

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
November 12, 2019

Chairman Hartwell opened 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 of the 2018-2019 Town Councilors: Chairman Hartwell, Councilors Shepard, Phillips, Hager, Smith, Pratt and Wilder Cross. Also in attendance were Town Manager Ephrem Paraschak, Town Clerk Laurie Nordfors and Town Attorney Mark Bower.

Moved by Councilor Shepard, seconded by Councilor Pratt and VOTED to accept the minutes of the October 1, 2019 regular Town Council meeting. **7 yeas**

Swearing in of the newly elected Town Councilors.

Roll call of the 2019-2020 Town Councilors: Councilors Pratt, Shepard, Hartwell, Phillips, Wilder Cross and Hager.

Item #9514 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council elect Suzanne Phillips as the Chair for the 2019-2020 year. **6 yeas**

Item #9515 Moved by Councilor Wilder Cross, seconded by Councilor Pratt and ORDERED, that the Town Council elect Ron Shepard as the Vice-Chair for the 2019-2020 year. **6 yeas**

Open Public Communications

Susan Duchaine, Design Dwellings stated that she is disappointed that the Town continues to express to her that they have no commercial or industrial land available for development.

Hans Hansen revealed he will have a proposal from his engineers to build housing for the elderly in the near future.

Phil Gagnon, Gordon Farm Road gave his congratulations to all that won seats in last Tuesday's election. He thanked everyone for voting for him.

Kathy Garrard, Gorham Village Alliance announced the Saturday after Thanksgiving, November 30th is shop small business day and urged people to get out and visit the many small businesses in Town.

Councilor Communications

Councilor Pratt announced that he attended the Jetport Noise Abatement meeting last month and reported there will be no changes to the flight path over Gorham or any increase in flight traffic. They discussed implementing a new flight path over Peaks Island to help alleviate the noise problem.

Councilor Shepard reported that the Ordinance Committee met and discussed three topics that were tabled until a new Committee is set up. He also thanked Paul Smith for his service on the Council.

Councilor Hartwell thanked everyone for their incredible support and for re-electing him as Councilor.

Councilor Wilder Cross thanked everyone who put together an extraordinary Veteran's Day Ceremony with a special thank you to Georgia Humphrey and Jeffrey Knox of GoCat, James Rathburn of the library, the Girl Scouts, the Color Guard, the Flag Bearers and for Ron Shepard who did a wonderful job as MC to the event.

Councilor Hager thanked everyone who voted for him and remarked that this was his 16th year serving the Gorham Community. He thanked Paul Smith for working together the last three years and wished him the best. Councilor Hager reported that the Finance Committee met and that we are slightly ahead on property tax revenue and also expenditures. He noted that he appreciates the continuous effort of the Finance Director Sharon LaFlamme.

Chairperson Phillips reported that the Gorham Founders Festival Committee met and is getting closer to setting a date for the event. She thanked Paul Smith for his time and effort on the Council for the past three years. She also thanked the many people who put in the effort to run for Council this past election.

Town Manager Report

Town Manager Paraschak thanked everyone involved in the Election including Public Works, Election Workers and the Clerk's Office. He reported that he and the Superintendent escorted a group of kindergarten students from Great Falls Elementary on a tour of the Municipal building last week and thanked all of the teachers and chaperons involved. He disclosed that Wreaths Across America will be in Gorham on December 9th and there will be a mobile display at the Public Works building on November 13th from 2pm-6pm. He reminded citizens that the Town offices will be closed on Thanksgiving and the day after Thanksgiving.

School Committee Report

Stewart McCallister, Vice Chairman reported that the Aspire Gorham initiative remains a focus across all schools. Currently they are working to finalize plans for a career day at Narragansett, a "hands on" visit from Moody's at Village and kindergarten students from Great Falls had the pleasure of learning about the work done in Municipal and School government last week. Naviance career curriculum was just implanted at the Middle School and a 6th grade "what's your story" day and a 7th grade "try it" day is being worked on for later this year. At GHS, the career and community coordinator continues to bring in excellent local guest speakers to share their careers with students during auxilium time and two new job shadow opportunities for the students were put together at Wexx. Vice Chairman McCallister congratulated all the fall student athletes for their fine season. Each team persevered through injury and struggle and they came through near the top of their respective games. Winter season begins November 18th and you can keep up with those activates on the GHS website. He reported that this Friday the Gorham Schools will be celebration Educational Technician Appreciation Day and also the GHS Drama club will be performing "Sense and Sensibility" this weekend. He revealed that the modular expansion project at Narragansett continues to move forward on schedule. Two modulars have been delivered and the rest will be staged at GMS and will be moved over to Narragansett when they are ready to be placed on their foundations. He also reported that GHS and the Gorham Police Department are excited to announce that Wreaths Across America will be coming to GHS on December 9th. More than a dozen large tractor trailer trucks carrying hundreds of thousands of wreaths will be stopping for a ceremony to honor first responders on this day. Ceremonies will be largely student led with help from some of our community's leaders. Wreaths will then continue their journey on to Arlington Cemetery. This is a closed ceremony for only GHS students and Gold Star quests, however GOCAT will be there to broadcast

starting at 8am. Residents are also invited to welcome the convoy by standing on South Street between County Road and Morrill Avenue cheering and waving flags. The Wreaths Across America Educational program will also be parked in the parking lot by the Public Safety building on November 13th from 2pm to 6pm. The next School Committee meeting is scheduled for December 11th at 7pm.

Election Report

Town Clerk Laurie Nordfors reported that last Tuesday's election went well. There were a total of 2525 ballots cast, which was an 18% voter turnout. There were no problems through the day and everything ran smoothly. She thanked all of her Election Workers and her Office Staff for their hard work and dedication. She noted that it would be impossible to run a successful election without each and every one of them. She also thanked the Gorham Public works for all of their help in setting up and taking down voting booths and for their early morning and late night transportation of election material to each polling place.

Item #9516 Moved by Councilor Hartwell, seconded by Councilor Shepard and ORDERED, that the Town Council appoints the following people to the:

1. Finance Committee: Jim Hager, Chair, Lee Pratt
2. Ordinance Committee: Ron Shepard, Chair, Ben Hartwell, Virginia Wilder Cross
3. Appointments/Personnel Committee: Virginia Wilder Cross, Chair, Jim Hager, Ron Shepard
4. Economic Development/Capital Improvements Committee: Lee Pratt, Chair, Ben Hartwell
5. Representative to Greater Portland Council of Governments: Virginia Wilder Cross, Ephrem Paraschak
6. Representative to Ecomaine: Jim Hager
7. Representative to Jetport Noise Abatement: Lee Pratt
8. Representative to PACTS Policy Committee: Ephrem Paraschak
9. Representative to Metro Regional Coalition: Virginia Wilder Cross
10. Gorham High School Building Committee: Lee Pratt
11. Gorham Athletic Campaign Committee: Suzanne Phillips
12. Cable Franchise Committee: Virginia Wilder Cross, Jim Hager
13. GPCOG Regional Voice: Ron Shepard

Item #9516 VOTED 6 yeas

Item #9517 Moved by Councilor Shepard, seconded by Councilor Hartwell and ORDERED, that the Town Council adopt the same rules for the 2019-2020 year as for the 2018-2019 year. **6 yeas**

Chairperson Phillips opened public hearing #1. There were no comments from the public and the hearing was closed.

Item #9518 Moved by Councilor Hager, seconded by Councilor Hartwell and ORDERED, that the Town Council issue a renewal liquor license to School Street Pub & Grill LLC, 29B School Street. **6 yeas**

Chairperson Phillips opened public hearing #2. There were no comments from the public and the hearing was closed.

Item #9519 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council issue a renewal Special Amusement License to School Street Pub & Grill LLC, 29B School Street. **6 yeas**

Chairperson Phillips opened public hearing #3. There were no comments from the public and the Hearing was closed.

Councilor Hartwell asked to be recused from the vote due to emanate litigation.

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to not let Councilor Hartwell participate in the vote due to a conflict of interest. **5 yeas**

Item #9520 Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council issue a renewal Liquor License to Sebago Brewing Company, 29 Elm St. **5 yeas, 1 abstention**

Old Business

Item #9502 Moved by Councilor Wilder Cross, seconded by Councilor Hartwell and ORDERED, that the Town Council amend the Contract Zone Agreement for Avesta Housing as follows:

Moved by Councilor Shepard, seconded by Councilor Pratt and VOTED to waive the reading of item #9502 due to length. **6 yeas**

FIRST AMENDMENT TO CONTRACT ZONING AGREEMENT

This First Amendment to Contract Zoning Agreement, made as of the ____ day of _____, 2019, by and among the TOWN OF GORHAM, a body corporate and politic, located in the County of Cumberland and State of Maine, with a mailing address of 75 South Street, Suite 1, Gorham, ME 04038 (hereinafter “the Town”), AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (“Avesta”), AVESTA MCINTYRE LP, a Maine limited partnership with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the “Partnership”), successor in interest to Avesta School Street LP, and BERRY PARK HOUSING CORPORATION, a Maine nonprofit

corporation with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (“Berry Park”)

WITNESSETH:

WHEREAS, Avesta, Town and the Partnership entered into that certain Contract Zoning Agreement dated January 28, 2015, recorded in the Cumberland County Registry of Deeds in Book 32063, Page 124, as affected by Affidavit recorded in said Registry of Deeds in Book 32290, Page 165 (collectively the “CZA”); and

WHEREAS, Avesta transferred a portion of the property described in the CZA to Berry Park; and

WHEREAS, the parties now wish to amend the CZA as more fully set forth below;

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. All the recital clauses in the CZA are hereby deleted and the following are inserted in their place:

“WHEREAS, Avesta, Berry Park and the Partnership own land and buildings at 99 School Street, identified in the Town tax maps as Map 101, Lots 18 and 19, pursuant to deeds recorded in the Cumberland County Registry of Deeds in Book 6286, Page 38, Book 6574, Page 327, Book 32359, Page 242 and Book 32221, Page 115 (collectively the “Property”); and

WHEREAS, Avesta executed a Declaration of Condominium for Ridgewood Seniors Housing Condominium dated January 6, 2015 and recorded in said Registry of Deeds in Book 32016, Page 255 (the “Declaration”) providing for the further development and use of the Property and certain common amenities; and

WHEREAS, Avesta built and is operating a 20 unit affordable multifamily rental housing project on Map 101, Lot 18 of the Property (the “Ridgewood Project”), shown as Land Unit 1 on the Condominium Plat for Ridgewood Seniors Housing Condominium recorded in said Registry of Deeds in Plan Book 215, Page 7 (the “Plat”); and

WHEREAS, the Partnership built and is operating a 24 unit affordable multifamily rental housing project for the elderly and disabled on Map 101, Lot 18 of the Property (the “Ridgewood II Project”), shown as Land Unit 2 on the Plat; and

WHEREAS, Berry Park or a limited partnership affiliated with Avesta intends to develop additional affordable multifamily rental housing units on the undeveloped portion of Land Unit 3 (the “Future Housing”); and

WHEREAS, initially Land Unit 1 (the Ridgewood Project) and a portion of Land Unit 3, which was to be a service center, were to be located within the

same building and were to share a common wall, as shown on the Plat, but Berry Park now intends to demolish that portion of the building shown on the Plat as Land Unit 3; and

WHEREAS, certain areas of the Property are dedicated for common use as provided in the Declaration, including but not limited to parking, ingress and egress and utilities; such areas are labelled on the Plat as "Common Elements;" and

WHEREAS, the Declaration and the Plat are to be amended to reflect demolition of the portion of the building shown on the Plat as Land Unit 3 as well as the proposed location of the building(s) that will comprise the Future Housing; and

WHEREAS, the Property is located in Gorham Village in close proximity to services for the elderly; and

WHEREAS, the Code permits the use of the Property as multifamily housing; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property, 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 (the "Code"); and

WHEREAS, prior to the adoption of the CZA, after notice and hearing and due deliberation upon the rezoning proposal, the Gorham Planning Board recommended the rezoning of the Property, and after a separate notice and hearing process, the Gorham Planning Board has recommended execution of this Amendment; and

WHEREAS, Chapter 5, Section A of the 2016 Gorham Comprehensive Plan ("the Comprehensive Plan") provides: "The Town should support efforts by the community groups and private developers to create additional affordable housing when there is a clear, demonstrated need for those units;" and

WHEREAS, Chapter 1, Section A of the Comprehensive Plan provides that the goals of the town include: "Facilitating the availability of affordable housing including removing impediments in the Town's ordinances and providing density bonuses" and

WHEREAS, Chapter 5, Section A of the Comprehensive Plan provides that: "The Town should allow more intense utilization of the land in the areas of the community where public sewerage is or can be available while assuring that this higher density is balanced by protecting open space in rural areas." and

WHEREAS, the re-zoning would be consistent with the goals set forth in the Comprehensive Plan to provide additional subsidized housing units for very low income elderly, and consistent with both existing and permitted uses in the zoning district; and

WHEREAS, the Town, by and through its Town Council, originally determined that said rezoning will be pursuant to and consistent with the Comprehensive Plan and has authorized the execution of this Contract Zoning Agreement on January 6, 2015, and further, that the amendments to the CZA more fully set forth herein continue to be pursuant to and consistent with the Comprehensive Plan and has authorized the execution of this Amendment on _____, 2019;”

2. Section 2 of the CZA is deleted in its entirety and is replaced with the following:

“2. Permitted Uses. Avesta is authorized to continue the use of the Ridgewood Project within Land Unit 1 as shown on the Plat, as amended, as 20 units of affordable multifamily rental housing for the elderly. The Partnership is authorized to establish on the Property the Ridgewood II Project within Land Unit 2 as shown on the Plat, as amended, as 24 units of affordable multifamily rental housing for the elderly and disabled, and to continue such use. Berry Park or a limited partnership affiliated with Avesta is authorized to establish on the Property within Land Unit 3 as shown on the Plat, as amended, the Future Housing.”

3. Section 5 of the CZA is hereby amended to add a new subsection b, to read as follows:

b. Avesta shall finance fifty percent (50%) of the costs of the installation of any bus stop located within twelve hundred (1,200) feet of the frontage of the Property, with a maximum contribution amount of \$5000.00. If a bus stop is installed within twelve hundred (1,200) feet of the frontage of the Property, Avesta shall participate in the Transit Pass Program operated by Greater Portland Metro or in any similar successor program run by Greater Portland Metro or any successor in the provision of transit services currently provided by Greater Portland Metro. Avesta shall reimburse the Town for its portion of costs related to the provision of Para Transit services required by residents of the Property. The Town shall provide an invoice to Avesta for such costs and Avesta shall reimburse the Town within thirty (30) days of the date of such invoice.

4. As amended hereby, the CZA continues in full force and effect, and the parties ratify and affirm their respective obligations under the CZA as amended hereby.

Moved by Councilor Hager, seconded by Councilor Pratt and VOTED to amend the order to adopt the version that was included in the Council packets, which was presented by the Director of Community Development. **6 yeas**

Item #9502 was VOTED as amended. 6 yeas

Item #9506 Moved by Councilor Shepard, seconded by Councilor Hartwell and ORDERED, that the Town Council accept the recommendation of staff on the composition of a comprehensive plan amendment committee as follows:

Members of the Town Council: 3

Member of the Planning Board: 1

Member of the Gorham Economic Development Corporation: 1

Members of the last Comprehensive Plan Update Committee: 2

Be It Further Ordered that each board and committee provides recommendations for appointments of specific individuals at the next regular Town Council meeting.

Item #9506 was VOTED 6 yeas

New Business

Item #9521 Moved by Councilor Hartwell, seconded by Councilor Shepard and ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, expanding the Development Transfer Overlay District include the area in the vicinity of Mosher's Corner. **6 yeas**

Item # 9522 Moved by Councilor Hartwell, seconded by Councilor Shepard and ORDERED, that the Town Council forward to the Ordinance Committee, for their review and recommendation, amending the Land Use and Development Code to allow for storage units in the Roadside Commercial District. **6 yeas**

Item #9523 Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council approve the transfer of \$1,565.70 to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-19-1835) and Be It Further Ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham. **6 yeas**

Item #9524 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council enter into executive session pursuant to 1 M.R.S.A. § 405(6)(C) economic development where premature disclosures of the information would prejudice the competitive or bargaining position of the town and 1 M.R.S.A. § 405(6)(A) for personnel matters. **6 yeas**

Moved by Councilor Hartwell, seconded by Councilor Shepard and VOTED to come out of executive session. **6 yeas**

Moved by Councilor Pratt, seconded by Councilor Shepard and VOTED to adjourn. **6 yeas**

Time of adjournment: 8:15pm

A True Record of Meeting
11/12/2019

ATTEST _____ 11/13/2019
Laurie Nordfors, Town Clerk