MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 20, 2017
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Babine called the regular meeting of the Scarborough Town Council to order at 7:00 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 was also present:

William J. Donovan	Katherine A. St. Clair, Vice-Chair
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo

Shawn A. Babine, Chairman

Item 4. General Public Comments.

- Michael Doyle of Falmouth read a portion from his book that he had published.
- Larry Hartwell of Puritan Drive spoke on the temporary sign ordinance that had been approved at the last Town Council meeting.
- Susan Hamill of Bay Street wanted to clarify some of her comments that she had made at a prior meeting. She thanked the Council for all that they do; however, she felt that two members of the Council do not listen and apologized to those who do for the comments.
- Larry Hartwell of Puritan Drive asked it there would be public comments on Order No. 17-096 – the abatement item? Chairman Babine stated yes.

Item 5. Minutes: September 6, 2017 – Regular Meeting. Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval of minutes of the September 6, 2017, Town Council meeting.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Order No. 17-075, 7:00 p.m. Public hearing on the proposed Amendment to the second Contract Zoning Agreement between the Town of Scarborough and Robert Tgettis and Lucinda P. Malbon. ***[Planning Department]*** Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:10 p.m. The second reading on this Order would be held on Wednesday, October 4, 2017.

Order No. 17-085, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4). ***[General Assistance]*** Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:10 p.m.

Motion by Councilor Caiazzo, seconded by Councilor Rowan, to move approval of the second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4), as follows:

Appendix A

Effective: 07/01/17-09/30/18

2017-2018 GA Overall Maximums

Metropolitan Areas

	Persons in Household				
COUNTY	**1**	**2**	**3**	**4**	**5***
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	714	788	994	1,242	1,506
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	605	682	847	1,095	1,269
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	641	726	915	1,169	1,397
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,002	1,131	1,431	1,931	2,097
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	982	1,025	1,333	1,714	2,173
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	761	807	1,072	1,561	1,780

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	781	863	999	1,318	1,600
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	745	860	1,079	1,457	1,477

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	618	642	760	965	1,049
Franklin County	646	671	793	985	1,400
Hancock County	693	787	992	1,249	1,367
Kennebec County	722	746	928	1,216	1,297
Knox County	754	755	928	1,186	1,315
Lincoln County	783	834	987	1,234	1,470
Oxford County	630	646	771	1,110	1,343
Piscataquis County	595	672	828	1,090	1,125
Somerset County	675	704	835	1,133	1,146
Waldo County	680	751	887	1,206	1,281
Washington County	630	645	753	985	1,173

*** Please Note: Add $75 for each additional person.**

Appendix B

Effective: 10/01/17 to 09/30/18

2017-2018 FOOD MAXIMUMS

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192.00
2	81.86	352.00
3	117.21	504.00
4	148.84	640.00
5	176.74	760.00
6	212.33	913.00
7	234.65	1,009.00
8	268.14	1,153.00

Note: For each additional person add $144 per month.

Appendix C

Effective: 10/01/17 to 09/30/18

2017-2018 GA HOUSING MAXIMUMS

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	111	476	130	559
1	111	476	134	578
2	130	558	159	684
3	167	718	204	878
4	177	762	221	949

Franklin County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	137	587
1	117	503	141	607
2	137	591	167	717
3	173	743	209	898
4	258	1,108	302	1,300

Hancock County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	124	535	147	633
1	139	599	167	720
2	183	788	213	915
3	227	976	270	1,159
4	242	1,041	294	1,264
Kennebec County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	131	564	154	662
1	131	564	158	679
2	168	724	198	851
3	219	943	262	1,126
4	226	971	278	1,194

Non-Metropolitan FMR Areas

Knox County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	139	596	161	694
1	139	596	161	694
2	168	724	198	851
3	212	913	255	1,096
4	230	989	282	1,212
Lincoln County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	145	625	168	723
1	150	646	178	767
2	182	783	212	910
3	223	961	266	1,144
4	266	1,144	318	1,367
Oxford County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	110	472	133	570
1	110	472	135	579
2	132	567	161	694
3	195	837	237	1,020
4	237	1,017	288	1,240
Piscataquis County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	106	457	126	540

1	118	508	143	613
2	147	630	177	759
3	198	853	235	1,011
4	198	853	240	1,034
Somerset County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	120	517	143	615
1	121	519	148	637
2	147	631	176	758
3	202	869	243	1,043
4	202	869	243	1,043

Non-Metropolitan FMR Areas

Waldo County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	121	522	144	620
1	131	563	159	684
2	159	683	188	810
3	217	933	260	1,116
4	222	955	274	1,178
Washington County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	110	472	133	570
1	110	472	134	578
2	130	559	160	686
3	166	712	208	895
4	208	847	249	1,070

Metropolitan FMR Areas

Bangor HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	129	556	152	654
1	140	600	168	721
2	184	790	213	917
3	225	969	268	1,152
4	275	1,180	326	1,403
Penobscot Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	104	447	127	545

1	115	494	143	615
2	149	643	179	770
3	191	822	234	1,005
4	219	943	271	1,166

Lewiston/Auburn MSA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	112	483	135	581
1	125	538	153	659
2	165	711	195	838
3	208	896	251	1,079
4	249	1,071	301	1,294

Metropolitan FMR Areas

Portland HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	196	844	219	942
1	219	943	247	1,064
2	285	1,227	315	1,354
3	386	1,658	428	1,841
4	412	1,771	464	1,994

York/Kittery/ S. Berwick HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	192	824	214	922
1	195	837	223	958
2	263	1,129	292	1,256
3	335	1,441	378	1,624
4	430	1,847	481	2,070

Cumberland Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	140	603	163	701
1	144	619	172	740
2	202	868	231	995
3	299	1,288	342	1,471
4	338	1,454	390	1,677

Sagadahoc Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	145	623	168	721

1	157	675	185	796
2	185	795	214	922
3	243	1,045	286	1,228
4	296	1,274	348	1,497
York Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	136	587	159	685
1	159	684	187	805
2	203	875	233	1,002
3	275	1,184	318	1,367
4	269	1,156	320	1,374

Appendix D

Effective: 10/01/17 to 09/30/18

2017-2018 – ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without* *Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$14.00	$60.00
2	$15.70	$67.50
3	$17.45	$75.00
4	$19.90	$86.00
5	$23.10	$99.00
6	$25.00	$107.00

NOTE: For each additional person add $7.50 per month.

2) Electricity Maximums for Households *With* *Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$20.65	$89.00
2	$23.75	$102.00
3	$27.70	$119.00
4	$32.25	$139.00
5	$38.75	$167.00

6	$41.00	$176.00
NOTE: For each additional person add $10.00 per month.		

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Appendix E

Effective: 10/01/17 to 09/30/18

2017-2018 HEATING FUEL MAXIMUMS

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

Appendix F

Effective: 10/01/17 to 09/30/18

2017-0218 PERSONAL CARE & HOUSEHOLD SUPPLIES MAXIMUMS

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Appendix G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 44 cents (44¢) per mile.

Appendix H

Effective: 10/01/17 to 09/30/18

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,125.00.** Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and,
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lost in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$785.00.** Additional costs may be allowed by the GA administrator where there is an actual cost, for;

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $50

- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

Appendix I

26 MRSA §1043 (23)

Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

(1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;

(2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;

(3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;

(4) Failure to exercise due care for punctuality or attendance after warnings;

(5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;

(6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;

(7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;

(8) Unauthorized sleeping while on duty;

(9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;

(10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;

(11) Destruction or theft of things valuable to the employer or another employee;

(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;

(13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime. [1999, c. 464, §2 (NEW).]

B. "Misconduct" may not be found solely on:

(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;

(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment. [1999, c. 464, §2 (NEW).]

Vote: 7 Yeas.

Order No. 17-086, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District. ***[SEDCO]*** Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:11 p.m. The second reading on this Order would on Wednesday, October 4, 2017.

Order No. 17-087, 7:00 p.m. Public hearing on the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP). ***[SEDCO]*** Jay Chace, Town Planner, gave a brief over on this Order. Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:12 p.m. The second reading on this Order would on Wednesday, October 4, 2017.

Order No. 17-088, 7:00 p.m. Public hearing and second reading to repeal Chapter 308 – Town of Scarborough Ordinance Regulating Political Signs in the Public Right-of-Way. ***[Ordinance Committee]*** Chairman Babine opened the public hearing. The following individual spoke on this:

- Michael Doyle of Falmouth spoke on this order.

As there were no further comments either for or against, the hearing was closed at 7:14 p.m.

At the request of the Council Chair – Councilor Donovan gave an explanation on this Order.

Motion by Councilor Rowan, seconded by Councilor Foley, to move approval of the second reading to repeal Chapter 308 – Town of Scarborough Ordinance Regulating Political Signs in the Public Right-of-Way, as follows:

CHAPTER 308
TOWN OF SCARBOROUGH
POLITICAL SIGN ORDINANCE
ADOPTED OCTOBER 5, 1994
AMENDED SEPTEMBER 6, 1995
REPEAL ORDER

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council Assembled, as follows:

The Ordinance entitled "Political Sign Ordinance," as the same, has been enacted by the Town Council of the Town of Scarborough, is hereby repealed.

Vote: 7 Yeas.

Order No. 17-093, 7:00 p.m. Public hearing and action on the requests for a Food Handlers from Suzie Snowflake's Edibles, d/b/a Beals Famous Ice Cream, located at 29 Gorham Road; Van Reeo d/b/a Pizza Time/Dimitris, located at 185 U.S. Route One and Kerri Munson, d/b/a Pleasant Hill Café, located at 132 Pleasant Hill Road. ***[Town Clerk]*** Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:14 p.m.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval on the requests for a Food Handlers from Suzie Snowflake's Edibles, d/b/a Beals Famous Ice Cream, located at 29 Gorham Road; Van Reeo d/b/a Pizza Time/Dimitris, located at 185 U.S. Route One and Kerri Munson, d/b/a Pleasant Hill Café, located at 132 Pleasant Hill Road.

Vote: 7 Yeas.

Order No. 17-094, 7:00 p.m. Public hearing and action on the renewal requests for Junkyard Permits, pursuant to Title 30-A – M.R.S.A. Chapter 183: Goldstein Steel Company Inc., located at 36 Running Hill Road; A. Gagnon or E. Perry Iron & Metal, located at Rigby Road; Scarborough Auto Parts, located at 40 Holmes Road and Speedway Auto, located at 343 Payne Road. ***[Town Clerk]*** Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:16 p.m.

Motion by Councilor Donovan, seconded by Councilor Foley, to move approval on the renewal requests for Junkyard Permits, pursuant to Title 30-A – M.R.S.A. Chapter 183: Goldstein Steel Company Inc., located at 36 Running Hill Road; A. Gagnon or E. Perry Iron & Metal, located at Rigby Road; Scarborough Auto Parts, located at 40 Holmes Road and Speedway Auto, located at 343 Payne Road.

Vote: 7 Yeas.

<u>OLD BUSINESS</u>:

Order No. 17-015. Second reading on the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs. ***[Ordinance Committee]*** Thomas J. Hall, Town Manager, gave a brief overview on this order.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval on the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs; as follows:

TOWN OF SCARBOROUGH
ORDINANCE ESTABLISHING A MORATORIUM ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, a referendum on legislation titled the Marijuana Legalization Act, codified at 7 M.R.S.A. Chapter 417, was approved, subject to recount, by the voters of the State of Maine on November 8, 2016; and,

WHEREAS, as enacted by the voters, the Marijuana Legalization Act will authorize the licensure and operation of retail marijuana establishments and retail marijuana social clubs as a regulated program of the State of Maine; and

WHEREAS, the Maine Department of Agriculture, Conservation and Forestry is required to adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products and for the enforcement of the Act no later than February 2018; and,

WHEREAS, 7 M.R.S.A. Section 2449, Local Licensing, allows municipalities to regulate the location, operation and licensing of retail marijuana establishments and retail marijuana social clubs and to adopt and enforce regulations for such uses; and,

WHEREAS, operations related to retail marijuana establishments and retail marijuana social clubs raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and,

WHEREAS, there has been an increasing number of requests regarding the establishment of facilities for the cultivation and/or retail sales of marijuana; and,

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of retail marijuana establishments and retail marijuana social clubs and are inadequate to prevent the potential for serious public harm from the future establishment of retail marijuana establishments and retail marijuana social clubs; and,

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of retail marijuana establishments and retail marijuana social clubs, to review the rules and regulations to be developed by the Maine Department of Agriculture, Conservation and Forestry and to develop reasonable regulations governing their location and operation; and,

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning retail marijuana establishments and retail marijuana social clubs; and,

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

1. DEFINITIONS. As used in this Ordinance, the following terms have the following meanings as defined in the Marijuana Legalization Act:

"Marijuana": means cannabis.

"Retail Marijuana Establishments": a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

"Retail Marijuana Cultivation Facility": an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

"Retail Marijuana Products Manufacturing Facility": an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

"Retail Marijuana Social Club": An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

"Retail Marijuana Store": an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

"Retail Marijuana Testing Facility": an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to retail marijuana establishments and retail marijuana social clubs, as defined above, that are proposed to be located within the Town of Scarborough on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Ordinance applies to any application relating to the establishment or operation of a proposed retail marijuana establishment and retail marijuana social club, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance.

3. 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, or any other approval, received after the effective date of this Ordinance relating to the establishment or operation of a business or operation of a retail marijuana establishment and/or retail marijuana social club. No person shall establish or operate a business or operation of a retail marijuana establishment and/or retail marijuana social club within the Town of Scarborough that was proposed on or after the effective date of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Scarborough Code Enforcement Officer. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Scarborough Town Council.

6. 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: 7 Yeas.

Order No. 17-080. Act to create an Ad-hoc Budget Advisory Committee. Tabled from the August 16, 2017, Town Council Meeting. ***[Councilor Foley]*** Councilor Foley gave a brief overview on this Order and responded to questions from the Town Council.

Motion by Councilor Foley, seconded by Councilor St. Clair, to move approval to create an Ad-hoc Budget Advisory Committee.

Motion by Councilor Foley, seconded by Councilor Rowan, to move approval to table Order No. 17- 080 to the November 15th Town Council Meeting

Vote to Table: 7 Yeas.

NEW BUSINESS:

Order No. 17-095. First reading and schedule a public hearing on the proposed amendments to Chapter 901 – the Town of Scarborough Garbage and Recycling Collection and Disposal Ordinance, Article I Sections 1.09 and 1.10. ***[Ordinance Committee]*** Councilor Donovan gave a brief overview on this Order. The following individuals spoke on this:

- Susan Hamill of Bay Street voiced her concerns with the proposed amendments being made on this Order.

Motion by Councilor Donovan, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments to Chapter 901 – the Town of Scarborough Garbage and Recycling Collection and Disposal Ordinance, Article I Sections 1.09 and 1.10 and schedule a public hearing for Wednesday, October 4, 2017, as follows:

AMENDMENT TO CHAPTER 901
THE SCARBOROUGH GARBAGE AND RECYCLING ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 901, the Garbage and Recycling Collection Ordinance of the Town of Scarborough is amended, as follows:

Section 1.098 TOWN TO PROVIDE CARTS

A. All garbage and recycling carts required by this Article shall be designated, provided and owned by the Town of Scarborough; all residences receiving ~~municipal~~ Town solid waste collection services are required to use only the Town-provided carts for weekly garbage collection. The standard carts hold a capacity of up to 65 gallons and shall not be filled to a gross weight of more than 150 pounds each. Each residential unit will be allowed one Town-designated cart per pickup. Decisions to permit a second cart will be made on a case-by-case basis for exceptionally large households, and in those cases, only after a solid waste inspection by a Scarborough Public Works staff member to determine that the need remains when maximum recycling is being done. Residents may choose to mark their cart with the street address that the cart was assigned to for identification purposes. Under no other circumstance should the carts be defaced by the use of markers, stickers or paint. A cart that has been defaced will be replaced at cost to the resident to whom the cart was assigned and may be subject to further penalties under Article VI.

B. All residential buildings of 6 or more units, nonresidential or commercial users shall provide adequate carts for the weekly garbage generated by the business conducted on the premise. At a minimum, the owner shall provide a secured container or containers with closable covers to minimize the stacking and spreading of the garbage generated by the subject business. The cost of collecting commercial waste is the Property Owner's responsibility.

Section 1.1009 CARTS REQUIRED; HOURS FOR PLACEMENT AND REMOVAL; REPLACEMENT OR ADDITIONAL CARTS; OVERFLOW WASTE

A. It shall be the responsibility of the Town to provide and make available suitable and sufficient carts as described by § 1.~~08~~.09 to receive the accumulation of weekly household waste. Each cart shall be placed as instructed by the Town or its designated garbage collector along the street, sidewalk or roadside for automated collection. Town-designated garbage carts may be set out for collection the evening or day before, but must be set out by 7:00A.M. the morning of collection, and should be removed from the Town's right of way the day of collection.

B. Should a Town-owned cart be damaged, defaced, or lost by a household, the Town will make another such cart available for replacement at a fee.

C. Residents who have "overflow waste," defined as garbage set out for collection that exceeds the amount contained in the Town-provided collection cart, may take it to the Department of Public Works for disposal.

Vote: 4 Yeas. 3 Nays [Councilors Foley, Hayes and St. Clair]

Order No. 17-096. Act on the request for an order directing the Town Manager to process payments for the tax abatements for the 2012-2015 Consolidated Tax Appeals in accordance with the Board of Assessment Review's decision of May 10, 2017, and further authorizing the use of funds from the Undesignated Fund Balance to satisfy these obligations. ***[Town Manager]***

Thomas J. Hall, Town Manager, gave a brief overview on this Order. The following spoke on this Order:

- Larry Hartwell of Puritan Drive spoke on this Order and was concerned that the amount was not in the agenda packet.
- Susan Hamill of Bay Street spoke of her concerns on this Order. She wondered if the range of payments on this item could be disclosed. She questioned if this item would need to go out to the voters and what the total amount of legal fees that had been paid.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval on the request for an order directing the Town Manager to process payments for the tax abatements for the 2012-2015 Consolidated Tax Appeals in accordance with the Board of Assessment Review's decision of May 10, 2017, and further authorizing the use of funds from the Undesignated Fund Balance to satisfy these obligations.

Vote: 7 Yeas.

Order No. 17-097. Act to adopt the FY2018 School Budget Resolutions, as required by State Statute. ***[School Department]*** Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caiazzo, seconded by Councilor Hayes, to move approval to adopt the FY2018 School Budget Resolutions, as required by State Statute, as follows:

Scarborough School Department
2017-2018 Budget Resolutions

ARTICLE I. To see what sum the municipality will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

Recommend $ 32,985,818

and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Recommend $ 30,128,429

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

ARTICLE II. To see what sum the municipality will raise and appropriate for the annual payments on debt service previously approved by the municipality for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12.

Recommend $5,603,571

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters.

ARTICLE III. To see what sum the municipality will raise and to appropriate that sum in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, 15690.

Recommend $6,472,017

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the municipality budget for educational programs.

ARTICLE IV. To see what sum the municipality will authorize the School Board to expend for the fiscal year beginning July 1, 2017 and ending June 30, 2018 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommend $47,125,168

Pursuant to Maine Revised Statutes, Title 20-A, section 1485, voters and the Town Council authorize the School Board to expend the above funds in the following State-mandated categories:

ARTICLE IV-A. To see what sum the school administrative unit will be authorized to expend for Regular Instruction. **Recommend $19,675,688**

ARTICLE IV-B. To see what sum the school administrative unit will be authorized to expend for Special Education. **Recommend $7,558,169**

ARTICLE IV-C. To see what sum the school administrative unit will be authorized to expend for Career and Technical Education. **Recommend $293,318**

ARTICLE IV-D. To see what sum the school administrative unit will be authorized to expend for Other Instruction. **Recommend $1,115,212**

ARTICLE IV-E. To see what sum the school administrative unit will be authorized to expend for Student and Staff Support. **Recommend $4,659,167**

ARTICLE IV-F. To see what sum the school administrative unit will be authorized to expend for System Administration. **Recommend $1,069,128**

ARTICLE IV-G. To see what sum the school administrative unit will be authorized to expend for School Administration. **Recommend $1,837,854**

ARTICLE IV-H. To see what sum the school administrative unit will be authorized to expend for Transportation and Buses. **Recommend $1,494,471**

ARTICLE IV-I. To see what sum the school administrative unit will be authorized to expend for Facilities Maintenance. **Recommend $3,818,590**

ARTICLE IV-J. To see what sum the school administrative unit will be authorized to expend for Debt Service and Other Commitments. **Recommend $5,603,571**

ARTICLE IV-K. To see what sum the school administrative unit will be authorized to expend for All Other Expenditures. **Recommend $0**

ARTICLE V. To see if the municipality will appropriate **$182,701** for Adult Education and raise **$99,552** as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the Adult Education program. **Recommend $98,237** (Local)

Vote: 7 Yeas.

Order No. 17-098. Act on the request pursuant to Order No. 16-024, for the Town Council to review and approve the design and siting of outdoor recreation amenities within Memorial Park. ***[Town Manager]*** Thomas J. Hall, Town Manager, gave a brief overview on this Order. Todd Sousa, Director of Community Services also commented on this Order.
The following spoke on this Order:

- Jean-Marie Caterina of Gorham Road and a member of the Senior Advisory Board, noted that the Seniors were very anxious to see this recreation area be built and it serves all the residents of Scarborough.
- Larry Hartwell of Puritan Drive did not support this Order and asked the Town Council to defer this to next year.
- Susan Hamill of Bay Street wanted to make sure that this is what the seniors wanted and was curious to know what the survey results. She did support this Order.

Motion by Councilor Donovan, seconded by Councilor St. Clair, to move on the request pursuant to Order No. 16-024, for the Town Council to review and approve the design and siting of outdoor recreation amenities within Memorial Park.

Vote: 7 Yeas.

Order No. 17-099. Act on the request to set the date, time, and location of the Municipal Elections for Tuesday, November 7, 2017; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary. ***[Town Clerk]*** Motion by Councilor Donovan, seconded by Councilor St. Clair, to move approval to set the date, time, and location of the Municipal Elections for Tuesday, November 7, 2017; appoint the warden, set the hours for voter registration, and act on appointments of election/ballot clerks, pursuant to Chapter 200 – Article VIII. Nomination and Elections and authorize the Town Clerk to make any additional appointments as necessary, as follows:

WARRANT FOR
Regular Municipal Election
TOWN OF SCARBOROUGH, MAINE

TUESDAY, NOVEMBER 7, 2017
DAY AND DATE OF ELECTION

County of Cumberland, ss State of Maine

To: Robert A. Moulton, the Police Chief of Scarborough:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Scarborough of the Regular Municipal & Referendum Election, as described in this warrant.

To the Voters of the Town of Scarborough:

You are hereby notified that an election for the purpose of a Regular Municipal Election will be held on Tuesday, November 7, 2017, at the Scarborough High School Alumni Gymnasium:

FOR COUNCIL MEMBER	FOR BOARD OF EDUCATION MEMBER	FOR TRUSTEE OF SCARBOROUGH SANITARY DISTRICT
Vote for THREE	Vote for TWO	Vote for THREE
BABINE, Shawn A.	DOUGLAS, Rebel L.	ANDRESON, Charles J.
CATERINA, Jean-Marie	DURGIN, Hillory H.M.	CAVALERO, Judith M.
DOWNS, Timothy A.	KAZILIONIS, Leanne Lewis	GREENLEAF, Jason A.
HAYES, Peter F.	McNALLY, Christie L.	McSORLEY, Robert A.
HOWARD, Benjamin T.		
ST. CLAIR, Katherine A.		

Referendum Question No. 1:

Shall the Order entitled "**ORDER AUTHORIZING ISSUANCE OF UP TO $19,500,000 IN GENERAL OBLIGATION BONDS OF THE TOWN OF SCARBOROUGH TO FUND COSTS FOR A NEW PUBLIC SAFETY BUILDING**" be approved?

EXPLANATION AND RECOMMENDATION: Approval of this Order would authorize the issuance of up to $19,500,000 in general obligation bonds of the Town to provide funds to construct and equip a New Public Safety Building.

Total estimated cost	$21,548,095
Less reserve funds dedicated for this purpose	$ (625,000)
Less anticipated revenue from sale of existing Public safety facility	$(1,423,095)
Bond amount not to exceed	$19,500,000

The Town Council recommends approval of this question.

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	$84,460,000
B. Bonds authorized and unissued:	$ 3,119,870
C. Bonds to be issued if this Article is approved:	$19,500,000

2. Costs:

At an estimated maximum interest of 3.50%

for a maximum thirty (30) year maturity, the estimated costs of this bond issue will be:

Principal:	$19,500,000
Interest:	$ 9,934,750
Total Debt Service	$29,434,750

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Town Treasurer

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The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Absentee Ballots shall be processed on Monday, November 6, 2017, from 9:00 a.m. to 4:00 p.m. and on Election Day, Tuesday, November 7, 2017, starting at 8:00 a.m. – 10:00 a.m. – 1:00 p.m. – 4:00 p.m. and 7:30 p.m. until done.

The Registrar of Voters will hold office hours during regular business hours of the Town Hall and at the Polls to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter in the Town of Scarborough may not vote in any Scarborough election.

Approved on Wednesday, September 20, 2017, by the Scarborough Town Council.

ELECTION WORKERS

Last Name	First Name		Last Name	First Name
Alden	Joyce	Ward Clerk	Hendrix	Catherine
Archibald	Annie		Hendrix	Timothy
Beckerley	Sue		Holton	Geraldine
Bernard	Rhonda		Jackman	Donna
Blaisdell	Ann		Jackson	Mark
Blaisdell	Bruce		Jackson	Shirley
Campbell	Edward		Jania	Janusz
Carlson	Constance		Jensen	Joyce
Clough	Harold		Johnson	Sheila
Collins	Julie		Jolly-Schofield	Deborah
Cooledge	Melissa		Killelea	Elaine
Corribeau	Tristan		Kueck	Cindy
Curlew	Jackie		LaChapelle	Lorraine

Dahms	Beverly	Lebauer	Andrew	
Davio	Dolores	LeDoux	Alfred	
Davio	Joe	Libby	Susan	
DeSanctis	Marjorie	Love	Janet	
Downs	Marie	Nielsen	Marion	
Duca	Mary	O'Roak	Marion	Ward Clerk
Elder	Sandra	Paul	Allen	Deputy Warden
Estes	Emilie	Paul	Janice	
Fagnant	Barbara	Penley	William	Warden
Fenlason	Charlene	Plowman	Cheryl	
Flaherty	Connie	Reid	Richard	
Gillchest	Charlene	Rideout	Deborah	
Gillis	June	Smith	Doris	
Giroux	Jean	Smick	Martha	
Giroux	Wilfred	Sullivan	Sandy	
Grant	Elizabeth (Betty Ann)	Vickerson	Linda	
Greenleaf	Libby	Ward	Emily	
Hanson	Georgia	Weeks	Maureen	
Happel	Ken	Wiley	Mary Lou	
Helms	Sue	Wink	Eska	
		Wygant	Michael	

Vote: 7 Yeas.

Item 8. Non Action Items. None at this time.

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

- Councilor St. Clair gave an update on the Communications Committee.
- Councilor Foley gave an update on the Eastern Trail Alliance Fundraiser.
- Councilor Hayes gave an update on the Coastal Waters and Harbor Committee; the Shellfish Commission and the Finance Committee.
- Councilor Rowan gave an update on the Scarborough Housing Alliance; the Senior Advisory Committee.
- Councilor Caiazzo gave an update on the Planapalooza and gave an overview on the process and what the information would be used for within the Comp Plan Process.
- Councilor Donovan gave an update on the Planning Board; the Ordinance Committee; the All Board Summit and the Energy Committee.
- Chairman Babine gave an update on the Ad-Hoc Election Committee; he would be resigning from the MMA Legislative Policy and would recommend that the Assistant Town Manager be appointed as the Full Voter – He also noted that he is unable to continue on the County Finance Committee and would like to see someone to serve. He noted that the SEDCO Annual Meeting would be coming up.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- Gateway Commons had held a construction meeting earlier today and noted that they were moving ahead quicker than originally planned.
- Avenue 2 had made its way through the discussion process and could be coming back to the Town Council soon. There would be a workshop prior to the next Town Council meeting to provide an update to the Council and then action later.
- Community Services Passport Services would be appointment only and possibly a few Saturdays throughout the year.
- Dividend check from the MMA Risk Pool in the amount of $31,035 – a portion of this is from Worker's Comp.

Item 11. Council Member Comments.

- Councilor St. Clair wanted to make sure that the Affordable Housing Report would be available at the next meeting. She went on to speak about an individual who had complained to the Town Council about the smell of marijuana coming from a neighbor. Councilor St. Clair stated that she and Councilor Foley went to the area and the smell was overwhelming and understand how that individual felt. She further stated that the Council needs follow through on complaints and check things out.
- Councilor Foley noted that Planapalooza would be next week and she encouraged residents to participate. Information can be found on the Town's website.
- Councilor Donovan spoke on the Metro Coalition. Spoke on the Public Safety Outreach to the public. Long-time resident Anna Pietz will celebrate her 100th birthday this Sunday and wished her a Happy Birthday.
- Chairman Babine noted that he would be hitting a milestone birthday this weekend and received his AARP Card. He spoke on the comments that Mr. Doyle made earlier this evening and related cases.

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

Vote: 7 Yeas.

Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk