

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
Burleigh Loveitt Council Chambers  
April 5, 2022

Chairman Pratt opened the meeting. There were 30 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Phillips, Wilder Cross, Hartwell, Hager and Kuech. Also in attendance was Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to accept the minutes of the March 1, 2022 Regular Town Council Meeting and the March 15, 2022 Special Town Council Meeting. **7 yeas**

**Open Public Communications**

Shawn Moody, Rob Lavoie, Ethan Johnson, Peter Mason, Mark Curtis, Nick Flagg, Dan Shaw, John Smith, Trish Moulton, Chris Kelley and John Shaw all presented their views on the process of bringing new businesses to Gorham and how to make the Town more business friendly, the many frustrations with business owners trying to start or expand their businesses and how to work together to make these processes more streamlined and user friendly.

Nicholas Hodgkin, Tyler Stanley, Joseph Cerny and James Schram all expressed their concern, and the concern of many neighbors, on the proposed development on Wescott Road which they believe will disrupt nature and wildlife, limit emergency vehicle access and will overwhelm the small area with traffic.

Tina Ruel, Joseph Drive recognized the many volunteers who participated in the third Gorham Cleans Up event on April 3<sup>rd</sup>. She reported that they picked up over 1600 pounds of trash and cleaned up roads from GMS to Cherry Hill Trails and up to Rt. 237.

**Councilor Communications**

Councilor Hager reported that the Capital Improvements Committee met on March 24th and discussed the possible, completed and outstanding capital improvement projects for the Town and School. They will discuss with the School Committee on April 25<sup>th</sup> proposed projects. The Finance Committee met on March 28<sup>th</sup> and discussed a debt to income ratio policy. He reported that the overall Town financial year to date numbers are doing fine. They will meet again in June. He attended an EcoMaine budget meeting on March 17th where they discussed their FY23 budget. Councilor Hager congratulated Tina Ruel for being chosen as Gorham's EcoMaine Excellences Award winner for 2022.

Councilor Kuech attended the latest Little Rams Early Childhood meeting where they presented several child development service ideas. They will meet again on May 19<sup>th</sup> and present a draft of these visions.

Councilor Wilder Cross thanked Tina Ruel and all the volunteers who spent the weekend cleaning up Gorham at Gorham Cleans Up event. She also thanked Charlie Haws, who after his longtime service as a member of the Board of Appeals stepped down on April 1<sup>st</sup>. Councilor Wilder Cross congratulated the Northern Force Gorham/Falmouth High School Robotics team for creating an amazing robot that made it to the quarter finals of the pine Tree District Competition at Thomas College in March and continued its extraordinary effort this past weekend in New Hampshire, where their team ranked #5 out of 40 contenders in the qualification round. The team also won the Imagery Award in honor of Jack Kamen, who was the father of FIRST Founder Dean Kamen.

Councilor Phillips also thanked everyone involved with the Gorham Cleans Up event. She announced that the Gorham Outdoors Club will be hosting a scavenger hunt during April Vacation. There is more information about the event at the Library or on their Facebook page. She also announced that the Gorham Business Exchange will be holding a Southern Maine Corn hole Invitational outdoors on May 14<sup>th</sup> at Sebago Brewing on Main Street. More information about how to register is on their website, Gorhambiz.org. Councilor Phillips urged members of the public and other Councilors to attend Planning Board meetings to see how the planning process works and how their recommendations get back to the Council.

Councilor Hartwell reported that he Ordinance Committee met on March 15<sup>th</sup> and discussed and reviewed Land Use and Development Codes on outside dining. They also discussed rezoning of the Village Expansion Zone consistent with the Comp plan implementation. They also discussed Rec Impact Fees. Councilor Hartwell commented on the overwhelming feedback from Gorham business owners about the planning process and commended them for being vocal about the situation. He would like to streamline the process and get away from the reputation of Gorham not being business friendly community.

Councilor Shepard voiced his appreciation to the Gorham Business owners who gave their feedback on the planning process and urged the Council to act on the problems. He suggested an outsider come in to evaluate the Town's policies, ordinances and codes and give their suggestions on how to improve.

Chairman Pratt reported that Gorham Cooperative Preschool is hosting a free Easter egg hunt this Saturday at 10:00am. He also reported that the Jetport Noise Abatement Committee will meet on April 7<sup>th</sup>. Chairman Pratt thanked George Fox, Molly Butler Baily and Scott Firman for their many years of service on the Planning Board. He also urged people to donate blood if they can.

### **Town Manager Report**

Town Manager Paraschak reminded citizens that the Municipal Center, Administrative offices and Library will be closed on April 18<sup>th</sup> in observance of Patriots Day. He reported that Public Works will have two bush drop off days, May 7<sup>th</sup> and May 21<sup>st</sup>. He thanked Senator King's office for \$1,000,000.00 in Federal Funds to help support the Gorham Industrial Park West Campus Expansion project as well as Gorham's Economic Development Department and Kevin Jensen for securing the funds. Town Manager Paraschak reminded citizens that absentee ballot applications are available for the June election. He also reported that he submitted a draft of the Town budget to the Council and is looking forward to the budget process workshop with staff and the Council this Saturday.

## **School Committee Report**

Anne Schools, School Committee Chair reported the following:

The School Committee has been working hard to come up with a proposed FY 23 budget and will be voting to approve one during our next meeting on April 13th. After that vote is taken, we will work towards delivering a proposed budget booklet to the Town Manager by April 20, 2022 for review by the Town Council. Our joint FY 23 budget workshop meeting with the Town Council is scheduled for May 10th at 6:30pm, and the final vote by the Town Council is scheduled for Wednesday, June 7th. Of course, any final budget will be sent to referendum on June 14th.

Additionally, on April 13th, the School Committee will vote to approve a 2022-23 School Year Calendar. At this time, the School Committee may, at most, approve two additional early release days (which will bring the total to 10) as opposed to the weekly early release day that were initially proposed.

Spring athletics have already started! The first regular season game will be on April 16th and then we are on our way! Check out our website for more details. We are definitely ready to get outside and watch some great competitions! GO RAMS!

We continue to conduct lead testing across our five schools. We have just completed a second round of testing based upon the first round. All results can be found on our district website and listed per school. Just go to our home page ([www.gorhamschools.org](http://www.gorhamschools.org)) and look for the lead testing link and go from there.

It is hard to believe, but we are getting close to our seniors graduating this year! For those interested, here is a list of important dates for our GHS seniors:

- June 1st-Senior Scholarship Night (MPAC);
- June 9th-Senior Celebration Night (MPAC);
- June 10th-Senior Walk/Senior BBQ; and
- June 13th-Graduation @ 4:00pm (on the field).

Barring any unanticipated snow days, it looks like the last student day of school will be Monday, June 13th, which is a half day. Our next regular meeting is April 13th at 7:00pm.

## **Department Managers Report**

Library Director James Rathbun reported that the Library is back to pre-pandemic levels and has had the highest circulation ever.

**Public hearing #1**

**On item #2022-04-01**

Public hearing to hear comment on a proposal to issue a renewal liquor license to Angelo's Pizzeria & Restaurant. (Admin. Spon.)

Chairman Pratt opened public hearing #1. There were no comments from the public and the hearing was closed.

**Proposed**

**Order #22-26**

Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council issue a renewal liquor license to Angelo's Pizzeria & Restaurant, 474 Main Street.

**Order #22-26 was VOTED 7 yeas**

**Public hearing #2**

**On item #2022-04-02**

Public hearing to hear comment on a proposal to issue a renewal Adult Use Marijuana License to Doug Knickreham, Joint Efforts, Inc., 36 Bartlett Road. Property owned by Hincks Realty. (Admin. Spon.)

Chairman Pratt opened public hearing #2. There were no comments from the public and the hearing was closed.

**Proposed**

**Order #22-27**

Moved by Councilor Phillips, seconded by Councilor Kuech and Ordered, that the Town Council issue a renewal Adult Use Marijuana License to Dough Knickreham, Joint Efforts, Inc., 36 Bartlett Road. Property owned by Hincks Realty.

**Order #22-27 was VOTED 7 yeas**

**Public hearing #3**

**On item #2022-04-03**

Public hearing to hear comment on amendments to the Town's Personnel Policy. (Admin. Spon.)

Chairman Pratt opened public hearing #3. There were no comments from the public and the hearing was closed.

**Proposed**

**Order #22-28**

Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council amend the Town's Personnel Policy as recommended by staff.

**\*Note - Due to the length of the document it is provided in a separate attachment.**

**Moved by Councilor Hartwell, seconded by Councilor Shepard and VOTED to amend the order to change in Chapter 4.1: HOLIDAYS Indigenous Peoples Day to Columbus/Indigenous Peoples Day. 6 years, 1 nay (Kuech)**

**Order #22-28 was VOTED as amended 7 years**

**Public hearing #4**

**On item #2021-04-09**

Public hearing to hear comment on a proposal to amend the Land Use & Development Code to require phased build outs of subdivisions. (Admin. Spon.)

Chairman Pratt opened public hearing #4. There were no comments from the public and the hearing was closed.

**Proposed**

**Order #22-29**

Moved by Councilor Hager, seconded by Councilor Hartwell and Ordered, that the Town Council amend the Land Use & Development Code to require phased build outs of subdivisions as follows:

**Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Order #22-29 due to length. 7 years**

**CHAPTER 3: SUBDIVISION SECTION 3-5 - POST APPROVAL ACTIVITIES**

A. Performance Guarantee:

7) Phasing of Development: The Planning Board may approve plans to develop a subdivision in separate and distinct phases. If the subdivision has fifty (50) lots or more, subdivision phases shall be limited so that no more than twenty-five (25) lots are allowed in an individual phase. The Planning Board may allow up to ten (10) additional lots in any one phase if the applicant provides sufficient evidence for the Planning Board to determine that the additional lots will provide for a better overall design and development of the subdivision. Only one (1) phase will have building permits issued at a time until at least ninety percent (90%) of the certificates of occupancy have been issued for that phase and all required improvements for that phase have been completed, except for finish paving of streets. In no event shall more than two (2) phases of the subdivision be under construction at the same time. The phases must be designed so that they can be recorded at the registry of deeds as separate and distinct plans. No phased plans will be released for recording in the registry of deeds until the performance guarantee for that phase has been established as required under this section..

**Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the order to remove "The Planning Board may allow up to ten (10) additional lots in any one phase if the applicant provides sufficient evidence for the Planning Board to determine that the additional lots will provide for a better overall design and development of the subdivision." 7 years**

**Moved by Councilor Hartwell, seconded by Councilor Phillips and VOTED to amend the order to read**  
“The Planning Board may approve plans to develop a subdivision in separate and distinct phases. If the subdivision is located in the Rural or Rural-MH zone, and the subdivision has ten (10) lots or more, subdivision phases shall be limited so that no more than five (5) lots are allowed in an individual phase. For all other zones, If the subdivision has fifty (50) lots or more, subdivision phases shall be limited so that no more than twenty-five (25) lots are allowed in an individual phase. **7 years**

**Order #22-29 was VOTED as amended 7 yeas**

**Public hearing #5**

**On item #2021-09-08**

Public hearing to hear comment on a proposal to amend the Land Use & Development Code to allow for a refund of Zoning Board of Appeals fees when a determination of the Code Enforcement Officer is overturned by the ZBA. (Admin Spon.)

Chairman Pratt opened public hearing #5. There were no comments from the public and the hearing was closed.

**Proposed**

**Order #22-30**

Moved by Councilor Phillips, seconded by Councilor Hager and Ordered, that the Town Council amend the Land Use & Development Code to allow for a refund of Zoning Board of Appeals fees when a determination of the Code Enforcement Officer is overturned by the ZBA as follows:

**Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Order #22-30 due to length. 7 yeas**

## **Chapter 1: ZONING REGULATIONS**

### **SECTION 1-4 – BOARD OF APPEALS**

#### **D. APPEAL PROCEDURE**

- 1) In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after issuance of a written decision by the Code Enforcement Officer. The appeal shall be filed with the Town Clerk on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. A fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the appellant to the Town of Gorham the time of filing his appeal, which shall not be refundable, except as otherwise provided in this subsection. Each appeal shall be filed on a separate form. A separate fee shall be assessed for each appeal except that a single fee shall be assessed for multiple appeals filed by the same appellant, concerning the same property, and scheduled to be heard by the Board of Appeals at the same proceeding.

- 14) Notwithstanding Section 1-4.D.1 above, in the event that the Board of Appeals reverses any order, requirement, decision, or determination made by the Code Enforcement Officer in conjunction with an administrative appeal filed under Section 1-4.B.1, the applicant shall be entitled to a refund of the application fee paid for that appeal within thirty (30) days of the date that the Board of Appeals' decision becomes final and unappealable

**Order #22-30 was VOTED 7 yeas**

**Public hearing #6**

**On item #2021-01-06**

Public hearing to hear comment on a proposal to amend the Land Use & Development Code to add agricultural event centers and agricultural tourism uses. (Admin. Spon.)

Chairman Pratt opened public hearing #6.

Charlie and Linda Pearson, Mighty Street spoke in favor of the order.

The public hearing was closed

**Proposed**

**Order #22-31**

Moved by Councilor Hager, seconded by Councilor Hartwell and Ordered, that the Town Council amend the Land Use & Development Code to add agricultural event centers and agricultural tourism uses as follows:

**Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Order #22-31 due to length. 7 yeas**

Chapter 1: ZONING REGULATIONS  
SECTION 1-5 – Definitions

Agriculture: The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Agritourism: Any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching, including, but not limited to, marketing or selling of any products from the farm or ranch. Examples of agritourism include farm markets; roadside stands; enjoyment the farm environment; harvest your own operations; ice cream/bakery facilities; Maine Maple events; Christmas tree farm, including cut your own operations; wineries, winery tours and tastings; local product retail operations; corn mazes; farm-related interpretive facilities and exhibits, agricultural education programs and experiences; agriculturally related fairs and festivals; on-

site farm, garden and nursery tours; trails; farm stay; recreation related operations; horseback riding; weddings; corporate events/retreats; and banquets. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

Farming: The commercial production of agricultural products as a livelihood and includes dairy farming; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm or ranch that are incidental to or in conjunction with these farming operations, as defined by the Maine Revised Statutes, Title 7, Sec. 251, as amended.

Marketing: The promotion of buying and selling a product or service, including agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation.

## Section 1-8 – RURAL DISTRICT

### B. PERMITTED USES

#### 24) Agritourism

#### G. Performance Standards for Agritourism Activity

1. The farm must be an existing and operating working farm.
2. Agritourism activity must be incidental **to and directly supportive of** the agricultural use of the property.

**a. Events that have under one hundred (100) attendees or less at any one time are required to have ten (10) acres under continuous ownership or leased farmland uses for the location where the agritoursim activity will occur.**

**b. Events that have one hundred (100) to two-hundred and fifty (250) attendees at any one time are required to have twenty (20) acres or more under continuous ownership or leased farmland uses for the location where the agritoursim activity will occur.**

3. Permits: Events under this section are exempt from site plan review. **Events with more than one hundred (100) attendees at any one time are required to get an Agritourism Event Permit from the Code Office for each event. The applicant will identify how the event will comply with standards outlined under this section.**

4. Applicants, vendors, and owners are required to obtain all required local, state, and federal permits for each agritourism activity.

5. The attendance at any such event shall be limited to two-hundred and fifty (250) **people attendees** at any one time. **Any event larger than two-hundred and fifty (250) at any one time shall be reviewed under the Large Outdoor Event Ordinance. The number of events with over one hundred (100) attendees at any one time shall be limited to 10 events in a calendar year with no more than 3 events occurring in a calendar month. Events that occur over multiple days shall constitute a separate event for each day the event occurs.**

6. The use of any structure ~~used~~ for agritourism activities is required to meet all local, state, and/or federal codes including but not limited to building and fire codes.



7. Adequate bathroom facilities, either portable or permanent, shall be provided to accommodate all attendees.

8. Any service, sale or consumption of alcoholic beverages shall be in compliance with State law.

9. Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical performances or other entertainment. Third-party vendors are required to obtain all required, local, state, and federal permits for the events they are participating in.

10. Agritourism activities are required to meet the Town's noise standards under Chapter 2 Performance Standards, Section 2-1 Environmental, H. Noise Abatement.

11. Signage may be used as prescribed by Chapter 2, Section 2-3.

12. Hours of event operation are limited to:

a. Sunday through Thursday: 8:00 am to 8:00 pm.

b. Friday through Saturday: 8:00 am to 10:00 pm.

c. Setup and take down for an event is considered to be separate from the hours of operation of the event and shall not be considered part of the event itself. **Setup or take down shall not occur between the hours of 11:00 pm and 7:00 am.**

13. Events that do not conform to the standards above may be considered under the Contract Zoning Chapter 1 Section 1-1.

**14. Vehicular access into the agritourism activity will provide for safe and convenient access.**

**15. None of the agritourism activity shall be located in any required side, rear, or front setbacks.**

**Moved by Councilor Shepard, seconded by Councilor Hager and VOTED to amend the order to add Maine State sponsored events would be exempt from obtaining a permit. 7 yeas**

**Order #22-31 was VOTED 5 yeas, 2 nays (Kuech, Phillips)**

**Item #2022-04-04**

Action to consider authorizing the Town Manager to enter into a revised lease agreement for the Shaw Brothers Family Foundation's Cherry Hill property.  
(Council Philips Spon.)

**Proposed**

**Order #22-32**

Moved by Councilor Shepard, seconded by Councilor Kuech and Ordered, that the Town Council authorize the Town Manager to revise the Shaw Cherry Hill Farm lease agreement to allow for a public farmers market as Follows:

**Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Order #22-32 due to length. 7 yeas**

## LEASE AGREEMENT

This Lease Agreement is entered into between Shaw Brothers Family Foundation, Inc. ("Landlord"), a Maine nonprofit corporation with a mailing address of P.O. Box 69, Gorham, ME 04038, and the Town of Gorham, ("Tenant"), a Maine municipality located in Cumberland County, Maine, with a mailing address of 75 South Street, Suite 1, Gorham, ME 04038.

WHEREAS, Landlord owns a 256-acre tract or parcel of land located off Main Street (Route 25) in Gorham, Maine, which comprised of two lots of land that are designated by the Town Assessor as Map 33, Lot 1 and Map 32, Lot 12, and known as the Shaw Cherry Hill Farm (the "Property"); and

WHEREAS, Landlord desires to lease to the Tenant the entrance roads, parking area, walking trails, river frontage, skating ponds and gravel pad located on the Property for purposes of public outdoor recreation; and

WHEREAS, the Town, acting through its Town Council, duly authorized, desires to enter into this Lease Agreement ("Lease") with Landlord;

NOW, THEREFORE, in consideration of the mutual conditions and covenants contained herein, the parties agree to the following lease terms:

1. Leased Premises. Landlord leases to Tenant, subject to the terms and conditions of this Lease, the entrance roads, parking area, walking trails, river frontage, skating ponds and gravel pad, all contained within the Property and as depicted on the attached sketch, designated as Exhibit A (the "Leased Premises"). The Leased Premises shall not be expanded by Landlord without the prior written consent of Tenant. This Lease shall grant Tenant exclusive possession of the Leased Premises during the term set forth herein.
2. Term. This Lease is for an initial term of one (1) year, beginning April 1, 2022, and ending March 31, 2023, and shall renew automatically from year to year unless either party terminates the Lease with a one-year written notice to the other party.
3. Rent. Tenant agrees to pay to Landlord rent in the amount of \$1.00 per year, payable on or before the first day of April each year.
4. Use. Tenant will use the Leased Premises for purposes of providing the general public access to a public trail system for walking, running, bicycling, skiing, snowshoeing, snowmobiling, sledding and other public outdoor recreation programs, including public activities or events, citizen group meetings, classroom instruction or other school activities, and any other events allowed by the Landlord or Tenant. Use of the Leased Premises is subject to the following covenants and restrictions:
  - a. Tenant shall not place any structures, including permanent fencing, on the Leased Premises, or place any signs on the Leased Premises or access road, or do any construction, alterations or improvements whatsoever to the Leased Premises or access road without prior written consent by the Landlord in each instance. Notwithstanding the foregoing provision, Tenant may place temporary race or track running signs or portable toilets, at its own cost, without the prior written consent of the Landlord.

- b. Tenant will permit the Leased Premises to be used by the general public from sunrise to sunset only, unless otherwise agreed upon by prior written consent of the Landlord in each instance.
  - c. Tenant's use of the Leased Premises shall be in compliance with all municipal, state, and federal laws, statutes and regulations. Tenant shall obtain, at Tenant's expense, all permits and other governmental approvals required for all activities undertaken by the Tenant on the Leased Premises. The Landlord shall obtain, at Landlord's expense, all permits and other governmental approvals required for all activities undertaken by the Landlord on the Leased Premises or the Property.
  - d. Landlord shall be solely responsible for all maintenance of the Leased Premises including, without limitation, maintenance of the access roads and parking lots, snowplowing of the access roads and parking lots, and trail maintenance. In the event that Landlord fails to maintain the Leased Premises to the satisfaction of Tenant, Tenant reserves the right to close the Leased Premises (i.e., access roads, trails, etc.) to the general public.
  - e. Tenant shall keep the Leased Premises in clean and neat condition and promptly remove all trash generated within the Leased Premises. Tenant shall not cause or permit any hazardous materials to be stored, brought upon, used, or disposed of in or about the Leased premises. Tenant shall be responsible for all utility expenses that Tenant installs or uses, provided that no utility services shall be installed without Landlord's prior written consent.
5. Liability; Indemnity.
- a. Tenant shall defend, indemnify and save Landlord harmless from all third-party claims arising from any personal injury or property damage occurring in or around the Leased Premises arising out of Tenant's negligent or wrongful acts or omissions arising out of Tenant's use of the Leased Premises. Tenant will maintain casualty insurance for any property of Tenant placed on the Leased Premises, and Landlord shall have no responsibility for any damage to Tenant's personal property except as provided under Section 5(b).
  - b. Landlord shall defend, indemnify and save Tenant, its officers, agents and employees, harmless from any and all third-party expenses, claims, lawsuits, judgments and costs, including reasonable attorney's fees, that they may become liable to pay or defend as the result of any personal injury or property damage occurring in or around the Leased Premises arising out of the negligent or wrongful acts or omissions related to the use or maintenance of the Leased Premises by the Landlord, its subcontractors (including Shaw Brothers Construction, Inc.), or any other parties it contracts to work on the Leased Premises or the Property.
  - c. Nothing in this Section 5 shall be construed as a waiver of any defenses or immunities available to the Tenant under the provisions of the Maine Tort Claims Act (14 M.R.S. §§ 8101-8118) or to the Landlord under the provisions of the Recreational Immunity Act (14 M.R.S. § 159-A).
6. Assignment or Subletting. Tenant shall have no right to sublet the Leased Premises or assign any rights under this Lease.

7. Default. Tenant shall be in default under this Lease if Tenant fails to pay rent or other charges when due or fails to comply with any of Tenant's other obligations under this Lease. If such failure is not corrected within ten (10) days after notice from Landlord, then Landlord may terminate this Lease by giving written notice to Tenant and Tenant shall immediately vacate the Leased Premises and remain liable for rent and other charges payable under this Lease up to the time of termination. Landlord shall be in default under this Lease if Landlord fails to comply with any of Landlord's obligations under this Lease. If such failure is not corrected within ten (10) days after notice from Tenant, then Tenant may terminate this Lease by giving written notice to Landlord.
8. Property Taxes. Landlord will pay any and all property taxes assessed on the Leased Premises. Tenant will pay any and all taxes assessed on any personal property placed on the Leased Premises.
9. Landlord. Landlord shall have the right to do additional work to the Property including but not limited to clearing land, creating farm fields, a pond, gardens, or pastures, as well as blasting ledge, constructing buildings or farms and leasing out adjacent areas to other parties. Before engaging in any of the foregoing activities on the Property, Landlord shall provide reasonable notice to Tenant, and the parties shall mutually decide whether to close the Leased Premises to the public while such activities are ongoing.
10. Access. Landlord and persons authorized by Landlord may enter and inspect the Leased Premises at all times.
11. Choice of Law. This Lease shall be governed by Maine law.
12. Notices. Any notice or communication related to this Lease shall be given in writing sent by United States mail to intended party at the address set forth in the first paragraph of this Agreement.
13. Entire Agreement; Modifications. This Lease contains the entire agreement between the parties, and no oral statements or representations or prior written matter not contained in this Lease shall have any force or effect. All modifications to this Lease must be in writing and signed by Landlord and Tenant.

IN WITNESS WHEREOF, the Landlord and Tenant have signed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Shaw Brothers Family Foundation, Inc.

Town of Gorham

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Hereunto duly authorized

Hereunto duly authorized

**\*Note - Additions Underlined**

**Order #22-32 was VOTED 7 yeas**

**Item # 2021-11-11**

Action to consider amendments to the Land Use and Development Code to make certain COVID 19 exemptions permanent. (Ordinance Committee Spon.)

**Proposed**

**Order #22-33**

Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council forwards to the Planning Board, for public hearing and recommendation, amendments to the Land Use and Development Code as follows:

**Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #22-33 due to length. 7 yeas**

Chapter 2 General Standards of Performance

Section 2-18

1. Outdoor dining components must allow safe passage of pedestrian traffic. A continuous, unobstructed sidewalk passage of four (4) feet from the outer boundary of the seating area to the curb must be maintained. If the sidewalk passage is not straight due to existing obstacles, then additional width may be required. The Fire Department shall review the plan to see if four (4) feet is adequate for sidewalk maintained width.
2. Parking spaces may be converted for outdoor dining. Up to twenty five percent (25%) of the existing on-site parking spaces may be utilized if off-site or on-street parking is available within 0.25 miles or 1,320 feet of the front door to the restaurant. For existing businesses, this shall be reviewed by staff as a de minimis change to the existing site plan.
3. Request for the use of adjacent on street parking spaces or right of way for outdoor dining installations requires Town Manager and if applicable Maine DOT review and approval.
4. Egress must be maintained free of obstruction.
5. Permanent fixtures, such as awnings, may require a building permit.
6. Umbrellas do not require a permit. Umbrellas must be secured and maintain height clearance for sidewalk passage. Umbrellas may have embroidered or screen-printed logos advertising products.
7. Umbrellas and awnings must be kept in good condition without having tears, holes, extensively faded, and/ or in a state of disrepair.
8. Fencing and barriers do not require a permit. Stanchions and ropes are encouraged. If barriers such as fencing are proposed, they must be free-standing, shall not exceed 42" in height and may not include commercial signage. Physical attachments to a

building are not allowed. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open).

9. Temporary tents or structures may be used. Building permits for temporary structures are required.

10. The applicant/owner is responsible for keeping the outdoor seating area clean.

11. No food shall be prepared in the designated outdoor dining area, unless the proper State permit is obtained.

12. Music may be played. However, the standards of Chapter 2 Section 2-1 Noise Abatement and Special Amusement Ordinance shall apply.

13. Flowers, planters, and exterior string lighting is allowed. Lights may not be blinking, running, or otherwise activated.

#### Chapter 1 Zoning Ordinance Section 1-9 Subsection 2 E. Performance Standards

##### 13. Lighting

k) ~~The use of exterior string lighting shall be prohibited except as part of a seasonal holiday display.~~ is allowed only when associated with restaurant outdoor dining. Lights may not be blinking, running, or otherwise activated.

#### Chapter 1 Zoning Ordinance Section 1-10 Subsection 2 E. Performance Standards

##### 13. Lighting

m) ~~The use of exterior string lighting shall be prohibited except as part of a seasonal holiday display.~~ is allowed only when associated with restaurant outdoor dining. Lights may not be blinking, running, or otherwise activated.

#### Chapter 2 Performance Standards SECTION 2-3 – SIGNS

##### D. PROHIBITED SIGNS, DISPLAYS, AND RELATED MATERIALS

g) Strings of Lights or Lighted Tubing: Strings of lights or lighted tubing that outlines a sign or a building or its major features such as roof lines, windows, or doors or that are used as an advertising feature to draw attention to the premises except for temporary holiday lighting, ~~and~~ decorations, or those allowed for restaurant outdoor dining.

**Order #22-33 was VOTED 7 yeas**

**Item #2022-04-05**      Action to consider amending the Land Use & Development Code to move forward with the adoption of the South Gorham Crossroads District. (Ordinance Committee Spon.)

**Proposed**

**Ordered #22-34**      Moved by Councilor Shepard, seconded by Chairman Pratt and Ordered, that the Town Council forward to the Planning Board, for recommendation and public hearing, amendments to the Land Use & Development Code as recommended by the Ordinance Committee

**\*Note - Due to the length of the amendments, 13 pages, it is included as a separate attachment.**

**Order #22-34 was VOTED 7 yeas**

**Item #2022-04-06**      Action to consider referendums for voter approval to expend more than \$250,000. (Councilor Pratt Spon.)

**Proposed**

**Order #22-35**      Moved by Councilor Phillips, seconded by Councilor Hager and Ordered, that the Town Council authorize the following separate referendum questions for June 14, 2022 as follows:

1.      Shall the Municipal Officers be authorized to appropriate a sum of money not to exceed \$550,000 for a capital expenditure to acquire, install and implement financial and operations software for the Town of Gorham including the Gorham School Department, such \$550,000 amount to be paid from the general fund of the Town in a fiscal year to be determined by the Municipal Officers?

Note: The Town Council recommends a “Yes” vote.

2.      Shall the Municipal Officers be authorized to appropriate a sum of money not to exceed \$350,000 for a capital expenditure to replace a box culvert on Plummer Road, such \$350,000 amount to be paid from the general fund of the Town in a fiscal year to be determined by the Municipal Officers, and which expenditure shall leverage \$125,000 in state grant funding?

Note: The Town Council recommends a “Yes” vote.

3. Shall the Municipal Officers be authorized to appropriate a sum of money not to exceed \$375,000 for a capital expenditure to make improvements to Lower Mighty Street, such \$375,000 amount to be paid from the general fund of the Town in a fiscal year to be determined by the Municipal Officers?

Note: The Town Council recommends a “Yes” vote.

4. Shall the Municipal Officers be authorized to appropriate a sum of money not to exceed \$325,000 for a capital expenditure to make improvements to Middle Jam Road, such \$325,000 amount to be paid from the general fund of the Town in a fiscal year to be determined by the Municipal Officers?

Note: The Town Council recommends a “Yes” vote.

Be It Further Ordered, that the Town Council schedules a Public Hearing for May 3, 2022.

**Moved by Councilor Kuech, seconded by Councilor Shepard and VOTED to amend the order to rearrange the order of the questions on the ballot from 1, 2, 3, 4 to 4, 2, 3, 1. 7 yeas**

**Order #22-35 was VOTED as AMENDED 7 yeas**

**Item #2022-04-07**

Action to consider appointing election workers for a two-year term 2022-2024. (Admin. Spon.)

**Proposed**

**Order #22-36**

Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council appoint the following people as election workers per Title 21-A MRSA Section 503, with terms to expire April 1, 2024:

**Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to waive the reading of Order #22-36 due to length. 7 yeas**

**Democrat Workers:**

Peter Allen, Sherrie Benner, George Brewer, Suzanne Brewer, Aaron Carlson, Diane Caswell, Wendy Clark, Patricia Clay, Katharine Corbett, Laurie Corbett, Thomas Corbett, Nancy Craig, Danielle Cupples, Kyle Currier, Nicoleta Dalton, Geraldine Day, Melissa Deering, Renee Deering, Sharon Deering, Teresa Delorey, Patricia Donovan, Rebecca Dukette, Anne Dunbar, John Ersek, Margaret Evans, Sheri Faber, Mary Fagerson, Patrick Flynn, Rachel Flynn, Mary Franklin, Katherine Garrard, Sharon Geer, Yvonne Graffam, Ann Gregory, Barbara Guimond, Joanne Hachey, Lydia Hews, Marge Hodgkin, Colleen Hoyt, Meagan Irish, Amanda Johnson, Kristin Johnson, Carole Jordan, Kara Kenney, Joseph Kirby, Jennifer Laflin, Alida Landry, Kandy Lefebvre, Donna Libby, Connie Loughran, Linda Maclean, Keith Lynds, Carlie Marsters, Carol Marshburn, Samuel Matey, Michelle McCaffrey, Elizabeth McDonagh, Barbara McGarvey, Sarah Melanson-Spevak, Nicholas Mesires, Frederick Mesloh, Janet Miliano, Rhonda Millett, Luke Nadeau, Patrick Norman, Mike Parenteau, Kristy Parke, Susan Parsons, Cassie Pelletier, Frances Perry, Denise Quint, Beth Richards, Judith Ringo, Regina Rofe, Kimberly Ross, Tina Ruel, Robin Sanford, Susan Sato, Paula Smeltzer, Mary Snell, Craig Stirling,



Deb Stirling, Judith Stevens, Sheryl Towle, Gail Trudeau, Kathleen Walsh, Amber Wilson, Debra Winch, Lynn Wight, Barry Wight.

**Republican Workers:**

Marilyn Amoroso, Mark Andrews, Sandra Bailey, Meredith Bickford, Kathy Bruni, Donna Carll, Nancy Connolly, Rebecca Curtis, George Deering, Linda Deering, Sarah Downey, Jane Dube, Susan Emerson, James Falk, Judith Falk, Christine Fleury, Linda Frinsko, Maynard Hincks, Carolyn Hodgkins, Thomas Hodgkins, Nancy Kenty, Elizabeth Labrecque, John Labrecque, Laura Lossie, Joel Lloyd, Marjory Macleod, Joann Means, Carlene Petersen, John Petersen, Jenifer McCullough, Rosamond Phinney, Michele Plourde, Heidi Pratt, Suzanne Roberge, Dean Rosingana, Timothy Sandeno, Marlene Scholl, Laurel Smith, John Stamaris, Rebecca Stamaris, David Towle, Marth Towle, Rebecca Thoresen, Liesl Turner, George Vercelli, Jeff Webber, Janice Weed, Norman Weed, Carol Wyman

**Order #22-36 was VOTED 7 yeas**

**Item #2022-04-08**                      Action to consider instructing the Ordinance Committee to review third party inspections in the Fire Suppression Systems Ordinance. (Councilor Pratt Spon.)

**Proposed**  
**Order # 22-37**                      Moved by Councilor Shepard, seconded by Councilor Wilde Cross and Ordered, that the Town Council instructs the Ordinance Committee to review the Fire Suppression Systems Ordinance to evaluate increasing the length of time between required third party inspections for residential systems and to provide recommendations back to the Town Council.

**Order #22-37 was VOTED 7 yeas**

**Item #2022-04-09**                      Action to consider adopting a resolution celebrating the “Week of the Young Child”. (Councilor Kuech Spon.)

**Proposed**  
**Order # 22-38**                      Moved by Councilor Kuech, seconded by Councilor Wilder Cross and Ordered, that the Town Council hereby adopts the following resolution in support of the “Week of the Young Child” as follows:

WHEREAS,        The Town of Gorham, in conjunction with the Maine Association for the Education of Young Children (MaineAEYC) and National Association for the Education of Young Children (NAEYC), are celebrating the Week of the Young Child™, April 2-8th, 2022; and

WHEREAS,        These groups are committed to the healthy development of all young children in Maine through strengthening and building systems of equitable access to high-quality, early childhood education; and

WHEREAS, Children’s cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children’s positive interactions with adults, peers, and their environment; and

WHEREAS, Maine’s early childhood education workforce is vital to providing a nurturing and educational foundation of early care and learning experiences for young children; and

WHEREAS, 70% of children under six in Maine have all available parents in the workforce; and

WHEREAS, Access to high-quality child care is a necessity for many families in our community to participate in the workforce; and

WHEREAS, High-quality early childhood programs provide important benefits to children, families, and our state and national economies; and

WHEREAS, We celebrate the Week of the Young Child so that we can continue to recognize and advance the early childhood education profession; and

NOW THEREFORE, the Gorham Town Council, does hereby proclaim April 2-8th, 2022 as the Week of the Young Child™ in Gorham and encourages all citizens to work to support and invest in early childhood in our community.

**Order #22-38 was VOTED 7 yeas**

<b>Item #2022-02-10</b>	Action to consider utilizing American Rescue Plan Act (ARPA) funding to provide Hazard Pay to Gorham First Responders and Town employees. (Councilor Shepard Spon.)
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<b>Proposed Order #22-39</b>	Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council authorizes the release of \$128,000 in ARPA funding and \$20,000 in funding from account 203-10-50640-80 to provide for premium pay for regular full time, regular part time and public safety on call and per diem employees who worked between March 4, 2020 and March 3, 2021 that are still employed by the Town of Gorham at the time of this order as follows:
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**Moved by Councilor Kuech, seconded by Councilor Phillips and VOTED to waive the reading of Order #22-39 due to length. 7 yeas**

WHEREAS, the American Rescue Plan Act will authorize federal funding for the Town of Gorham in the amount of approximately \$1,899,863.90; and

WHEREAS, there are four authorized spending categories including:

1. COVID-19 related or negative economic impact;
2. Revenue loss restoration;

3. Premium pay options; and
4. Water, sewer, and broadband infrastructure; and

WHEREAS, the Town Manager is offering a Phase 2 proposed spending plan to the Town Council on April 5, 2022, with an opportunity for public input; and

WHEREAS, all expenditures shall be complete by December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GORHAM ASSEMBLED THIS 5TH DAY OF APRIL, 2022 THAT:

1. The Town Council generally accepts the second phase of the proposed spending plan, attached hereto as Appendix A; and
2. The Town Council acknowledges that the proposed spending plan is subject to change based upon the evolution of the pandemic, emerging needs, regional and statewide collaborations; and
3. No expenditures other than those that have already been encumbered shall occur without the approval of the Town Council.

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
Laurie Nordfors, Town Clerk

#### APPENDIX A AMERICAN RESCUE PLAN ACT OF 2021

##### PROPOSED USE OF FUNDS / PROJECT LIST

Premium Employee Pay - Not to exceed \$1,000 for full time public safety employees. Not to exceed \$500 for all other eligible employees.

Expenditures Phase 2: \$128,000

**Moved by Councilor Shepard, seconded by Councilor Hager and VOTED to amend the order to add Premium Employee Pay – Not to exceed \$2500 for 5 Full Time EMT's and \$1000 for Full Time Public Safety Employees. 7 yeas**

**Order #22-39 was VOTED as amended 7 yeas**

#### **Item #2022-04-11**

Action to consider authorizing mobile food vendors as an allowed use in Little Falls. (Councilor Hartwell Spon.)

#### **Proposed**

#### **Order # 22-40**

Moved by Councilor Hartwell, seconded by Councilor Phillips and Ordered, that the Town Council instructs staff to prepare for Planning Board review and recommendation, amendments to the Land Use and Development Code to allow for mobile food vendors to operate in the Little Falls Village District and Urban Residential - Manufactured Housing District.

**Order #22-40 was VOTED 7 yeas**

**Item #2022-04-12** Action to consider the Town of Gorham being a municipal sponsor of the 2022 Build Maine Conference. (Councilor Hartwell Spon.)

**Proposed**  
**Order # 22-41** Moved by Councilor Hartwell, seconded by Councilor Shepard and Ordered, that the Town Council endorses a municipality sponsorship of the 2022 Build Maine Conference to be held in Skowhegan.

**Order #22-41 was VOTED 7 yeas**

**Item #2022-04-13** Action to consider listing for sale certain parcels of land owned by the Town of Gorham in the Industrial Zone. (Councilor Pratt Spon.)

**Proposed**  
**Order #22-42** Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council instructs staff to list a total of seven parcels of land for sale with the Town's broker at specified prices as outlined in a memo from the Economic Development Director date March 31, 2022.

**Order #22-42 was VOTED 7 yeas**

**Moved by Councilor Hager to table Item #2022-04-14. There was no second. Motion failed**

**Item #2022-04-14** Action to go into executive session to conclude the Town Manager's annual performance evaluation. (Admin. Spon.)

**Proposed**  
**Order # 22-43** Moved by Councilor Shepard, seconded by Chairman Pratt and Ordered, that the Town Council goes into executive session pursuant to 1 M.R.S.A. § 405(6) (A) to finish the Town Manager's annual performance evaluation.

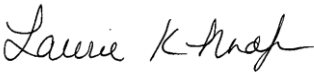
**Order #22-42 was VOTED 6 yeas, 1 nay (Hager)**

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to come out of Executive Session. **7 yeas**

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to adjourn. **7 yeas**

Time of Adjournment: 9:50pm

A True Record of Meeting  
04/05/2022

ATTEST  \_\_\_\_\_ 04/06/2022  
Laurie Nordfors, Town Clerk