

AGENDA & PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
March 2, 2010 – 7:00 p.m.
Gorham Municipal Center – Council Chamber

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the February 2, 2010 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

School Committee Report

Fire Department presentation on the status of Squad 1 (the heavy rescue vehicle)

New Business

Public Hearing #1 Public Hearing to consider approval to renew a liquor license for Gorham Country Club.

Item #7815 Action to consider approval to renew a liquor license for Gorham Country Club. (Adm. Spon.)

Proposed Order #7815 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of the liquor license for Gorham Country Club.

Public Hearing #2 Public Hearing to consider issuance of a Special Amusement Permit for Church Banquet Center Sons of Italy Lodge.

Item #7816 Action to consider issuance of a Special Amusement Permit for Church Banquet Center Sons of Italy Lodge at 29 School Street. (Admin. Spon.)

Proposed Order #7816 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the issuance of a Special Amusement Permit for Church Banquet Center Sons of Italy Lodge at 29 School Street pending issuance of a certificate of occupancy and maintenance of the current property tax payment plan.

Public Hearing #3 Public Hearing on a proposal to amend the Animal Control Ordinance, Section 13, Tags and Stickers.

Item #7817 Action to amend the Animal Control Ordinance, Section 13, Tags and Stickers. (Adm. Spon.)

Proposed Order #7817 **WHEREAS**, the Town adopted an Animal Control Ordinance on April 7, 2009; and,

WHEREAS, the State has made recent changes regarding issuing tags and stickers; and,

WHEREAS, these changes are intended to make the Town's Ordinance consistent with State requirements,

NOW THEREFORE BE IT ORDAINED, that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Animal Control Ordinance, Section 13, Tags and Stickers as follows:

Note: Deletions are struck through

Section 13. Tags and Stickers

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. §3922-B. ~~The tag remains with the dog for as long as the dog is kept in the Town of Gorham. At each license renewal, the Town Clerk shall provide a sticker indicating the year for which the license is valid. The sticker must be attached to the back of the tag. The owner shall make sure that the tag is securely attached to the back of the tag. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure within twenty four hours upon request by the Animal Control Officer. If a sticker and tag are lost, the owner shall obtain a new license, tag and sticker. The Town Clerk shall issue another license tag and sticker upon presentation of the original license and payment of one dollar.~~

**Public
Hearing #4
Item #7818**

Public Hearing on a proposed ordinance to provide a moratorium on medical marijuana dispensaries.
Action to consider an Ordinance to provide a moratorium on medical marijuana dispensaries. (Adm. Spon.)

**Proposed
Order #7818**

WHEREAS, legislation adopted by a State-wide referendum vote on November 3, 2009 liberalized the laws relating to medical marijuana dispensaries; and

WHEREAS, the State of Maine's Department of Health and Human Services is required to but has not yet formulated the rules and regulations relating to the licensing of medical marijuana dispensaries; and

WHEREAS, the potential unregulated location of medical marijuana dispensaries in the Town raises legitimate and substantial questions about the impact of such dispensaries on the Town of Gorham, including questions of the compatibility of medical marijuana dispensaries with existing residential and commercial zoning districts; the adequacy of streets to additional traffic; the potential adverse health and safety effects of medical marijuana dispensaries on the community; the possibility of illicit sale and use of illegal drugs, misuse of prescribed marijuana and associated criminal activity; and the increased burden on the Town's Police Department; and

WHEREAS, the Town's Ordinances do not adequately address the concerns listed above; and

WHEREAS, the possible effect of the location of a medical marijuana dispensary has implications for the health, safety, welfare, and moral climate of the Town and its citizens; and

WHEREAS, once the State of Maine Maine's Department of Health and Human Services (DHS) issues its required rules and regulations, the Town needs time to study the DHS rules and regulations relating to the licensing of medical marijuana dispensaries and to study its own Ordinances to determine the implications of future proposed medical marijuana dispensaries to develop reasonable regulations governing location and operations of such dispensaries; and

WHEREAS, the Town, under its home rule authority, and its police power generally, has the authority to impose reasonable restrictions, conditions, and limitations on such a dispensary; and

WHEREAS, the Town's existing Ordinances or other applicable law, if any, is not adequate to prevent serious public harm by the development of a medical marijuana dispensary in the Town and thereby necessitating a moratorium; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of a medical marijuana dispensary being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommendations will take at least one hundred and eighty (180) days from the date the Town first enacts this Moratorium Ordinance on Medical Marijuana Dispensaries;

NOW, THEREFORE, BE IT ORDAINED that the Town Council does hereby declare a moratorium on the location or licensing of any medical marijuana dispensaries within the Town of Gorham. This Ordinance shall take effect upon enactment by the Town Council, but shall be applied as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Ordinance, unless extended, repealed, or modified by the Town Council;

BE IT FURTHER ORDAINED, that this Ordinance shall apply to medical marijuana dispensaries, which means a "nonprofit dispensary" as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended from time to time, that may be proposed to be located within the Town on or after the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed medical marijuana dispensary for which an application for a Certificate of Use and Occupancy has not been submitted and acted on by the Code Enforcement Officer or other Town official prior to February 22, 2010, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a medical marijuana dispensary within the Town on or after the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that the during the time this moratorium is

in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of occupancy, special exception review, site plan review and/or any other permits or licenses related to a medical marijuana dispensary; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, but not otherwise; and

BE IT FURTHER ORDAINED, that if medical marijuana dispensaries are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, its reasonable attorney's fees and costs in prosecuting any violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Item #7819 Action regarding a petition from Mary Jane LeCours asking the Town to impose weight limits on McLellan Rd. (Adm. Spon.)

Proposed Order #7819 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled receive a petition from Mary Jane LeCours asking the Town to impose weight limits on McLellan Road.

Item #7820 Action to consider authorizing the purchase of financial software. (Adm. Spon.)

Proposed Order #7820 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a proposal for TRIO financial software and hardware as proposed in the memo from the Finance Director to the Town Manager dated February 22, 2010; and,

BE IT FURTHER ORDERED that the Town Council authorize the Town Manager and Finance Director to proceed with the conversion of the financial system at a pace that is reasonable and prudent; and,

BE IT FURTHER ORDERED that the Town Council appropriate \$75,000 from the Finance Server / Computer Upgrade reserve account for this project.

Item #7821 Action to consider adjusting fees for rescue services. (Adm. Spon.)

Proposed Order #7821 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to adjust fees for rescue service to the Finance Committee for their review and recommendation.

Item #7822 Action to appoint Election Workers. (Adm. Spon.)

Proposed Order #7822 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following list of Election Workers, per Title 21-A M.R.S.A, sec. 503, with terms to expire April 1, 2012;

Democrat Workers: Judith Arsenault, Marilyn Amoroso, Patricia Clay, Katherine Corbett, Geraldine Day, Frances Doucette, Peggy Douglass, Cynthia Doyle, Anne Emerson, Mary L. Fraser, Katherine Garrard, A. Merrill Henderson, Colleen Hoyt, Christine Kimball, Alida Landry, Barbara McGarvey, Nicholas McKenny, Virginia Morrow, Harold Parks, Susan Parsons, Cassie Pelletier, Asher Platts, Ethel Robillard, Thomas Rootes, Tina Ruel, Robin Sanford, Melinda Shain, Barbara Skinner, Robert Skinner, Helen Smith, Judith L. Stevens, Mary E. Sturtevant, Ellen Vellieux, Patricia M. Weeks & Michael Wojtal

Republican Workers: Janet Bell, Dorothy Burnham, Donna Carll, Gladys Carter, Nancy Connolly, Kenneth Curtis, George Deering, Linda Deering, Rhonda Desrochers, Janice Edwards, Linda Frinsko, Diane Godfrey, Mary Golden, Martha Harris, Nancy M. Hawkes, Madelyn Hunt, Mary L. Jordan, Nancy Kenty, Elizabeth Labrecque, Janice Labrecque, John Labrecque, Marina Lewis, Jenifer McCullough, Raymond Mitchell, Mary Nelson, Rosamond Phinney, Heidi Pratt, Scott Pratt, Kristen Smith, Laurel Smith & Virginia T. Williams

Unenrolled Workers: Lewis Calabraro, Theresa Calabraro, Edward Gowen, & Sharon Grant

Item #7823 Action to consider amending the Land Use & Development Code, Chapter 1, to allow open space areas that do not meet minimum lot requirements in the Development Transfer Overlay District. (Adm. Spon.)

Proposed Order #7823 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use & Development Code, Chapter 1, to allow open space areas that do not meet minimum lot requirements in the Development Transfer Overlay District to the Planning Board for public hearing and their recommendation.

Item #7824 Action to consider a request to accept Barnfield Lane as a public road. (Adm. Spon.)

Proposed Order #7824 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Barnfield Lane, located in Stoneleigh Estates subdivision off Longfellow Road, as a public road; and,

BE IT FURTHER ORDERED that Barnfield Lane be classified as a rural access road.

ADJOURN