

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
OCTOBER 7, 2014

Gorham Municipal Center –Burleigh H. Loveitt Council Chambers

Chairman Phinney open the meeting with the Pledge of Allegiance to the Flag. There were 28 members of the public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors; Roullard, Benner, Robinson, Hartwell. Also present; Town Manager David Cole, Town Attorney Bill Dale and Town Clerk Jennifer Elliott.

Absent: Councilors Phillips and Moulton.

Moved by Councilor Roullard, Seconded by Councilor Benner and VOTED to approve the Town Council meeting minutes from September 2, 2014. 5 years

Open Public Communications

Susan Duchaine thanked Police Chief Ron Shepard for his years of service to the town. She went on to explain her frustration with the waiting time for permits from the Code office, and would like Council to find a way to make the part-time code officer a full-time position to reflect the growth of the Town. Ms. Duchaine also spoke about her frustration with impact fees and asked Council to find other solutions. Harold McFarland spoke about the ditches on Libby Ave. and the poor condition of these in front of his home. He stated that his taxes should go down to reflect the eyesore.

Council Communications

Councilor Hartwell congratulated Police Chief Ronald Shepard on his many years of service. He spoke of road conditions in the Town and how that can compare to residential growth and the costs associated with it.

Councilor Robinson asked the Town Manager what the status of the Code Office is, should the Town hire a full time person, stating he would like a cost report. Councilor Robinson reported that the Ordinance Committee had met last week and discussed A-frame signs and a possible conditional period for those signs to be tried. They also discussed adding more allowable uses to the Narragansett Development District, but have not come to a conclusion because of the number of possibilities. He stated that Public Works will host a brush drop off on October 18 from 8 am until noon. Councilor Robinson went on to address some statements that were reported in the American Journal newspaper from September 25, 2014, clarifying items that he reported to be untrue.

Councilor Roullard Thanked the Public Works Director and his crew for doing a great job with the sidewalks on South Street. Councilor Roullard had attended the Greater Portland Council of Governments Executive meeting and had discussed a partnership with USM for fee based bus service possibly in the future. The Historic Preservation Committee will meet next Thursday October 9, at 5 pm in conference room A, and will be discussing classifications of buildings and other items in the Town of Gorham.

Chairman Phinney reported that the next Town Council meeting will be November 18th because of the Election on November 4th and Veterans Day on November 11th. He stated that he had met with the USM Presidential Search Committee. Usm will be working with surrounding towns with more outreach.

Town Manager Report

David Cole reported that he will be meeting with the USM President on October 23. He reminded people that the Election is November 4, 2014 and that absentee ballots are now available.

School Committee Report

Chairman Dennis Libby reported that they have started the search process for the next Superintendent. Chairman Libby thanked the Council and School Committee for service to the community. He thanked Kathy Garrard for her service to the community in many ways. He wished all the candidates luck in the upcoming election. The next School Committee meeting is scheduled for October 8th at 7 pm in the Council chambers.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to take up an order not on the agenda. 5 years

Moved by Councilor Roullard, Seconded by Councilor Robinson and Ordered, that the Town Manager's approval to resolve the Smith v. Town litigation over Phinney Street Extension be, and hereby is, ratified; and

Be It Further Ordered, that the Chair of the Gorham Town Council be, and hereby is, authorized and directed to execute and deliver such further documents as are necessary to implement the same.

5 years

Prior to the above vote there was public comment of the following;

Ted Small, attorney for Pat and Susan Smith spoke of his concerns about the item not being on the agenda and wanted his objection to this on the record.

Sara McDaniels, attorney for Paul Smith thanked the Council for moving forward but also wanted her objections on the record.

Phil Gagnon asked for the order to be read again and asked for explanation.

Bernard Broader stated that this issue is not a simple one that had been going on for a long period of time.

Chairman Phinney opened Public Hearing #1 on renewal Restaurant liquor License for the Gorham House of Pizza. There were no comments from the public and the Hearing was closed.

Item #8513 Moved by Councilor Robinson, Seconded by Councilor Hartwell and 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. 5 years

Chairman Phinney opened Public Hearing #2 on a renewal of a Restaurant Liquor License of Sebago Brewing Company. There were no comments from the public and the Hearing was closed.

Item #8514 Moved by Councilor Roullard, Seconded by Councilor Robinson and Ordered, that the Town Council approve a renewal Restaurant Liquor License for Sebago Brewing Company located at 29 Elm Street. 5 years

Chairman Phinney opened Public Hearing #3 on a proposal to accept Automobile Graveyards/Junkyard Permits for 2015. There were no comments from the public and the Hearing was closed.

Item #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

5 yeas

Chairman Phinney opened Public Hearing #4 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.

Tom Greer, civil engineer for the project and here on behalf of Cumberland Farms spoke about sign portion of plans.

Tom Ellsworth spoke in general about road side signs and asked Council to look at this for the future.

Hans Hansen stated he felt Cumberland Farms has done a great job with the project and signs should be allowed. There were no further comments and the Hearing was closed.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the order. 5 yeas,

Item #8516

Moved by Councilor Robinson, Seconded by Councilor Roullard and Ordered,

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.

4 yeas, 1 nay (Benner)

Item #8517 Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered,

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.

5 yeas

Item #8518 Moved by Councilor Roullard, Seconded by Councilor Benner and 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. 5 yeas

Item #8519 Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered, that

the Town Council appoint Christopher Sanborn 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.

5 years

Item #8520 Moved by Councilor Roullard, Seconded by Councilor Robinson and 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. 5 years

Prior to the above vote Phil Gagnon commended Councilor Roullard for sponsoring this item.

Item # 8521 Moved by Councilor Benner, Seconded by Councilor Hartwell and 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. 5 years

Item #8522 Moved by Councilor Roullard, Seconded by Councilor Robinson , Moved by Councilor Roullard, Seconded by Councilor Robinson to AMEND the proposed order to change a 2 unit to a 3 unit and add "or a 2 unit with an accessory space". 5 years

The Amended Order to read as follows:

Ordered, that the Town Council authorize a plan for the disposition of Property at 10 Preble Street that includes the following:

1. Adopt a conditional zone for 10 Preble Street to allow a 3-unit residential Property or a 2 unit property with accessory space to allow a light professional office use, like a Lawyer's Office or Real Estate Office or a similar use.
2. Retain the back yard section of property for future Town use and sell the remaining property, and

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. 5 years

Item #8523 Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered, that the Town Council approve an updated Library Card Policy for Baxter Memorial Library as recommended by the Library Trustees. 5 years

Item #8524 Moved by Councilor Roullard, Seconded by Councilor Benner and Ordered, that the Town Council accept an easement for a Fire Pond off Jackie's Way. 5 years

Item #8525 Moved by Councilor Hartwell, Seconded by Councilor Robinson. Councilor Benner asked to be recused form this item for conflict of interest. 4 yeas, 1 abstain (Benner). Moved by Councilor Robinson, Seconded by Councilor Roullard to POSTPONE this item, 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, until the November 18, 2014 Town Council Meeting, 4 yeas. 1 abstention (Benner)

Item #8526 Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to

waive the reading of the Order. 5 yeas.

Moved by Councilor Roullard, Seconded by Councilor Robinson and 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

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 3rd 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

5 yeas

Moved by Councilor Robinson, Seconded by Councilor Hartwell and VOTED to adjourn. 5 yeas

Time of adjournment 9:20 P.M.

A TRUE RECORD OF MEETING

Attest: _____
Jennifer Elliott, Town Clerk