

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
March 1, 2022  
6:30pm  
Burleigh Loveitt Council Chambers

**Pledge of Allegiance to the Flag**

**Roll Call**

**Acceptance of the minutes of the February 1, 2022 Regular Town Council Meeting.**

**Open Public Communications**

**Councilor Communications**

**Town Manager Report**

**School Committee Report**

**Public hearing #1**

**On item #2022-03-01**

Public hearing to hear comments on the designation of its proposed Municipal Development and Tax Increment Financing District #12 and the adoption of a Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed District would include the 10.75 acre site located at 551 Main Street in the Town of Gorham (Tax Map 32, Lot 19) to be developed by Prescott Holdings, LLC as an eight unit self-storage facility, including an office space. The proposed District is located across from the Town's Sebago Brewing Company TIF District #9, and next to the Town's Nappi Distributors TIF District #6. The proposed District would capture 100% of the increased assessed value of the real and personal property of the storage facility for a period of 30 years. The tax revenue from the increased assessed value of the property in the District would be retained by the Town to be used for various public improvements and facilities as identified in the Development Program for the proposed District. (Councilor Pratt. Spon.)

A copy of the proposed Development Program for the District is on file with the Town Clerk and may be obtained from and reviewed at the offices of the Town Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

**Proposed  
Order #22-14**

Ordered, that the Town Council approves the Municipal Development and Tax Increment Financing District #12 as follows:

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the Town has identified certain property within its Roadside Commercial Zoning District that is centrally located, underutilized and in need of redevelopment, and has received a proposal for the development of said property by an existing commercial property owner; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the Town and new employment opportunities for residents of the Town and surrounding communities, and will improve and broaden the tax base of the Town and improve the general economy of the Town, the region and the State of Maine; and

WHEREAS, the Town has held a public hearing on the proposed Town of Gorham Municipal Development and Tax Increment Financing District #12 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk's Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. The Town Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that

adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the proposed Town of Gorham Municipal Development and Tax Increment Financing District #12, as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District in the form presented to the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Gorham, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

**Public hearing #2**  
**On item #2022-03-02**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Corey Harmon, White Pine Farms, LLC, 11 Industrial Pkwy, Units B & E. Property owned by Jack McInerny. (Admin. Spon.)

**Proposed**  
**Order #22-15**

Ordered, that the Town Council issue a Medical Use Marijuana License to Corey Harmon, White Pine Farms, LLC, 11 Industrial Pkwy, Units B & E. Property owned by Jack McInerny.

**Public hearing #3**  
**On item #2022-03-03**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Connor Shaw, New England Care Group, 11 Gorham Industrial Pkwy, Unit C. Property owned by Kodiak Hollow. (Admin. Spon.)

**Proposed**  
**Order #22-16**

Ordered, that the Town Council issue a Medical Use Marijuana License to Connor Shaw, New England Care Group, 11 Industrial Pkwy, Unit C. Property owned by Kodiak Hollow.

**Public hearing #4**  
**On order #2022-03-04**

Public hearing to hear comment on a proposal to issue renewal Massage Licenses to Heather Theriault, Elizabeth Berks, Rhonda Lodgek and Natalie Bagley. (Admin. Spon.)

**Proposed**  
**Order #22-17**

Ordered, that the Town Council issue renewal Massage Licenses to Heather Theriault, Elizabeth Berks, Rhonda Lodgek and Natalie Bagley.

**Public hearing #5**  
**On order #2022-03-05**

Public hearing to hear comment on proposed amendments to the Fire Suppression Systems Ordinance. (Ordinance Com. Spon.)

**Proposed**  
**Order #22-18**

Ordered, that the Town Council amend the Fire Suppression Systems Ordinance as follows:

**TOWN OF GORHAM**  
**FIRE SUPPRESSION SYSTEMS ORDINANCE**  
**ADOPTED JULY 7, 1987; effective August 6, 1987**  
**AMENDED OCTOBER 6, 1987; effective October 6, 1987**  
**AMENDED July 10, 1990 effective July 10, 1990**  
**REVISED SEPTEMBER 4, 2001; effective October 7, 2001**  
**Revised September 4, 2018; effective October 5, 2018**  
**Revised \_\_\_\_\_, 2022; effective \_\_\_\_\_, 2022**

**ARTICLE VII. SPRINKLER/SUPPRESSION SYSTEMS FOR ONE AND TWO FAMILY HOMES:**

**B. Exemptions**

- 1) **Tiny homes as defined under 29-A M.R.S.A. § 101(80-C) shall be exempt from the requirements of Fire Suppression System Ordinance.**

**\*Note - Additions Underlined**

**Item #2022-03-06**

Action to consider 2022-2023 Board and Committee appointments. (Appointment Committee Spon.)

**Proposed**  
**Order #22-19**

Ordered, that the Town Council make appointments to various Town Boards and Committees as recommended by the Appointments Committee, as presented.

**Item #2022-03-07**

Action to consider authorizing the release of up to \$4,000 for a structural analysis of the Gorham Civil War Memorial. (Councilor Philips Spon.)

**Proposed**  
**Order #22-20**

Ordered, that the Town Council authorizes the release of up to \$4,000 from account 950-02-50640-01 (Contingency Account) for the purpose of a structural and long term maintenance analysis of the Gorham Civil War Memorial.

**Item #2022-03-08**

Action to consider authorizing the Gorham School Department to contribute to a reserve account. (Admin. Spon.)

**Proposed**

**Order #22-21**

Ordered, that the Town Council approve the Board of Education recommendation to establish a School Capital Reserve Fund pursuant to applicable law, including Charter Section 506 and,

Be It Further Ordered, that the Town Council approve the procedure adopted by the Board of Education to fund and use the School Capital Reserve Fund with approval of this Council, as follows:

Board of Education Procedure to Fund and Use School Capital Reserve Fund with Town Council Approval

1. Annually, following completion of the prior year's fiscal year audit the Superintendent will determine a recommended amount for transfer to School Capital Reserve Fund;
2. The recommended amount may not to exceed 2% of the difference between the audited school general fund balance ("Total fund balance – budgetary basis") for the prior fiscal year and the carryforward fund balance amount used to budget for the current fiscal year;
3. The Superintendent on behalf of the Board of Education will request that the Town Council transfer such recommended amount to the School Capital Reserve Fund pursuant to applicable law, including Charter Section 506; and
4. The Superintendent will report back to the Board of Education the amount of the transfer and the new School Capital Reserve Fund balance.
5. From time to time, the Board of Education will recommend expenditures from the School Capital Reserve Fund for specified capital improvement and/or capital equipment needs. The Superintendent will present these recommendations to the Town Council for its approval or, when required by Town Charter, will request that the Council submit a proposed capital expenditure to referendum vote [*Note: for example, as of 2021, the Charter required "[a]ny proposed capital expenditure over \$250,000 except emergency ordinances" to be submitted to referendum vote. See Charter at Section 901.*]

**Item #2022-03-9**

Action to consider resolving a municipal release deed issue. (Admin. Spon.)

**Proposed**

**Order #22-22**

ORDERED, that the Town Council authorizes the Town Manager to execute and deliver a municipal release deed on behalf of the Town, as Grantor, to Randell Rice, as Grantee, with regard to the real property located at 10 Old Orchard Road, which parcel is designated as Tax Map 57, Lot 19-2, on such terms as the Town Manager deems to be in the best interests of the Town of Gorham.

**Item #2022-03-10**

Action to consider setting a Town Council workshop to discuss fire department staffing and recruitment. (Councilor Hartwell Spon.)

**Proposed**

**Order #22-23**

ORDERED, that the Town Council sets April 19, 2022 at 6:30pm as a workshop to discuss fire department station staffing and efforts to assist with recruiting and/or retaining call company employees within the department to aid in emergency responses.

**Item #2022-03-11**

Action to consider going into executive session pursuant to 1 M.R.S.A § 405(6) (A) and 1 M.R.S.A. § 405 (6) (C). (Admin. Spon.)

**Proposed**

**Order # 22-24**

Ordered, that the Town Council goes into executive session pursuant to 1 M.R.S.A. § 405(6) (A) for the Town Manager's annual performance evaluation and 1 M.R.S.A. § 405 (6) (C) where discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein, or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.