

Report of the Regular Meeting of the Gorham Town Council May 3, 2011

The meeting opened at 7:04 pm. There were 20 members of the public present at the start of the meeting.

Chairman Robinson opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call: Chairman Robinson; Councilors: Caldwell, Gagnon, Mattingly, Miner, Phinney and Pressey,, Town Manager, David Cole, and, Acting Town Clerk, Connie Loughran

Moved by Councilor Phinney, seconded Councilor Caldwell and VOTED to accept the minutes of the April 5, 2011 Regular Town Council Meeting as corrected and the Minutes of the April 12, 2011 Special Town Council Meeting. 7 yeas.

Open Public Communications

Representative Jane Knapp reported on the Marine Resources Committee and, Environment and Natural Resources Committee both of which she serves on in Augusta. She encouraged visits to Wolfe's Neck Woods State Park in Freeport, especially during June to view the array of Lady Slippers growing in the area. Drivers are urged to heed the new roadside warning signs and watch out for deer in the roadway. Representative Knapp also encourages citizens and tourists to visit the forts that are here in Maine. There are some celebrations regarding the Civil War that are happening this year. LD #1 a very large bill which is before the Joint Select Committee on Regulatory Fairness and Reform has been broken out and some of it has been put into different legislation. Another warning for our citizens is to avoid email scams and the Attorney General will gladly take information if you think that you have been targeted. In response to Councilor Phinney, Representative Knapp explained how she happened to be on these two particular committees. Councilor Mattingly thanked Representative Knapp for coming and allowing questions to be brought forth regarding what is happening in Augusta. Regarding insurance reform Representative Knapp explained that LD #1333 would allow people to purchase insurance from out of the State of Maine. In response to David Cole's question regarding excise tax reform legislation Representative Knapp said she would research the question and get back to him.

Founders Festival Update

Councilor Gagnon spoke regarding the Founders Festival to be held May 27 – 30. The planning is progressing very well; the new banner is up in front of the Public Safety Building. Beginning Friday there will be amusement rides; a fiddle jam and the Don Roy Trio. Saturday opening ceremonies will begin at 9 am, performances by Pete Kilpatrick and Motor Booty Affair beginning at 5 pm to 9 pm with fireworks beginning at 9 pm. There will be plenty of parking provided by St. Anne's Church and the Football Boosters will be off Chick Road providing parking. Sunday is the Gorham Taste Walk and there will be Historical Tours both Saturday and Sunday. Also a performance by Jerks of Grass on Sunday. Capping off the weekend will be the Memorial Day Parade. This is a nice full weekend with hopefully lots of sun and hopefully lots of families will attend.

Councilor Communications

Councilor Pressey reported that the Pacts Moving Greater Portland Transit workshop that was held on March 24 is being shown on GOCAT, and that program as well as the Gorham East West Corridor Final Phase 1 presentation are both available on GOCAT on demand.

Chairman's Report

Chairman Robinson thanked the Council, David Cole, and Department Heads for attending the 2011-2012 Budget workshop. In response to a request from Portland International Airport Noise Advisory Committee Councilor Gagnon has volunteered to serve on that Committee. Chairman Robinson reported that he has had a lot of questions regarding the competition field referendum coming up on June 14th. The number one question has been why the Council hadn't split the question, breaking out the field from the public safety improvements at Narragansett School. The Chairman reported that it added \$1,000,000 to add the field to the projects that needed to be done so it was not an easy question to divide. Another question is whether the fire department will use the Chick Road access to Route 202 and the answer is absolutely. Police, Fire and Rescue are using that road and will continue to do so. Councilor Phinney expanded that this plan like any other plan would have to go before the Planning Board and comply with all requirements as would be required of any developer. Dennis Libby addressed concerns by stating that the high school would not be moving to a new location.

Town Manager's Report

David Cole reminded everyone that there was an election coming up on June 14, 2011 to elect a member to fill an unexpired term on the School Committee; a vote on the referendum that was just being discussed and a vote on the school budget.

Absentee ballots are anticipated to be available about the middle of May for that election. He reminded the Council that there was a budget workshop with the School Board on May 17th.

School Committee Report

Dennis Libby, Chairman of the School Committee reported that Prom is scheduled for May 14th at Ocean Gateway Terminal in Portland. Graduation is scheduled for 3:00 PM at Merrill Auditorium. As many parents are aware a new alert and notification software program called Connect Ed has been implemented. It was tested based on information on emergency contact forms. If contact information changes throughout the year, it is important to keep those forms updated. This being the official teacher appreciation week, Mr. Libby thanks all of our teachers for the work they do for our students. He also thanked our volunteer coordinators who have organized some special activities for teachers this week.

The School Committee approved the FY12 budget at their last meeting and it has been delivered to the Town Manager. The next step is a joint workshop with the Town Council on May 17th to go over the details. If anyone has questions or would like clarification, Mr. Libby encouraged them to ask in advance so that they can be prepared to answer as many questions as possible that evening. Mr. Libby thanked Education Commissioner Steve Bowen for his visit on April 25 where there was the opportunity to ask questions. Mr. Bowen is taking back what he hears at these meetings to work on a direction for the Department of Education. The new elementary school project continues to be closely monitored. The next building committee meeting is scheduled for May 4th at 6 PM. The next School Committee

meeting is scheduled for May 11th in the Burleigh H Loveitt Council Chambers at 7:00 PM.

New Business

The meeting recessed for a public hearing on a new Liquor License in the name of Stephen Larrivee d/b/a The Salty Dog Restaurant. There was no public comment and the public hearing closed at 7:35 p.m.

**Item
#8003**

Moved by Councilor Pressey, seconded by Councilor Phinney and ORDERED that the Town Council approve a new Restaurant Liquor License in the name of Stephen Larrivee d/b/a The Salty Dog Restaurant at 166 Narragansett Street. 7 years

The meeting recessed for a public hearing on a new Victualer's License in the name of Stephen Larrivee, d/b/a Salty Dog Restaurant. There was no public comment and the public hearing closed at 7:39 p.m.

**Item
#8004**

Moved by Councilor Phinney, seconded by Councilor Gagnon and ORDERED that the Town Council approve a new Class 1 - Victualer's License in the name of Stephen Larrivee, d/b/a Salty Dog Restaurant located at 166 Narragansett Street. 7 years

The meeting recessed for a public hearing on a proposal to amend the Land Use and Development Code regarding farm animals in the Urban Residential District. There were no comments from the public and the public hearing closed at 7:40 p.m.

**Item
#8005**

Moved by Councilor Phinney, seconded by Councilor Mattingly and VOTED to waived the reading of the proposed order. 7 yeas. Moved by Councilor Phinney, seconded by Councilor Gagnon to amend the proposed order by removing paragraph B on page 2. 7 yeas. Moved by Councilor Phinney, seconded by Councilor Pressey and VOTED that

Whereas, the Land Use and Development Code currently requires a minimum lot size of 6 acres to keep farm animals in the Urban Residential Zone: and,

Whereas, 6 acres is a relatively large lot for the Urban Residential Zone and is a burdensome requirement to meet; and,

Whereas, the Town Council would like to accommodate citizens who live in the Urban Residential Zone and want to keep small quantities of farm animals in a responsible manner that does not create unreasonable problems for their neighborhood,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Land Use and Development Code, Chapter 1, Section VI, as follows:

BE IT FURTHERED ORDERED that, CHAPTER I, ZONING REGULATIONS, and CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, of the

Gorham Land Use and Development Code be amended as follows:

(Additions are underlined; deletions are ~~struck through~~.)

CHAPTER I, SECTION VI – URBAN RESIDENTIAL DISTRICT

CHAPTER I – ZONING REGULATIONS

SECTION VI – URBAN RESIDENTIAL DISTRICT

C. Special Exceptions

- 2) The keeping of farm animals, including poultry, provided a minimum lot area of six (6) acres in one parcel is owned or leased by the applicant as evidenced by a written instrument on record at the Cumberland County Registry of Deeds.*

* Notwithstanding the provisions of this subsection C, keeping of farm animals is exempt from special exception review and minimum lot area if kept meeting the requirements under Chapter II, Section XII – Keeping of Urban Farm Animals.

SECTION VII- SUBURBAN RESIDENTIAL DISTRICT

C. Special Exceptions

- 3) Sawmill, piggery or the ~~raising~~ keeping of poultry*

* Notwithstanding the provisions of this subsection C, piggery and keeping of poultry is exempt from special exception review if kept meeting the requirements under Chapter II, Section XII – Keeping of Urban Farm Animals.

CHAPTER II – GENERAL STANDARDS OF PERFORMANCE

SECTION XII - KEEPING OF URBAN FARM ANIMALS

The purpose of this section is to provide for the keeping of domestic farm animals and livestock solely for the personal, non-commercial use of the occupants of the premises. This use may be allowed as an accessory use to a single family use on a lot that has no more than one dwelling unit on it in the Urban Residential (UR) and Suburban Residential (SR) Districts, provided that the following standards are met.

- 1) Number of Farm Animals allowed:
 - a. Chickens:

(1) ~~Two (2)~~ Six (6) chickens may be kept on a lot with a lot area less than 20,000 square feet.

(2) Up to ten (10) chickens may be kept on a lot with a lot area between 20,000 square feet and 40,000 square feet.

(3) Twenty-five (25) chickens may be kept on a lot with a lot area greater than 40,000 square feet.

(4) On lots with a lot area less than ~~15,000 square feet~~, 6 acres no roosters shall be kept.

(5) On lots with a lot area less than 40,000 square feet, all chickens must be kept in an enclosure or fenced area at all times. This requirement can be met through the use of a mobile enclosure.

~~(6) Chickens must be confined within a completely enclosed henhouse during non-daylight hours.~~

b. Small animals and fowl (such as sheep, goats, pot-belly pigs, ducks, that typically weigh not more than 100 pounds at maturity, geese and turkeys, other than domestic pets and chickens).

~~(1) Up to two (2) animals may be kept on a lot with a lot area of less than 20,000 square feet.~~

(2) Up to ~~four (4)~~ two (2) animals may be kept on a lot with a lot area ~~between 20,000 square feet and~~ of a minimum of 40,000 square feet.

(3) For each additional 20,000 square feet in addition to 40,000 square feet, ~~2~~ 1 additional small animals may be kept.

c. Large Animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity).

(1) Up to two (2) animals may be kept on a lot with a lot area of 100,000 square feet.

(2) For each additional 50,000 square feet in addition to 100,000 square feet, 1 additional large animal may be kept.

When calculating the number of permitted animals on a given lot, the lot area utilized to determine the number of animals allowed for one animal category may not be utilized when calculating the number of permitted animals allowed for a different animal category. Structures and pen or pasture fencing erected for the housing of farm animals other than domestic pets must meet the following requirements:

a. Structures and pen or pasture fencing shall meet the setback

requirements for the zone in which it is located.

- b. Structures and pens shall not be located in the front yard.
 - c. The types of roofing and siding must take into account existing conditions in the neighborhood.
 - d. Fencing shall be erected to confine the animals to an established area of the property.
 - e. Structures and pen or pasture fencing shall be constructed and maintained as to prevent the escape of the animals and provide appropriate protection from the elements.
 - f. All structures and pen or pasture fencing shall be of sufficient size to provide adequate and proper housing for those animals kept therein.
- 3) Keeping of animals: Each animal shall be maintained in a good healthy condition in a manner not causing injury to the health of any animal or the health and safety of any person.
- 4) Waste Storage and removal: All animal wastes shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create detrimental effect of the environment or on neighboring properties and must meet the following requirements:
- a. All manure and other waste must be stored in a fully enclosed structure or in covered airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material. No more than (3) cubic yards of manure or waste shall be stored on site.
 - b. Structures, pens, and pastures shall be kept clean, dry, and waste shall be treated and handled in such a manner to control flies, odor, and rodents.
 - c. Odors from the keeping of farm animals, including but not limited to waste storage shall not be perceptible at the property boundaries.

7 yeas.

The meeting recessed for a public hearing on a proposal to amend the Land Use and Development Code regarding small wind energy systems. There were no public comments and the public hearing closed at 7:46 p.m.

**Item
#8006**

Moved by Councilor Gagnon, seconded by Councilor Phinney to waive the reading of the proposed order. 7 yeas. Moved by Councilor Phinney, seconded by Councilor Gagnon and VOTED that

Whereas, the Town of Gorham has a Land Use and Development Code;

and,

Whereas, this Code does not address requirements for Small Wind Energy Systems; and,

Whereas, the Town wishes to promulgate regulations that reasonably provide for the public health and welfare, but also provide fair regulations for property owners who want to install Small Wind Energy Systems,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Gorham, Maine, in Town Council assembled, that **CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, SECTION XII** –Wind Energy Systems, of the Gorham Land Use and Development Code be amended as follows:

CHAPTER II - GENERAL STANDARDS OF PERFORMANCE, Section XII – Wind Energy Systems

Section 1. Authority.

1.1 This Ordinance is adopted pursuant to Title 30-A, M.R.S.A., Section 3001.

Section 2. Purpose.

2.1 The purpose of this Ordinance is to provide for the construction and operation of Wind Energy Systems, subject to reasonable conditions that will protect the public health, safety and welfare.

Section 3. Conflict with Other Ordinances or Laws.

3.1 If there is a conflict between the provisions of this ordinance and another ordinance or law, the more stringent provisions shall apply.

Section 4. Severability.

4.1 The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 5. Permit Requirements

5.1 Wind Energy Systems require a building permit from the Code Enforcement Office.

5.2 Prior to issuance of a building permit for a Type 1 wind energy system over 100' in height or a type 2 wind energy system, an Administrative Review Application shall be submitted to the Site Plan Review Committee for review and approval. The applicant shall follow the procedural requirements of Chapter IV Site Plan Review, Section VII – Procedures for an

Administrative Review Development.

- 5.3** Expiration. A permit issued pursuant to this Section shall expire if the Wind Energy System is not installed and functioning within eighteen (18) months from the date the permit is issued.

Section 6. Definitions.

6.1 Meteorological Tower (MET Tower). Meteorological Tower (MET Tower) means a tower used for the collection and measurement of wind data that supports various types of equipment, including, but not limited to, anemometers, data recorder, solar power panels, and temporary electrical power and battery storage power. MET Towers are erected on a temporary basis primarily to collect data relevant to the siting of a Small Wind Energy System.

6.2 Nacelle. The frame and housing at the top of the Tower that encloses the gearbox and generator.

6.3 Owner. The individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

6.4 Rated Nameplate Capacity. The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

6.5 Rotor Diameter.

- a. Horizontal Axis Wind Energy Systems: The cross sectional dimension of the circle swept by the rotating blades.
- b. Vertical Axis Wind Energy Systems: The diametrical dimension of the circle swept by the furthest outreaching part of the blade.

6.6 Tower. Structure that supports a wind turbine.

6.7 Turbine Height. The distance measured from the surface of the Tower foundation to the highest vertical point of any turbine rotor blade.

6.8 Type 1 Wind Energy System. A wind energy system having a maximum generating capacity of 100 kw.

6.9 Type 2 Wind Energy System. A wind energy system

generating more than 100kw which does not require a State permit issued by the Maine Department of Environmental Protection.

6.10 Type 3 Wind Energy System. A wind energy system generating more than 100kw which requires a State permit issued by the Maine Department of Environmental Protection.

6.11 Wind Turbine. A system for the conversion of wind energy into electricity, which is comprised of a generator, nacelle, rotor, and transformer.

Section 7. Permitted Uses.

7.1 Type 1 Wind Energy Systems are considered Accessory Uses and Structures and are permitted uses on any lot that is a minimum of two (2) acres in size in all zones in the Town of Gorham. The 2 acre requirement may be satisfied through a combination of lot size and a permanent easement from an abutting land owner.

7.2 Type 2 Wind Energy Systems are a permitted use in the Rural and Rural-Manufactured zones.

7.3 Type 3 Wind Energy Systems are not a permitted use.

7.4 Roof-mounted, building integrated, building-mounted or architectural wind systems shall be permitted in all zones subject to all applicable Federal, State, and Local laws and regulations, and shall be permitted to have a maximum height of (fifteen) 15 feet above the maximum allowed building height in the zones, as defined in the Town of Gorham's Land Use and Development Code.

Section 8. Non-Conformance Exception.

8.1 Wind Energy Systems that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute an expansion of a nonconforming use or structure.

Section 9. Performance Standards.

Wind Energy Systems shall be permitted in appropriate zoning districts subject to the following requirements:

9.1 Height

a. The maximum Turbine Height shall be one hundred

(100) feet for Type 1 Wind Energy Systems in the Little Falls Village Center, Gorham Village Center, Urban Residential and Office Residential Zones. There are no other height restrictions in other zones, provided the Wind Energy System meets the setback requirements in Section 9.2 and all other Federal and State regulations.

- b. The applicant shall provide evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the Wind Energy System.

9.2 Setbacks.

- a. The Towers for a Wind Energy System shall be set back a distance equal to 1.5 times the maximum Turbine Height, measured from the center of the base of the tower, to the following:
 - 1. All property lines, unless appropriate easements are secured from adjacent property owners.
 - 2. All inhabited or inhabitable residential structures, other than those owned or inhabited by the owner.
 - 3. All overhead public utility and telephone lines, unless written permission is granted by the affected utility or Telephone Company.
 - 4. Public and private road right-of-ways, unless written permission is granted by the owner(s) with jurisdiction over said right-of-way(s).
 - 5. Other right-of ways, including railroads, utility corridors, etc.
 - 6. Telecommunications towers and water towers.
- b. The Tower of any Wind Energy System's wind tower shall be set back from the Tower of any other Energy Systems' wind towers a distance equal to 1.5 times the rotor diameter.
- c. In no case shall Wind Energy Systems be permitted within the front, side, or rear setback of any property.
- d. Guy cables for Wind Energy Systems shall be setback at least 10 feet to any property line, unless appropriate easements are secured from adjacent property

owners. Guy cables must have guy guards/markers with a minimum height of 8 feet as measured along the guy.

9.3 Access and Safety.

- a. The minimum distance between the ground and any part of the rotor blade shall be 15 feet.
- b. The tower's climbing apparatus shall be no lower than 15 feet from the ground.
- c. All access doors to Wind Energy System towers and electrical equipment shall be clearly labeled as such and shall be locked except during maintenance.

9.4 Lighting. Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.

9.5 Electrical. Electrical controls and control wiring shall be wireless or underground except where necessary to connect the Wind Energy System to the transmission or distribution network, adjacent to that network, and shall comply with the latest adopted versions of the NFPA 70 (NEC).

9.6 Design and Aesthetics.

- a. Wind Energy System towers shall be monopole (freestanding, or guyed), unless the Site Plan Review Committee finds that the proposed lattice tower(s) will be significantly screened by existing trees from view of abutting property owners and public rights of way.
- b. Wind turbines and towers shall have a color or finish that is non-reflective and non-obtrusive (galvanized steel, brushed aluminum, or white) as was originally applied by the manufacturer, unless otherwise required by the Federal Aviation Administration or another governmental agency.
- c. At Wind Energy System sites, the design of buildings and related structures shall use materials, colors, screening and landscaping that will blend the Wind Energy System to the natural setting and existing environment and structures that are consistent with Section 9.9.
- d. Wind Energy Systems shall not be used for displaying any advertising or signs, except for the reasonable

identification of the manufacturer of the Small Wind Energy System that may be placed on the nacelle (cover of the electrical generator) of the Small Wind Energy System or an unobtrusive nameplate.

- 9.7** Noise. The operation of all Energy Wind Systems shall comply with the Town of Gorham's Noise Ordinance of the Land Use and Development Code and include compliance with tonal sounds as described below.
- a. TONAL SOUND: a tonal sound exists if, at the property boundary of the proposed WES – including easements as applicable – the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two continuous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8dB for center frequencies at or between 160 and 400 Hz, and by 15dB for center frequencies at or between 25 Hz and 125 Hz.
 - b. If one or more of the sounds of routine operation of the development are found to be tonal sounds, 5dBA shall be added to the measured hourly L_{Aeq} .
 - c. The resultant adjusted A-weighted hourly equivalent sound levels shall not exceed the sound level limit (dBA) permitted in the district established by Table 1 in the Town of Gorham's Noise Ordinance of the Land Use and Development Code.
 - d. The applicant is responsible for providing sufficient evidence that the proposed Wind Energy System will comply with the noise standards of this Ordinance.
- 9.8** A manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- 9.9** Code Compliance. A Wind Energy System shall comply with all applicable Federal, State, and Local Building and Electrical Codes.
- 9.10** Utility Notification and Connection. Wind Energy Systems that connect to the electric utility shall comply with Title 35-A and 65-407 Public Utility Commission's Rule 313, "Consumer Net Energy Billing."

Section 10. MET Towers.

- 10.1** MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit

procedures as a Wind Energy System.

- 10.2** MET towers are permitted as a temporary use to remain installed for no more than 4 years following permit approval.

Section 11. Removal of Unsafe/Abandoned Wind Energy Systems.

- 11.1** Unsafe. Any Wind Energy System found to be unsafe by the Code Enforcement Office shall be repaired by the owner to meet current Federal, State, and Local Safety Standards or shall be removed within six (6) months.
- 11.2** Abandonment. A Wind Energy System that is not used for a consecutive twelve (12) month period shall be deemed abandoned. The Code Enforcement Office shall notify the owner by registered mail and shall provide 30 days for a response. In such a response the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action.
- 11.3** After receiving the response or in the absence of a response, if the Code Enforcement Office still determines the Wind Energy System is abandoned, the owner of a Wind Energy System shall remove the wind turbine from the tower at the Owner's sole expense within 120 days from receipt of the original notice from the Code Enforcement Office.

CHAPTER IV: SITE PLAN REVIEW, Section C. – Submission Requirements

- C. Submission Requirements for Type 1 Wind Energy Systems that have towers that exceed 100 feet and Type 2 Wind Energy Systems.

1)

d. Wind Energy Systems – Additional Plan Requirements

1. Property lines and physical dimensions of the property directly abutting the properties in all directions and properties for which easements have been granted.
2. Location of the wind system tower.
3. Location of all residential structures within 250 feet of the proposed wind system tower.
4. Location of all overhead utility and telephone lines within 250 feet of the proposed wind system tower.

5. Location of all public and private road rights of way within 250 feet of the proposed wind system tower.
6. Location of other rights of way, including but not limited to railroads and utility corridors within 250 feet of the proposed wind system tower.
7. Location of other Wind Energy Systems, telecommunication towers, MET towers, and water towers within 250 feet of the proposed wind system tower.
8. Wind Energy Systems supported by lattice tower(s) are required to submit the following:
 - a. Elevation drawings of the proposed wind tower system in relation to other structures and existing vegetation.
 - b. Photo representations of the proposed facility taken from the perspectives determined by the Site Plan Review Committee or the Town Planner during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - c. A narrative discussing:
 - i. The tree line elevation of vegetation within 100 feet of the facility.
 - ii. The extent to which the proposed facility would be visible from abutting properties and from designated scenic resources.
- e. Supplemental Information
- f. Approval Block

Last revised: March 11, 2011

7 yeas.

The meeting recessed for a public hearing on a proposal to eliminate the Ordinance Regulating the Control of Barking Dogs in the Town of Gorham and to eliminate the Dog License Fee Ordinance. There were no public comments and the public hearing closed at 7:50 p.m.

**Item
#8007**

Moved by Councilor Pressey, seconded by Councilor Phinney and VOTED that

Whereas, the Town of Gorham has an Ordinance Regulating the Control of Barking Dogs in the Town of Gorham; and,

Whereas, the Town of Gorham has a Dog License Fee Ordinance; and,

Whereas, the substance of both ordinances is also incorporated into the Town's Animal Control Ordinance,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine in Town Council assembled eliminate the Ordinance Regulating the Control of Barking Dogs in the Town of Gorham and eliminate the Dog License Fee Ordinance. 7 years.

**Item
#8008**

The order as read by the Acting Town Clerk was moved by Councilor Phinney, seconded by Councilor Miner. Moved by Councilor Miner, seconded by Councilor Caldwell and VOTED to amend the proposed order by adding "that the Capital Improvements Committee review the current lease conditions of the Elmwood School and review the condition of outlying buildings". 7 years.

The order as amended was then VOTED resulting in the following:

ORDERED that, the Town Council appropriate \$6,000 from the contingency account to replace the roof of the Old Elmwood School, currently leased to the Lions Club; and,

BE IT FURTHER ORDERED that the Public Works Department be in charge of the project and,

BE IT FURTHER ORDERED that the Capital Improvements Committee review the current lease conditions of the Elmwood School and review the condition of outlying buildings. 7 years.

Prior to the above vote a motion to amend the order to have the Lions Club meet with the Town Manager to go over the lease and lease requirements before the repairs are made FAILED OF PASSAGE. 1 yea 6 nays (Miner, Mattingly, Caldwell, Robinson, Pressey and Phinney)

**Item
#8009**

Moved by Councilor Phinney, seconded by Councilor Gagnon and VOTED that, the Town Council, with the understanding that this project is supported by the Town of Standish, authorizes the Town Council Chair to sign a letter supporting the Presumpscot Regional Land Trust's application to the Land for Maine's Future Board for the project to conserve Randall Orchards in Standish. 7 years

**Item
#8010**

Moved by Councilor Phinney, seconded by Councilor Caldwell and VOTED that, the Town Council authorize the Acting Town Clerk to issue the warrant for the June 14, 2011 Special Referendum, School Board and School Budget

Validation Referendum Elections; and,

BE IT FURTHERED ORDERED, that the polls be open from 7:00 am until 8:00 pm.; and,

BE IT FURTHER ORDERED, that the Town Council appoint the following persons for the designated voting districts and if any of the following should fail to serve the Town Council hereby gives the Acting Town Clerk the authority to appoint substitutes:

District 1 – Linda Deering, Warden and Laurel Smith, Ward Clerk
District 2 – Patricia Clay, Warden and Nancy Kenty, Ward Clerk
Central – Cornelia Loughran, Warden, Laurie Nordfors, Ward Clerk

BE IT FURTHER ORDERED that the Registrar of Voters be in session during regular office hours on Tuesday, June 7, 2011; Wednesday, June 8, 2011; Thursday, June 9, 2011; Friday, June 10, 2011 and Monday June 13, 2011 and,

BE IT FURTHERED ORDERED, that the Acting Town Clerk be authorized to process absentee ballots at the Central Voting District at 8:00 am, 11:00 am, 2:00 pm, 5:00 pm, and 8:00 pm. 7 years

**Item
#8011**

Moved by Councilor Miner, seconded by Councilor Gagnon and VOTED that, the Town Council approve the concept of a cross-town trail with limited access points and a concept that does not allow motorized equipment and is primarily intended for walking, biking, snowshoeing and cross country skiing, starting at the roundabout at the intersection of Narragansett Street (Route 202) and the Bernard P. Rines Highway (Route 112) and following, when practical, the former Sanford and Eastern Railroad right-of-way to the Westbrook City line, and

BE IT FURTHER ORDERED, that the Town Council authorize staff to apply for grants that become available and could be used to fund a design concept for the trail, provided that final acceptance of any grant that requires local monies must be approved by the Town Council. 7 years

**Item
#8012**

Moved by Councilor Gagnon, seconded by Councilor Caldwell and VOTED that, the Town Council, pursuant to Title 15, M.R.S.A. Section 5824(3) and 5826(6) approve a transfer of assets to the Town of Gorham in the criminal case of State of Maine v. Douglas Carlow, on the grounds that the Gorham Police Department made a substantial contribution to this or a related case, and,

BE IT FURTHERED ORDERED, that the Town Council place the funds in the DEA Recovery Revenue Account. 7 years

**Item
#8013**

Moved by Councilor Gagnon, seconded by Councilor Phinney and VOTED that, the Town Council authorizes the Town Manager to sign a Memorandum of Understanding with the Town of Scarborough for an updated Mutual Aid Agreement for fire services. 7 years

Moved by Councilor Phinney, seconded by Councilor Pressey to take up two (2) items that are not on the agenda. 7 yeas

Item #8014 Moved by Councilor Phinney, seconded by Councilor Miner and VOTED that, the Town Council authorize the Town Manager to sign a Municipal/State agreement with the Maine Department of Transportation for the project to improve the intersection of Brackett Road, Libby Avenue and New Portland Road (PIN 17243.00, STP-1724(300)X). 7 yeas

Item #8015 Moved by Councilor Pressey, seconded by Councilor Mattingly and VOTED that, pursuant to Title 1, M.R.S.A. Section 405 (6)(E) the Town Council go into executive session to discuss the status of Plan-It Recycling. 7 yeas.

Moved by Councilor Phinney, seconded by Councilor Miner to come out of executive session. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Miner and VOTED to adjourn. 7 yeas Time of adjournment 9:52 p.m.

A TRUE RECORD OF MEETING

Attest: Cornelia C Loughran, Acting Town Clerk