located in the Leighton Farm Subdivision.

Vote: 6 Yeas. Motion Passes.

**Order No. 24-129. Act on the request to appoint Kristen M. Barth, as Registrar of Voters, pursuant to Title 21-A M.R.S.A. §101.2, with an effective date of January 1, 2025. [Town Clerk]** The Town Clerk gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request to appoint Kristen M. Barth, as Registrar of Voters, pursuant to Title 21-A M.R.S.A. §101.2, with an effective date of January 1, 2025.

Vote: 6 Yeas. Motion Passes.

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

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

- Councilor Anderson gave an overview on the Finance Committee meeting that had been held last week.

- Councilor Shupe noted that the Ordinance Committee would be meeting on the second Wednesday of month at 5:00 p.m. and the first meeting of this Committee would be in January. She went on to mention the Appointments/Negotiations Committee and urged residents to apply.
- Councilor Cushing gave an overview on the Communications Committee.
- Councilor Donovan gave an overview on the Board of Education and the SBAC2, as well as the MMA Legislative Policy Committee.

**Item 11. Council Member Comments.**

- Councilor Anderson thanked Councilor Cushing for meeting with the residents around the Moratorium and appreciated meeting with Council Chair Sither to discuss Goal setting.
- Council Chair Sither stated that she appreciated the response on goal setting and reminded the Council that the Manager’s evaluation is due this Monday.
- Councilor Donovan mentioned that he had the opportunity to take tour of the Public Safety Building with the Police Chief and the Fire Chief. They are two highly competent individuals.
- Councilor Chair Sither wished everyone a safe Holiday and New Year.

**Order No. 24-120. Act on the request for an executive session pursuant to M.R.S.A. Title 1, §405(6)(D) regarding labor negotiations between the Town of Scarborough and the Public Works Teamsters Union Local #340. [Tabled from the December 4, 2024 Town Council meeting] [Assistant Town Manager/HR Director]** Motion by Councilor Anderson, seconded by Councilor , to move approval on the request for an executive session pursuant to M.R.S.A. Title 1, §405(6)(D) regarding labor negotiations between the Town of Scarborough and the Public Works Teamsters Union Local #340 and to come back to public session to adjourn the meeting.

Vote: 6 Yeas. Motion Passes

The Council recessed into executive session at 8:40 p.m. The meeting was reconvened at 8:59 p.m.

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

Vote: 6 Yeas.

Meeting adjourned at 8:59 p.m.

Respectfully submitted,

Yolande P. Justice  
Town Clerk