

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
OCTOBER 7, 2014  
BURLEIGH H. LOVEITT COUNCIL CHAMBERS

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the September 2, 2014 Town Council Meeting Minutes

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public Hearing #1      Public Hearing on a renewal of a Restaurant Liquor License for the Gorham House of Pizza.

Item #8513              Action to consider approving a Renewal Restaurant Liquor License for Gorham House of Pizza. (Admin Spon)

Proposed  
Order #8513              Ordered, that the Town Council approve a Renewal Restaurant Liquor License for Angelo Sotiropoulos d/b/a Gorham House of Pizza located at 2 State Street.

Public Hearing #2      Public Hearing on a renewal of a Restaurant Liquor License of Sebago Brewing Company.

Item #8514              Action to consider approving a Restaurant Liquor License for Sebago Brewing Company. (admin Spon.)

Proposed  
Order #8514              Ordered, that the Town Council approve a renewal Liquor License of Sebago Brewing Company located at 29 Elm Street.

Public Hearing #3      Public Hearing on proposal to accept Automobile Graveyards/Junkyard Permits for 2015.

Item #8515              Action to approve renewal of Automobile Graveyard/Junkyard Permits for 2015. (admin Spon.)

Proposed  
Order #8515

Ordered, that the Town Council approve renewal for the following Automobile Graveyard/ Junkyard Permits for 2015;

DARYL WESTON	LKQ CORP./GORHAM AUTO	175 NARRAGANSETT ST
RALPH CARTONIO	SOUTH ST. AUTO BODY	346 SOUTH STREET
DAVE MCCOULLOUGH	M & D RENTAL	393 OSSIPEE TRL
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRL
PRICILLA HOPKINS	HOPKINS SALVAGE	230 NORTH GORHAM
BRUCE YOUNG	YOUNG'S AUTO SALVAGE	721 FORT HILL RD
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL RD
SHAWN MOODY	MOODYS/ INS AUTO AUCTION	200 NARRAGANSETT
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW RD

Public Hearing #4

Public Hearing on a proposal to amend the Contract Zone with Hans Hansen, Inc. to allow a larger sign for Cumberland Farms and to allow signs on the canopy.

Item #8516

Action to consider a request to amend the Contract Zone with Hans Hansen, Inc. to allow a larger sign for Cumberland Farms and to allow signs on the canopy. (admin Spon)

Proposed  
Order #8516

Whereas the Town of Gorham accepted a contract zone with Hans Hansen, Inc. located near the intersection of County Road (Rt. 22) and South Street (Rt. 114), and

Whereas, Cumberland Farms has asked to have the terms of the contract zone amended to allow for a larger sign and to allow for a sign on the canopy, and Whereas, the Town Council voted on August 5, 2014 to send the request for these amendments to the Planning Board, who held a public hearing on September 8, 2014, and after hearing, recommended approval, Now Therefore, Be It Ordained, that the Town Council approve the following amendment to the contract zone with Hans Hansen, Inc.

**AMENDMENT TO CONTRACT ZONING AGREEMENT  
BETWEEN CUMBERLAND FARMS, INC.  
AND THE TOWN OF GORHAM**

This Amendment to Contract Zoning Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **TOWN OF GORHAM**, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the "Town") and **CUMBERLAND FARMS, INC.**, a Massachusetts corporation with a mailing address of 100 Crossing Boulevard, Framingham, Massachusetts 01702 (hereinafter "Cumberland Farms").

WHEREAS, the Town entered into a Contract Zoning Agreement with Hans Hansen, Inc. (“Hansen”), dated October 21, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29646, Page 97 (hereinafter the “Contract Zoning Agreement”) that established zoning regulations for a parcel of real estate located at 74 County Road, Gorham, Maine, consisting of 23.8 acres (hereinafter “the Property”); and

WHEREAS, the Property consists of Lots 22.401, 22.402, 22.403, 22.404, 22.502, 22.503, 22.504, 22.505, 22.506 and 22.507 on the Town's Tax Map 3; and

WHEREAS, Hansen entered into a Purchase and Sale Agreement with GC CF New England, LLC, as agent for Cumberland Farms, for the purchase of the unit to be located on the area consisting of Tax Map 3, Lot 22.404 of the Property (hereinafter the “Parcel”), also known as Unit 4 of the Stargazer Subdivision, a condominium development; and

WHEREAS, the Town entered into an Amendment to Contract Zoning Agreement with Hansen dated October 1, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31147, Page 1 (hereinafter the “Amendment to Contract Zoning Agreement”) that amended the dimensional and performance standards established by the Contract Zoning Agreement in order to facilitate the proposed development of the Parcel; and

WHEREAS, by quitclaim deed dated February 6, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31326, Page 66, Hansen transferred the Parcel to Cumberland Farms; and

WHEREAS, Cumberland Farms now seeks to further amend the Contract Zoning Agreement in order to clarify additional requirements applicable to the Parcel; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property and to amend the contract rezoning, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section I, Subsection H, as amended, of the Gorham Land Use and Development Code; and

WHEREAS, after notice and hearing and due deliberation upon this rezoning proposal, the Gorham Planning Board recommended this Amendment to the Contract Zoning Agreement; and

WHEREAS, this Amendment will change only signage standards for the Parcel and will not allow additional uses on the Property or the Parcel; and

WHEREAS, both the Planning Board and the Town Council determined that the Contract Zoning Agreement and original Amendment to Contract Zoning Agreement were pursuant to and consistent with the Town's Comprehensive Plan and the Town Council has authorized the execution of this Amendment to Contract Zoning Agreement;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

**1. Amendment of Contract Zoning Agreement, Section 6A.** The Contract Zoning Agreement is amended to add a new Section 6.A, to read: Notwithstanding the provisions of Section 6.k, development on Unit 4, Tax Map 3, Lot 22.404 signage shall be allowed in substantial conformance with the plans included in Exhibit A, which is hereby incorporated and made a part of this Agreement. In the event of any conflict between the provisions of Sections 6.k and Exhibit A of this Amendment, the provisions of Exhibit A of this Amendment shall control.

**2. Remaining provisions remain in full force and effect.** Except as expressly amended herein, the provisions of the Contract Zoning Agreement shall remain in full force and effect.

Item #8517                      Action to consider a resolution recognizing Ronald Shepard for 42 years of service in the Police Department, including 19 years as the Police Chief. (admin spon.)

Proposed  
Order #8517

### **Resolution Honoring Ronald W. Shepard**

**Whereas**, Ronald W. Shepard, a life-long resident of the Town of Gorham, was pinned with the Gorham Police Badge on August 31, 1972; and

**Whereas**, Ronald W. Shepard attended the Maine Criminal Justice Academy Basic Police School from October to December 1972; and

**Whereas**, Ronald W. Shepard was promoted to the rank of Sergeant in 1976 and the rank of Lieutenant in 1986; and

**Whereas**, Ronald W. Shepard served as the Acting Police Chief multiple times during the period of 1985 through 1995; and

**Whereas**, Ronald W. Shepard was promoted and appointed as the Police Chief for the Town of Gorham on September 9, 1995 and served as the Police Chief for over 19 years; and

**Whereas**, during the tenure of his position as Police Chief, Ronald W. Shepard attended the FBI National Academy Session 203 and served on the FBI CJIS Advisory Process and CJIS Northeastern Working Group and the Maine Drug Agency Advisory Board; and

**Whereas**, throughout his career with the Gorham Police Department, Ronald W. Shepard faithfully discharged his duties with passion and set a high standard for personal integrity that is a credit to the Police profession and Gorham Community; and

**Whereas**, Ronald W. Shepard is a valued member of the Town of Gorham Management Team, and his loyalty and love for the Gorham community and staff will always be remembered; and

**Whereas**, Ronald W. Shepard will retire on November 4, 2014 after 42 years of dedicated service,

**Now, Therefore Be It Ordered** that the Town Council of Gorham, Maine, recognizes and expresses its appreciation to Ronald W. Shepard for his professional accomplishments and his service and dedication to the members of the Gorham Police Department, Municipal staff, and the Gorham Community.

Item #8518                      Action to consider adjusting the menu of options available for Health Insurance. (admin spon.)

Proposed  
Order #8518                      Ordered, that the Town Council, effective January 1, 2015, adjust the options available for employee Health Insurance by adding the MMA PPO-500 plan and PPO-2500 plan and to continue the POS-C plan and,  
Be It Further Ordered, that effective January 1, 2015 the POS-A plan no longer be offered as an option.

Item #8519                      Action to consider appointing an Acting Police Chief to start upon the retirement of Chief Ron Shepard. (admin. Spon.)

Proposed  
Order #8519                      Ordered, that the Town Council appoint \_\_\_\_\_ as the Acting Police Chief for the Town of Gorham, with the appointment to commence on November 4, 2014 and upon the retirement of Police Chief Ron Shepard, and with the appointment to terminate upon the appointment of a regular full-time Police Chief, or on February 4, 2015.

Item #8520                      Action to consider changing the Parking in front of Robie Gym from “head-in” to angle parking and identifying the 7 public parking spaces on the north side of Robie Gym. (Councilor Roullard Spon.)

Proposed  
Order #8520                      Ordered, that the Town Council approve changing the parking in front of Robie Gym, on South Street, from head-in parking to angle parking as recommended in the Gorham Village Parking Study, and  
Be it Further Ordered that the 7 parking spaces on the north side of Robie Gym be identified as public parking spaces.

Item #8521                      Action to consider accepting an offer of land from Paul Gore, in lieu of the outstanding taxes. (admin spon.)

Proposed  
Order #8521                      Ordered, that the Town Council authorize the Town Manager to accept a deed from Paul Gore, for a parcel of land (Tax Map 12, Lot 17-7) as payment for all past and currently due property taxes and costs.

Item #8522                      Action to consider the disposition of property at 10 Preble Street. (admin spon.)

Proposed Order #8522	<p>Ordered, that the Town Council authorize a plan for the disposition of Property at 10 Preble Street that includes the following:</p> <ol style="list-style-type: none"> <li>1. Adopt a conditional zone for 10 Preble Street to allow a 2-unit residential property and allow a light professional office use, like a Lawyer's Office or Real Estate Office or a similar use.</li> <li>2. Retain the back yard section of property for future Town use and sell the remaining property, and</li> </ol> <p>Be It Further Ordered that the Town Council forward the proposal for a conditional zone for 10 Preble Street, to the Planning Board for a public hearing and the Boards' recommendation.</p>
Item #8523	<p>Action to consider approving an updated Library Card Policy recommended by the Trustees of Baxter Memorial Library. (admin Spon.)</p>
Proposed Order #8523	<p>Ordered, that the Town Council approve an updated Library Card Policy for Baxter Memorial Library as recommended by the Library Trustees.</p>
Item #8524	<p>Action to consider accepting an easement for a Fire Pond off Jackie's Way. (admin spon.)</p>
Proposed Order #8524	<p>Ordered, that the Town Council accept an easement for a Fire Pond off Jackie's Way.</p>
Item #8425	<p>Action to consider a recommendation from the Finance Committee to retain tax acquired property Tax Map 47, Lot 3) off Libby Avenue, for public use. (Finance Committee spon. 2-0)</p>
Proposed Order #8425	<p>Ordered, that the Town Council approve retaining a 30 acre parcel of tax acquired property (Tax Map 47, Lot 3) off Libby Avenue and near the Little River, for current and future public use.</p>
Item #8526	<p>Action regarding the November 4, 2014 State General Election and Annual Municipal Election. (admin Spon.)</p>
Proposed Order #8526	<p>Ordered, by the Town Council that the polls be open for the November 4, 2014 State General Election and the Annual Municipal Election between the hours of 7:00 am and 8:00 pm, and</p>

BE IT FURTHER ORDERED, that absentee ballots will be processed on Monday November 3, 2014 at 10:00 am and on Tuesday November 4 at 9:00 am, 1:00 pm, 3:00 pm, 5:00 pm and 8:00 pm , and

BE IT FURTHER ORDERED, that the registrar of voters is in session between the hours of 8:00 am and 4:00 pm on Tuesday October 28 and Wednesday October 29. Thursday October 30; 8:00 am and 7:00 pm and 8:00 am until 1:00 pm on Friday October 31, 2014. Monday November 3<sup>rd</sup> from 8:00 am until 4:00 pm and Tuesday November 4 from 7:00 am until 8:00 pm, for the purpose of registering citizens to vote, correcting the voter list and accepting Absentee Ballots, and

BE IT FURTHER ORDERED, that the Town Council appoint the following Wardens and Ward Clerks for the November 4, 2014 State General Election and Annual Municipal Election and that the Town Clerk is authorized to make changes to these appointments as needed:

Ward 1 Warden Susan Emerson, Ward Clerk Laurel Smith  
Ward 2 Warden Patricia Clay, Ward Clerk Nancy Kenty  
Central Warden Laurie Nordfors, Ward Clerk Paula Nystrom

Item #8527                      Action to go into Executive Session pursuant to Title 1 MRSA Section 405 (6) (E) to discuss litigation. (admin spon.)

Proposed  
Order #8527                      Ordered, that the Town Council go into executive session pursuant to Title 1 MRSA Section 405 (6) (E) to discuss litigation.

Adjourn