

## **REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL May 1, 2007**

Chairman Justice opened the meeting at 7:00 pm.

Roll Call: Present: Chairman Justice, Councilors Phinney, Dugas, Loveitt, Caldwell, & Moulton, Town Manager, David Cole, and Town Clerk, Christina Silberman. Councilor Willett arrived after the minutes were accepted at 7:01 pm.

Moved by Councilor Loveitt, seconded by Councilor Phinney, and **VOTED** to accept the minutes of the March 6, 2007 regular meeting as printed and distributed. **6 yeas.**

### **Open Public Communications**

Former Town Councilor Calvin Hamblen, spoke about veterans. He is looking for people to march in the Memorial Day Parade. People do not have to be service members or veterans to march.

Jason Libby, School Committee member, talked about tax relief and the proposed budget.

### **Councilor Communications**

Councilor Willett reported that the Finance Committee met last week and discussed the TIF on tonight's agenda and will be meeting again this month.

Councilor Moulton reported that on Saturday he attended the block party on Mechanic St. & Railroad Ave. It was an opportunity to visit the businesses located there and was a great experience.

Councilor Loveitt reported that he has distributed an amendment he would like to offer for the budget meeting next week and he read the proposed amendment.

### **Chairman's Report**

Chairman Justice thanked the Public Safety and Public Works departments for their efforts during the Patriot's Day Storm.

### **Town Manager's Report**

Mr. Cole thanked the Emergency Services and Public Works departments for their hard work relating to the Patriot's Day storm. Mr. Cole stated that brush debris of any size will be accepted at Public Works for free disposal at any time Monday-Friday from 7 am – 3:30 pm through May 12<sup>th</sup> and on Saturday May 12<sup>th</sup> from 8 am –noon.

The Baxter Memorial Library book sale is this Friday from 7 am – 3:30 pm and Saturday from 8 am - noon.

Tuesday, May 8<sup>th</sup> the Recreation Department will offer programs free of charge in honor of Osteoporosis month.

The Government Finance Officers Association has recognized Gorham with an award for Excellence in Financial Reporting for the fourth year in a row and this is a real credit to our Finance Director, Maureen Finger. Mr. Cole thanked Maureen for her hard work.

## **School Committee Report**

School Committee Chairman Jim Hager reported that the White Rock Project Committee has not met since March 7<sup>th</sup> but will meet tomorrow. On Monday, May 7<sup>th</sup> the School Committee will hold a special meeting to discuss the FY08 budget.

Representative Christopher Barstow and Senator Philip Bartlett gave an update on happenings in Augusta that relate to the Town of Gorham.

## **Old Business**

**Item #7410** regarding a proposed Municipal Development and Tax Increment Financing District for Olde Canal Business Park was properly moved by Councilor Phinney and seconded by Councilor Dugas at the April meeting and was forwarded to the Finance Committee. Councilor Willett reported unanimous approval on this item from the Finance Committee.

**Whereas**, the Town of Gorham is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specified area within the Town as a Municipal Development District and Tax Increment Financing District and to adopt a Development Program for such District; and

**Whereas**, there is a need for commercial development in the Town of Gorham; and

**Whereas**, Grondin Properties, LLC intends to develop a 9 lot business park with the proposed Municipal Development and Tax Increment Financing District (the "District"); and

**Whereas**, there is a need to provide continuing employment opportunities for the citizens of the Town of Gorham and the surrounding region; to improve and broaden the tax base of the Town of Gorham and improve the general economy of the Town of Gorham, the surrounding region and the State of Maine; and

**Whereas**, the expansion will help to provide continued employment for the citizens of the Town of Gorham and the surrounding region, improve and broaden the tax base in the Town of Gorham and improve the economy of the Town of Gorham and the State of Maine; and

**Whereas**, there is a need to encourage the expansion, improvement and continuation of business facilities through the establishment of Municipal Development and Tax Increment Financing District in accordance with the provisions of Chapter 207 of Title 30A; and

**Whereas**, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A., Sec 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

**Whereas**, the Town desires to designate the Olde Canal Business Park Municipal Development and Tax Increment Financing District and adopt a Development Program for such District; and

**Whereas**, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development approving the designation of the District and the adoption of the Development Program for the District;

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Gorham, Maine in Town Council assembled that:

**Section 1.** The Town hereby finds and determines that:

- a. At least twenty-five percent (25%) by area of the real property within the District, as hereinafter designated, is suitable for industrial sites as defined in 30-A M.R.S.A. Sec. 5253; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town; and the total area of all development districts within the Town (including the District) does not exceed five percent (5%) of the total acreage of the Town; and
- c. The aggregate value of equalized taxable property of the District as of April 1, 2006 does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of April 1, 2006; and
- d. The aggregate value of municipal indebtedness financed by the proceeds from tax increment financing districts within Cumberland County, including the proposed District, does not exceed \$50 million; and
- e. The Town expects that the Development Program will be completed within five (5) years of the designation of the District by the Department of Economic and Community Development; and
- f. The designation of the District and pursuit of the Development Program will generate substantial economic benefits by the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**Section 2.** Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the Olde Canal Business Park Municipal Development and Tax Increment Financing District, designated and described as more particularly set forth in the "Development District Development Program" is hereby incorporated by reference into this vote as the Development Program for the District.

**Section 3.** The Town Manager be, and hereby, is authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Sec. 5253(1)(F).

**Section 4.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District in adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the Town, the Council or any other party.

Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the Olde Canal Business Park Municipal Development and Tax

Increment Financing District, designated and described as more particularly set forth in the "Development District Development Program" is hereby incorporated by reference into this vote as the Development Program for the District.

**Section 5.** The Town Manager be, and hereby, is authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Sec. 5253(1)(F).

**Section 6.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District in adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the Town, the Council or any other party.

Development Program, in the name of and on behalf of the Town, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the said Town Manager may approve, his approval to be conclusively evidenced by his execution thereof. **7 yeas.**

### **New Business**

**Public Hearing #1** Chairman Justice opened the public hearing regarding a new Victualer's License application from Kevin and Melinda Strout doing business as Weenie Wagon II. Kevin Strout introduced himself and explained that he would like to operate a lunch truck in the Gorham Industrial Park. Chairman Justice closed the public hearing.

**Item #7415** Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Victualer's License for Kevin and Melinda Strout doing business as Weenie Wagon II. **7 yeas.**

**Public Hearing #2** Chairman Justice opened the public hearing regarding renewal of Victualer's Licenses for 2007. There were no public comments. Chairman Justice closed the public hearing.

**Item #7416** Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to waive the rules and dispense with the clerk reading of the proposed order. **7 yeas.**

The proposed order was moved by Councilor Phinney and seconded by Councilor Loveitt. Moved by Councilor Loveitt, seconded by Councilor Willett and **VOTED** to amend the proposed order and add a note that Gorham Sports Center has delinquent property taxes but has a current payment arrangement agreement with the Town. **7 yeas**  
The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of Victualer's Licenses for 2007 for the following;

Ghulam Rabbani d/b/a 7-Eleven 32534A  
Wilfred A. Gillis d/b/a Sweets 'N Eats  
Amato's Sandwich Shops, Inc d/b/a Amato's  
Bella Donna, Inc d/b/a Bella Donna

C. N. Brown Co. d/b/a The Big Apple Food Store #1059  
T.D.B.O., Inc. d/b/a Domino's Pizza  
Gorham Recreation Department d/b/a Robie Concession Stand, Village Concession Stand, Little Falls Recreation Area, Narragansett Concession Stand, Shaw Park Concession Stand, and Gorham Summer Family Fair  
Gorham High School d/b/a Gorham High School  
Susan Duchaine d/b/a Gorham Diner & Variety, Inc.  
Sebago Brewing Company d/b/a Sebago Brewing Company  
Gorham Sports Center d/b/a Gorham Sport's Center (Note: Gorham Sports Center has delinquent property taxes but has a current payment arrangement agreement with the Town)  
Angelo Sotiropoulos d/b/a Gorham House of Pizza  
Beanstalk, Inc d/b/a The Gorham Grind  
Richard Jiang d/b/a Ocean Garden Restaurant  
Town of Gorham d/b/a Gorham Senior Citizens Mealsite Drop-In  
Hannaford Bros Co. d/b/a Hannaford Food & Drug (#350)  
Brenda Nicely d/b/a Nicely's Market, Inc.  
Mastoran Restaurants Incorporated d/b/a Burger King  
Pine Crest Bed and Breakfast LLC d/b/a Pinecrest Bed and Breakfast, LLC  
TNT Quickstop, LLC d/b/a TNT Quickstop, LLC  
Hans C. Hansen d/b/a Hansen's Farm Market  
William A. Hillock, Inc. d/b/a Wassamki Springs Campground  
Edward Wolak Gorham Distribution Center d/b/a Dunkin Donuts  
Karen Andreasen d/b/a Gorham Youth Soccer Association  
James F. Malia d/b/a Beals Ice Cream **7 yeas.**

**Item #7417** Moved by Councilor Willett, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the appointment of Allene Bowler and Kathi Kalicki to the Park and Conservation Commission with terms to expire April 1, 2010. **7 yeas.**

**Item #7418** Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to waive the rules and dispense with the clerk reading of the proposed order. **7 yeas.** The order was moved by Councilor Phinney, seconded by Councilor Dugas, and **VOTED.**

**Whereas** the municipalities of Gorham, Scarborough, South Portland and Westbrook share in a regional road network and form a sub-region within the PACTS Metropolitan Planning organization for transportation planning purposes; and

**Whereas** the four communities recognize a growing level of congestion on key transportation corridors including State Routes 22, 25, and 114 and U.S. Route 302; and believe the Turnpike Spur is needed for the continued economic prosperity of the region and therefore wish to facilitate its development, and

**Whereas**, previous studies have reviewed options for improved access from key westerly routes including, but not limited to, the Westerly Connector Study (1988), the Route 25 Corridor Study (1993), the Gorham-Portland Alternatives Analysis (1997), the Route 114/I-295 Ramp Study (1998), and

**Whereas**, the four communities share concerns about the adequacy, capacity, safety and convenience of the existing roads, highways and interchanges; and

**Whereas**, the four communities recognize the limitations in existing transportation funding sources available for highway improvements; and

**Whereas**, the communities agree that the existing model of incremental improvements to highways, such as additions of turning lanes and intersection widening, can serve to deteriorate the uniqueness of our downtowns, village centers, and neighborhoods; and

**Whereas**, the four communities believe that cooperating with each other and with the Maine Turnpike Authority and PACTS to study and address regional traffic problems in this corridor will result in more effectively addressing a regional problem than on their own; and

**Whereas**, the four communities believe that controlled access highways provide opportunities for future land use and development along the corridors to be coordinated and to ensure that a new road provides a long term, sustainable traffic solution while benefiting each of the host communities consistent with their Comprehensive Plans; and

**Whereas**, the four communities understand that the financial feasibility of using tolls to fund a controlled access highway connecting to the Maine Turnpike suggests that this study be directed by the MTA in coordination with the MaineDOT, PACTS, and the communities; and

**Therefore**, the Town or City Councils of Gorham, Scarborough, South Portland and Westbrook jointly encourage and request that the Maine Turnpike Authority immediately undertake the next step in the planning process for this Westerly Access Road to include a preliminary design to identify the proposed route and right of way to be acquired; and .

Thereafter the communities hereby agree to the following:

1. Jointly seek support from PACTS for planning funds to develop an Inter-municipal land use study, to include potential economic development opportunities, and plan for the transportation corridors surrounding the roadway.
2. Engage in collective discussions concerning land use and the conformance of Comprehensive Plans to recognize, support and protect community character and the capacity of any proposed roadway.
3. Actively pursue an educational campaign to inform citizens of the need, the potential costs and benefits to each host community.
4. Assist the Maine Turnpike Authority in scheduling local meetings, timely response to any requests and priority in holdings hearing or council meetings for decisions affecting the project.
5. Participate and Assist the Authority in the identification of any possible route and in the acquisition of right of way, if needed.
6. Authorize managers, planners and their respective staff to give priority to this project, take prudent and responsible actions to advance the project and to effectively coordinate efforts with the Maine Turnpike Authority.

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Gorham, Maine in Town Council assembled to adopt this joint resolution. **7 yeas.**

**Item #7419** Moved by Councilor Caldwell, seconded by Councilor Loveitt, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to the April 17, 2007 request of Gorham Youth Soccer Association, Gorham Football Boosters, and Gorham Lacrosse, hereafter called the Multi Club Council, authorize the Town Manager and Recreation Director and other staff deemed appropriate by the Town Manager, to facilitate efforts by the Multi Club Council to:

1. Create a comprehensive engineering study for the redevelopment of the Little Falls Recreation area, using club resources, for the purpose of maximizing playing field capacity, and
2. Subsequently bring the prepared redevelopment plan to the Town Council for their consideration. **7 yeas.**

**Item #7420** Moved by Councilor Caldwell, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint Tom Talbot to the Fire and EMS Study Committee. **7 yeas.**

**Item #7421** Moved by Councilor Loveitt, seconded by Councilor Dugas and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager to solicit proposals from civic organizations for using the former Recreation Department building. **7 yeas.**

**Item #7422** Moved by Councilor Moulton, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a Referendum Election to be held on November 6, 2007, asking voters to authorize the Town to issue bonds for \$3,000,000.00 to make improvements to Town roads, and

**BE IT FURTHER ORDERED**, that the Town Council call a public hearing on October 2, 2007 for this bond issue. **7 yeas.**

**Item #7423** Moved by Councilor Moulton, seconded by Councilor Willett and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal, to develop an ordinance to regulate the distance of residential locations of registered sex offenders from schools and child care facilities, to the Ordinance Committee for the Committee to develop an Ordinance for the Town Council to consider. **7 yeas.**

**Item #7424** Moved by Councilor Willett, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize sending a letter asking the Town of Gorham's State Legislative Delegation to work for full reimbursement to local tax payer costs resulting from local enforcement of state laws. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to adjourn at 8:53 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: \_\_\_\_\_  
Christina Silberman, Town Clerk