

AGENDA AND PROPOSED ORDERS  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
December 7, 2021  
6:30pm  
Burleigh Loveitt Council Chambers

**Pledge of Allegiance to the Flag**

**Roll Call**

**Acceptance of the minutes of the November 9, 2021 Regular Town Council Meeting**

**Open Public Communications**

**Councilor Communications**

**Town Manager Report**

**School Committee Report**

**Public hearing #1**

**On item #2021-12-01**

Public hearing to hear comment on a proposal to issue a renewal Special Amusement License to JBN1, LLC, DBA Junction Bowl. (Admin. Spon.)

**Proposed**

**Order #21-161**

Ordered, that the Town Council approve a renewal Special Amusement License for JBN1, LLC, DBA Junction Bowl, 7 Railroad Avenue.

**Item #2021-12-02**

Action to consider accepting Grove Street as a public road.  
(Councilor Phillips Spon.)

**Order # 21-162**

Ordered, that the Town Council accepts 513 feet of Grove Street as a urban access road; and

Be It Further Ordered, that the Town Council accepts associated easements for recreation access.

**Item #2021-12-03**

Action to consider accepting Dogwood Lane as a public road.  
(Councilor Phillips Spon.)

**Order #21-163**

Ordered, that the Town Council accepts 609 feet of Dogwood Lane as a urban access road; and

Be It Further Ordered, that the Town Council accepts associated easements for recreation access.

**Item #2021-12-04**

Action to consider accepting a portion of Water Street as a public road.  
(Councilor Phillips Spon.)

**Order # 21-164**

Ordered, that the Town Council accepts 113 feet of Water Street as a urban access road; and

Be It Further Ordered, that the Town Council accepts associated easements for recreation access.

**Item #2021-12-05**

Action to consider establishing a Town Council workshop date to discuss Recreation Impact Fees. (Councilor Phillips Spon.)

**Proposed**

**Order # 21-165**

Ordered, that the Town Council sets January 18, 2022 at 6:30pm as a Town Council workshop on Recreation Impact Fees and additional uses.

**Item #2021-12-06**

Action to consider accepting a Memorandum of Agreement in support of the Gorham Connector project. (Councilor Pratt Spon.)

**Proposed**

**Order #21-166**

Ordered, that the Town Council authorizes the Town Manager to enter into a Memorandum of Agreement with the Maine Turnpike Authority in support of the Gorham Connector as follows:

## Memorandum of Agreement

Between the  
MAINE TURNPIKE AUTHORITY,  
MAINE DEPARTMENT OF TRANSPORTATION, AND  
THE MUNICIPALITIES OF  
GORHAM, SCARBOROUGH, SOUTH PORTLAND AND WESTBROOK  
REGARDING A GORHAM CONNECTOR 2021 - 2026

Whereas, transportation deficiencies in the east-west corridor between the vicinities of Gorham and Portland, Maine and communities to the west (“the Region”) have been evident to the Maine public and policy makers for decades, including but not limited to: insufficient capacity, increasing traffic congestion in the area, outdated road design features, and safety issues;

Whereas, said transportation deficiencies have been documented in numerous studies and reports, including but not limited to: the Westerly Connector Study (1988), the Route 25 Corridor Study (1993), the Gorham-Portland Alternatives Analysis (1997), the Route 114/1-295 Ramp Study (1998), the Route 22/114 Location Study (1999), the Maine Mall Area Transportation Plan (2001), the PACTS 22/114 Overlap Study (2002), the Gorham Bypass Environmental Assessment (2003), the Gorham East-West Feasibility Study (2012) (aka, Phase 1 Study); and the Portland Area Comprehensive Transportation System (PACTS) Destination Tomorrow Plan (2017);

Whereas, in 2007, after decades of on-going conversations about the need for better east-west transportation connections between the Greater Portland area and points west, the 123rd Maine Legislature enacted LD 1720, which directed the Maine Department of Transportation (“MaineDOT”) and the Maine Turnpike Authority (“MTA”) to conduct a study “of existing highway infrastructure and future capacity needs west of Route 1 in York and Cumberland counties including the Greater Gorham and Sanford areas;”

Whereas, in 2008, the Maine Department of Transportation (MaineDOT) opened the southern portion of the Gorham Bypass Project, designed to partly address these deficiencies through construction of a two lane bypass of Gorham village connecting Route 114 and Route 25;

Whereas, in 2009, MaineDOT, the MTA, PACTS, and the municipalities of Gorham, Scarborough, South Portland, and Westbrook (“the Municipalities”) signed a Memorandum of Agreement that: endorsed in principle the findings and recommendations of the 2012 Study; committed to participating in the refinement and preparation of detailed scopes of work for recommended subsequent tasks; and agreed to implement tasks including such legal agreements as may be necessary by fall 2013 or a date determined by the Study Committee;

Whereas, the Municipalities agree that significant mobility and safety deficiencies documented by the MTA and MaineDOT persist in the Region despite implementation of consistent local comprehensive land use plans to address growth and development patterns and expansion of transit routes as providers have deemed economically feasible;

Whereas, the 2012 Gorham East-West Feasibility Study (aka, Phase 1 or 2012 Study) identified three prudent and feasible land use management strategies and transportation investments that, if integrated, would facilitate coordinated land use and transportation decisions, foster economic

development and community revitalization, and preserve sense of community and quality of life for the Region's cities and towns in a manner consistent with Maine's Sensible Transportation Act ("STPA");

Whereas, in 2017, the State Legislature enacted LD 905, authorizing the MTA and MaineDOT to evaluate reasonable alternatives for building a roadway to Gorham in Cumberland County from Route 114 in South Gorham to an interchange on the turnpike, and, concurrent to this second legislative directive, the four towns expressed their support for the action by renewing their prior agreement supporting additional capacity in the region;

Whereas, on September 6, 2018, the MTA Board approved the *Resolution Relating to the Proposed Gorham Connector* to authorize evaluating potential corridor alignments for a Gorham Connector from the existing roundabout at the Gorham Bypass to Exit 45 on the Maine Turnpike by forecasting traffic volumes and revenue estimates, engaging with potentially affected landowners, completing a desktop analysis of natural resources present in the general area, and determining the likely permitting requirements/ramifications of constructing a potential roadway and/or roadway improvements;

Whereas, the Greater Portland Council of Government's 2016 *Destination 2040* regional long range transportation plan and 2021 *Transit Tomorrow* transit strategic plan project that the Region will continue to experience population growth, further exacerbating existing transportation deficiencies, particularly in regard to connectivity between the Region and major transportation facilities in greater Portland, including but not limited to, the Maine Turnpike;

Whereas, MaineDOT has acknowledged that its funding levels and work plan obligations do not support construction of an effective roadway improvement along existing roadways, and the goal of improving interconnectivity between the Maine Turnpike and other transportation systems in the region is consistent with the MTA's statutory purposes, including but not limited to 23 MRSA § 1974, and therefore said goal justifies the MTA constructing new capacity via a Gorham Connector; and

Whereas, a new Gorham Connector is consistent with the 2020 *Maine Won't Wait: A Four-Year Plan for Climate Action* goal of mitigating Maine's greenhouse gas emissions to 2030 and 2050 targets, in part through significant private investment, and reduced travel time translates to increased economic opportunity.

Therefore, the MTA, MaineDOT, and the Municipalities agree as follows:

1. The MTA agrees to advance development of the Gorham Connector between the southern terminus of the Gorham Bypass and Exit 45 on the Maine Turnpike based on financial viability, legislative direction and municipal support.
2. Based on project viability, the MTA advance the Gorham Connector through design, permitting and construction consistent with the requirements of the STPA, Maine Natural Resources Protection Act (NRPA), National Environmental Policy Act (NEPA) and the US Army Corps of Engineers New England Highway Methodology.
3. The MTA will be responsible for advancing the Gorham Connector through appropriate public processes.

4. Following construction, the MTA will be responsible for ongoing operation and maintenance funded through the collection of toll revenues.
5. MaineDOT agrees to participate in the development of the Gorham Connector in a supporting role. Support shall include, but not be limited to:
  - (a) Participating in an Advisory Committee through appointment of a representative to regularly attend Committee meetings provide input on comments and questions relevant to MaineDOT.
  - (b) Advocating for the Gorham Connector as part of an integrated solution to safety and mobility deficiencies in the Region. Examples of advocacy include: participation in public forums, expressions of public support, and representation of goals articulated in MaineDOT's work plans and asset management plans; and
  - (c) Evaluating regional transportation improvements to maximize the effectiveness of investments in the transportation network and support municipal land use goals.
6. The Municipalities agree to participate in the development of the Gorham Connector in a supporting role. Support shall include, but not be limited to:
  - (a) Each Municipality appointing a representative to an Advisory Committee to guide development of the Gorham Connector. The representatives will be available for regular attendance at Committee meetings and will further serve as coordinators between the MTA and the Municipalities in all matters related to the advancement of the project.
  - (b) Continued advocacy for the Gorham Connector as part of an integrated solution to safety and mobility deficiencies in the Region. Examples of advocacy include: participation in public forums, expressions of public support, and representation of goals articulated in comprehensive land use plans.
  - (c) Support of the results and recommendations of prior Studies and agreements, including but not limited to specific transportation and land use management strategies, if requested, to the legislative body of the Town, PACTS, and/or the State legislature for approval; and
  - (d) Cooperate fully with other parties who may become signatories to this Agreement and/or who may be brought in as partners in the process by the MTA.
7. The Parties understand and agree that, if the Gorham Connector is constructed, municipalities maximize the effectiveness of the transportation system investment by continuing to implement compatible land use management strategies.

By their signature below, the parties acknowledge that they have read and understood the Agreement above and are fully authorized to bind their principals to the terms thereof.

_____ Peter Mills Executive Director Maine Turnpike Authority	Date	_____ Bruce van Note Commissioner Maine Department of Transportation	Date
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_____ Ephrem Paraschak Town Manager Gorham, Maine	Date	_____ Thomas Hall Town Manager Scarborough, Maine	Date
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_____ Scott Morelli City Manager South Portland, Maine	Date	_____ Michael Foley Mayor Westbrook, Maine	Date
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**Item #2021-12-07**      Action to consider instructing staff to work on a revised voting ward district map that would correct outlying issues on Wescott Road and also address travel distance inequities. (Councilor Hartwell Spon.)

**Proposed Order #21-167**      Ordered, that the Town Council instructs staff to propose revisions to the Town’s voting ward district map to address outlier voter issues on Wescott Road and also look for travel distance inequities; and

Be It Further Ordered, that the Town Council will approve such revisions before submission to the state of Maine.

**Item #2021-12-08**      Action to consider instructing staff to establish a municipal point of contact for state of Maine PFAS report investigation in the Town of Gorham. (Councilor Hartwell Spon.)

**Proposed Order #21-168**      Ordered, that the Town Council instructs the Town Manager to appoint a staff member and/or department to be the point of contact for information relating to PFAS contamination in the Town of Gorham.

**Item #2021-12-09** Action to consider authorizing the Town Manager to enter into a contract with a vendor for the Gorham Skate Park Project. (Councilor Pratt Spon.)

**Proposed  
Order #21-169** Ordered, that the Town Council authorizes the Town Manager to enter into a contract with Pillar Design Studios for the Gorham Skate Park providing that funding sources and in kind matches are fully established and available.

**Item #2021-12-10** Action to consider entering into executive session. (Admin. Spon.)

**Proposed  
Order #21-170** Ordered, that the Town Council goes into executive session pursuant to 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.

**Adjourn**