

REPORT OF THE
GORHAM TOWN COUNCIL REGULAR MEETING
SEPTEMBER 3, 2013
BURLEIGH H. LOVEITT COUNCIL CHAMBERS

Chairman Gagnon opened the meeting with the Pledge of Allegiance to the Flag. There were 35 members of the public present at the start of the meeting.

Roll Call: Present: Chairman Gagnon; Councilors: Benner, Moulton, Phillips, Phinney, Robinson; Town Manager David Cole and Acting Town Clerk Jennifer Elliott. Town Attorney William Dale arrived shortly after meeting started.
Absent: Councilor Pressey.

Moved by Councilor Moulton, seconded by Councilor Benner and VOTED to accept the minutes of the August 6, 2013 Regular Meeting. 6 yeas

Open Public Communications

Dennis Marrotte of Westbrook spoke about the Archangel Committee and handed out letters of Invitation to members of the Council to attend a 25th anniversary celebration of the program. Kenneth Curtis Spoke of concerns of sidewalks on South street and the New Portland Road, road Conditions.

Craig Sterling of Canal Street voiced his concern of the amount of money for the proposed Public safety building project.

David Alexander of Wilson Road informed the Council that the Lake Region Senior Center found A new home that will be located at the Sunset Ridge Recreation facility on River Road in Windham.

Councilor Communications

Councilor Moulton reported that the Personnel Committee met and has decided on a Recommendation for the Planning Board vacancy.

Councilor Robinson visited the Hop yard and followed up with a visit to Sebago Brewing to see Brewing process. Mr. Robinson also attended the reception for retiring Town Clerk, Connie Loughran and thanked her for her service. He would like to remind people that the 12th anniversary of the attacks of September 11th is approaching and for people not to forget.

Councilor Phillips reported that the Finance Committee met and discussed re-allocating funds from the Reserves.

Councilor Phinney reported that the Ordinance Committee met and will be meeting again on September 9th at 10a.m. and will be discussing the Special Amusement Permit.

Councilor Gagnon spoke of the Cumberland Fair, September 22-28th and encouraged all to come. He spoke of the Big Brothers, Big sisters programs coming together with Maine Marathon for Maine Kids Mile on October 5th, and he will be co-chairing the event. He thanked his family for their support. Mr. Gagnon also thanked Big Brothers Big Sisters for having him on the Board of Directors.

Town Manager Report

David Cole stated that nomination papers are still available for the November Election and that there are 3 positions for Town Council and 2 positions for School Committee. Papers must be returned to the Clerk's Office no later than September 23rd. He thanked Gorham Police Officers Mark Sanborn and Brent Frank for 15 years of service to the Town. Mr. Cole briefly addressed the New Portland Road, road conditions stating that the State will fund 50% of the project, but that will be next Year. Mr. Cole also presented the Certificate of Achievement in Financial Reporting from the Government Finance Officers Association.

School Committee Report

Kyle Currier reported that School opened for Kindergarten, grades 6 and grade 9 on August 28th the rest of the grades started on August 29th. Fall sports have started and there is information on the school department website for schedules, parent information, calendars and more. NEASC Accreditation process has started; this is done every 10 years, and is very involved for the staff, parents and students. The next business meeting will be September 11, 2013.

Deputy Town Clerk, Jennifer Elliott was sworn in as Acting Town Clerk.

OLD BUSINESS

Item #8341

Previously Moved by Councilor Phinney, seconded by Councilor Benner, Moved by Councilor Benner, seconded by Councilor Robinson and VOTED to AMEND the prepared Order to replace \$5,000,000 with \$5,800,000. 4 yeas 2 nays (Phillips, Moulton)

Moved by Councilor Robinson, seconded by Councilor Phinney and VOTED, ORDERED that the Town Council holds a Public Safety workshop at the December Council meeting. 6 yeas

Moved by Councilor Phinney, seconded by Councilor Robinson and VOTED to AMENEND the prior motion, to say;

Be It Further Ordered, that the Town Council schedules a Public Safety Project meeting in December and set a Public Hearing date of May 6, 2014 for a June 2014 Referendum Election FAILED OF PASSAGE 3 yeas, 3 nays(Phillips, Gagnon, Moulton)

Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to Move the question. 6 yeas

Moved by Councilor Phinney, seconded by Councilor Robinson and VOTED to AMEND the motion to hold a Public Safety workshop in December to add;

Be It Further Ordered, that the Town council set a Public Hearing date of May 6,2014 and,

Be it Further Ordered, that a Referendum be held in June 2014. FAILED OF PASSAGE 3 yeas 3 nays (Phillips, Gagnon, Moulton)

The AMENDED ORDER was Moved by Councilor Phinney, seconded by Councilor Phillips to AMEND adding;

Be It further Ordered that a Public Hearing date be set for May 6, 2014 for a Referendum Election to be held in June 2014. FAILED OF PASSAGE 2 yeas. 4 nays (Phinney, Phillips, Gagnon, Moulton)

Chairman Gagnon opened Public Hearing #1 on a request from Daniel Winslow and Scott Richards to

rezone their property (Tax map 6, Lot 36) to a contract zone similar to other contract zones in South Gorham. 2 members of the public spoke of concerns of the request. No other comments from the public and the hearing was closed.

Item #8348 Moved by Councilor Phinney, seconded by Councilor Phillips and VOTED to waive the reading of the Order. 6 yeas

Moved by Councilor Phinney, seconded by Councilor Robinson to AMEND the prepared Order by striking "D" Convenience stores, either with or without associated gasoline sales.", from the list of permitted Uses. 4 yeas 2 nays (Robinson, Moulton)

The Order, as AMENDED, was Moved by Councilor Phinney, seconded by Councilor Robinson and VOTED 4 yeas, 2 nays (Robinson, Moulton)

Chairman Gagnon opened Public Hearing #2 on a request for a contract zone amendment to allow design modification to the Hanson Contract Zone for a convenience/service station at 74 County Road (Tax Map 3, Lot 22.404) The project Engineer spoke on the project and 9 members of the Public spoke in opposition to the item. Darcy Nicely submitted a petition from members of the area in opposition to the contract zoning. There were no further comments and the Public Hearing was closed.

Item # 8349 Moved by Councilor Phinney, seconded by Councilor Phillips to waive the reading of the Order. 4 yeas, 1 nay (Gagnon)

The Order as read aloud by the Clerk was Moved by Councilor Phinney, seconded by Councilor Benner, Moved by Councilor Robinson, seconded by Councilor Phinney and VOTED to AMEND the prepared Order by adding that anywhere there are hours of operation stated in the contract zone, they shall be opened no earlier than 5 a.m. and no later than 12:00 midnight. 6 yeas Moved by Councilor Robinson seconded by Councilor Moulton and VOTED to AMEND the order to add that hours of construction are to be between 7:00 a.m. and 7:00 p.m., unless otherwise limited. 4 yeas, 2 nays (Phillips, Gagnon)

The Order as AMENDED was Moved by Councilor Phinney, seconded by Councilor Robinson, and VOTED to postpone to the next Council meeting. 4 yeas, 2 nays (Phillips, Gagnon)

Chairman Gagnon opened Public Hearing #3 on a proposal for a Municipal Development and Tax Increment Financing District for Martin's Point Health Care near the intersection of Routes 25 and Mosher's Corner. A project engineer spoke on behalf of the project. There were no further comments And the Public Hearing was closed.

Item #8350 Moved by Councilor Phillips, seconded by Councilor Phinney and VOTED to waive the reading of the Order. 6 yeas Moved by Councilor Phinney, seconded by Councilor Benner and VOTED , Ordered, that the Town Council hereby: (a) designate the Martin's Point Health Care Municipal

Development and Tax Increment Financing District and adopts the Development Program for the District, such designation and adoption to be on the terms and provisions of the "Martin's Point Health Care Municipal Development and Tax Increment Financing District Development Program" ("Development Program") as presented at this Town Council Meeting, and as has been on file in the Town Clerk's Office, a copy of which is incorporated herein by reference; (b) makes the findings set forth in the Development Program and determines, after consideration the testimony at the public hearing held on the date hereof, that the District and Development Program will contribute to the economic growth or well-being of the Town and to the betterment of the health, welfare or safety of the inhabitants of the Town, including employment opportunities, broadened and improved tax base and economic stimulus, constituting

good and valid public purposes and any adverse economic effect on or detriment to any existing business is outweighed by the contribution made by the District and the Development Program to the economic growth or well-being of the Town and the betterment of the health, welfare and safety of its inhabitants, and the Town further makes the other findings and determinations as set forth in the Development Program; (c) adopts the financial plan including the percentage (100%) of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program; (d) authorizes the Town Manager to submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Martin's Point Health Care Municipal Development and Tax Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A. Chapter 206; and (e) authorizes the Town Manager to execute and deliver a Credit Enhancement Agreement with Martin's Point Health Care, in the form approved by the Town Manager. 6 years

Item #8351 Moved by Councilor Robinson, seconded by Councilor Moulton, Moved by Councilor Benner Seconded by Councilor Gagnon, to AMEND the proposed Order to change #3 from 15 year to 20 years. 5 yeas, 1 nay (Phillips) The Order as AMENDED was VOTED, resulting in the following;

ORDERED, that the Town Council approve the final sale of the former White Rock School buildings and land to John and Cynthia Smith or an LLC set up for the purpose of this transaction in accordance with the conditional approval voted by the Town Council on July 16, 2013 and substantially, pursuant to the following term.

1. The property shall be sold for one (\$1.00) dollar with the Town issuing an appropriate quit claim deed.
2. Public access shall be available to the recreational facilities for five (5) years subject to the Town's right to terminate this public access with six (6) months written notice, except that there shall be public access to the tennis courts until such time as the Town goes through a conversion of the tennis court pursuant to the conversion requirement of the LWCF grant for the tennis court.
3. The buyer will invest a minimum of \$800,000 to construct 12 age restricted apartments for people age 55 or older. The restriction shall be for 20 years at which time the age restriction may be terminated at the owner's discretion.
4. The property will be subject to property taxes or an equivalent face value payment in lieu of property taxes starting with the tax year beginning April 1, 2014.
5. The Town shall have the right of first refusal in the event the property, or, any part of the property is sold within fifteen (15) years.

Be It Further Ordered, that the Town Manager is authorized to execute any documents necessary to complete this transaction substantially in compliance with the terms and conditions of approval. 5 yeas. (Phinney voted present)

Item #8352 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED, that the Town Council accept the resignation of Christopher Hickey from the Planning Board and, Be It Further Ordered, that the Town Council expresses its appreciation for his service to the Gorham Community. 6 yeas

Item #8353 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED that the Town Council appoint Rachel Sunnell to fill an unexpired term on the Planning Board, with the term to expire April 2014. 6 years

Item #8354 Moved by Councilor Phinney, seconded by Councilor Robinson and VOTED to waive the reading of the Order. 6 years Moved by Councilor Phinney, seconded by Councilor Robinson, Moved by Councilor Phinney, seconded by Councilor Robinson to POSTPONE this item until the next scheduled Council meeting. 5 years, 1 nay (Gagnon)

Item #8355 Moved by Councilor Robinson, seconded by Councilor Benner and ORDERED, that the Town Council accept the bid of an Anderson Equipment excavator in the amount of \$165,031 and,
Be It Further Ordered, that the Town Council appropriate the \$40,000 previously budgeted in the 2011-2012 budget towards the purchase of the excavator and,
Be It Further Ordered, that the Town Council authorize the Town Manager and Finance Director to fund the remaining amount through a 5 year lease purchase as previously approved by the Town Council in the fy 2013-2014 budget. 4 years, 2 nays (Moulton, Phillips)

Item #8356 Moved by Councilor Moulton, seconded by Councilor Benner and Ordered that the Town Council designate the Windham Family Resource Center as a district general assistance office pursuant to Title 22, M.R.S.A Section 4304 (2) 6 years

Item #8357 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED that the Town Council approve an agreement with the Town of Windham to provide Administrative Services for General Assistance for the Town of Gorham from September 16, 2013 until June 30, 2014. 6 years

Item #8358 Moved by Councilor Phillips, seconded by Councilor Moulton, Moved by Councilor Phinney, seconded by Councilor Gagnon, to AMENED the order to include "highest bid as long as it is higher than scrapping " 6 years. The motion as AMENDED was VOTED, resulting in the following; ORDERED, that the Town Council authorize staff to solicit bids, being as long as it is higher than scrapping, for the sale of a 1983 Fire Engine and the sale of a 1986 Fire Engine. 6 years

Item #8359 Moved by Councilor Phinney, seconded by Councilor Moulton, Moved by Councilor Phinney seconded by Councilor Benner and VOTED to AMEND Order to add "to exclude the sale of gasoline with or without gasoline pumps." 6 years. Order as AMENDED was VOTED 4 years, 2 nays (Gagnon, Benner)

Item #8360 Moved by Councilor Phinney, seconded by Councilor Phillips and VOTED to reconsider item# 8336. 5 years, 1 nay (Gagnon) Prior to the above vote, a vote was taken to decide if Councilor Robinson can recuse himself after he disclosed he lived near this home 5-0 opposed.
Moved by Councilor Phinney, seconded by councilor Robinson and VOTED, Item #8336 be put onto the November 13 Council agenda for Council to consider the solicitation of bids on property acquired by foreclosure tax lien (Tax map 81, Lot 9 at 20 Sanborn Street) if the taxes and costs have not been paid by that date. 6 years

Moved by Councilor Phinney, seconded by Councilor Robinson and VOTED to adjourn. 5 years, 1 nay (Gagnon) Time of adjournment 11:55 pm

Jennifer Elliott, Acting Town Clerk