

## AGENDA NOTES

Gorham Town Council Regular Meeting  
August 8, 2017 – 6:30pm  
Burleigh H. Loveitt Council Chambers

1. Old Business – Item # 9144  
Moratorium on Retail Marijuana Establishments

Council members should be aware that there is a second agenda item later on your agenda which would prohibit retail marijuana establishments. My recommendation would be to table the Moratorium Ordinance until your December 5<sup>th</sup> meeting.

2. Old Business – Item # 9237  
Easement for Turnaround on Phinney Street

The Town Council tabled this item from your July 11<sup>th</sup> meeting to the August meeting. I have provided another copy of all of the attachments from your last set of agenda notes on this topic.

3. Public Hearing # 1 – Item # 9246  
Ordinance to Prohibit Marijuana Establishments

**Note: The Town Attorney considers this a Land Use Ordinance and it must be sent to the Planning Board for their public hearing and recommendation.**

In your packet is a memo from me dated July 31, 2017 discussing my recommendations to the Council to go ahead and prohibit retail marijuana establishments. Also in your packet is a memo from Chief Dan Jones and a document illustrating various types of retail/recreational marijuana products intended to be eaten.

4. Public Hearing # 2 – Item # 9247  
Option to Provide Local Building Plan Review

This item was originally sent to the Ordinance Committee by the Town Council back in July 2016. It has languished there since then, because of the heavy workload of the Ordinance Committee; however, the Ordinance Committee had an opportunity to have a good discussion about it at their last meeting held on July 25<sup>th</sup> and by vote of 3-0, recommended approval to the Town Council. The intent of this Ordinance is to provide an option to local developers who must get their building plans reviewed and approved for compliance under NFPA 1, the Uniform Fire Code, in order to proceed with their projects. Currently, they must go to the State Fire Marshal in order to obtain that review and approval and the State Fire Marshal's Office often has a heavy workload and will take a long time for that review to be completed.

We believe that developers can obtain the same review locally at a much faster review process through our own Fire Department. In addition to that, should those plans subsequently need to be amended; if the original review was done by the State Fire Marshal's Office, that amendment must go back to the State Fire Marshal's Office causing further delay to the project. Whereas if the review has been done locally, the local Fire Department can often give nearly immediate feedback and approval to a change. We view this as a service to our business community in terms of being able to assist them in moving their projects along more quickly. I want to point out again that this is simply an option; the

developers will retain the right to apply to the State Fire Marshal's Office for building review should they choose to do that.

During the discussion with the Ordinance Committee, a question came up about the process for reviewing building plans for ADA compliance, which is referred to as "Barrier Free" review. That is currently a second and separate review that is done by the State Fire Marshal's Office and with a separate fee. This Ordinance is not intended to have the Town of Gorham develop or obtain the expertise that would be needed to provide that review; however, it's our understanding that the Barrier Free review done by the State Fire Marshal's Office is generally a much quicker review and usually does not hold up a project like the building plan review for the Uniform Fire Code.

5. Item # 9248  
Bid for 10-Wheel Tandem Axle Dump Truck

Funding of \$172,000 for the replacement of the 2001 International Tandem Axle Dump Truck is included in the 2016-17 Budget and approved by the Town Council. The Town received multiple bids for this item and we are recommending a bid from Freightliner of Maine, located in Westbrook at a fully equipped cost of \$167,704. Bob Burns has a memo on this item dated August 2, 2017 that is attached.

6. Item # 9249  
Replacement of Six-Wheel Dump Truck

Funding of \$144,000 for replacement of the 2002 International Six-Wheel Dump Truck is included in the current year budget and approved by the Town Council. The Town also received multiple bids for this truck and we are recommending a bid from Freightliner of Maine with trade-in and fully equipped for \$142,651. Bob Burns has a memo on this item dated August 2, 2017 that is attached.

7. Item # 9250  
Fire Department Request to Retain Old Rescue Vehicle

In your packet is a memo from Chief Lefebvre to myself dated June 14<sup>th</sup> asking for authority to keep and retain the old Rescue Vehicle as a spare vehicle to be used when one of the two front-line vehicles are out of service.

8. Item # 9251  
Maine Municipal Association Officers Election

The Town of Gorham is a member of the Maine Municipal Association and the Town gets to vote on Vice President and Executive Committee members. With a biographical sketch of both the proposed candidate for Vice President, as well as the three nominees for the Executive Committee, I know all of these folks and would recommend the Council approve the slate of officers as proposed.

9. Item # 9252  
Planning Board Review to Make Ordinances Consistent with the Comprehensive Plan

In your packet is a letter from Ed Zelmanow, Chair of the Gorham Planning Board, asking for permission from the Town Council to allow the Planning Board to review the Town's Land Use and Development Code and subsequently make recommendations to the Town Council for amendments

that would make the Land Use and Development Code consistent with the new Comprehensive Plan that was adopted by the Town Council last year in September 2016.

10. Item # 9253  
Senior Property Tax Assistance Rebate Ordinance

This item is sponsored by Councilor Stelk, and follows up on the presentation made by the Town of Scarborough regarding their own Property Tax Assistance Ordinance and would ask Staff to develop a similar Ordinance for the Town Council to consider.

11. Item # 9254  
Acceptance of Funds from Criminal Cases

The Town of Gorham provides assistance to State Agencies regarding criminal cases, and from time to time, the Town is entitled to a portion of the assets that are seized in those cases; however, the Town Council still must affirmatively agree to accept the transfer of those funds and that is what is going on with this agenda item.

12. Item # 9255  
Remove Restrictions on Use of Robie Park

This item is sponsored by Councilor Phinney and would ask the Town Attorney to begin the process of removing restrictions on the Town's ability to use Robie Park, so that in the future the Town would be free to use Robie Park as deemed in the Town's best interest by the Town Council.

13. Item # 9256  
Municipal/State Agreement

MDOT is preparing to install a traffic light, sometime in the next three years, at the intersection of Libby Avenue and Main Street (Rt. 25). This is a regular Municipal/State agreement that needs to be signed for the project. Councilors should be aware that, once the traffic light is installed, future maintenance of the traffic light becomes the responsibility of the Town. Funding for the estimated cost of \$380,000 is from the Federal and State government with no funding from the Town.

Please let me know if you have any questions.  
Att.

## MEMO

To: Town Council  
From: David Cole  
Date: July 5, 2017

Re: Turnaround Easement on Phinney Street.

At your February 7, 2017 Council meeting the Council considered a request from Councilor Paul Smith to use his driveway located near the end of Phinney Street as a turn-around for the Town's Snow Plow truck. The Council tabled the request until the March 7 meeting to obtain more comment from the School Department and Fire Department.

The School Department (see Norm Justice memos of Feb. 8 and March 2 indicated that they have been using Tanglewood Drive and considered it a much safer location for School Buses to turn-around. Please note the School Department had been turning around at this location with only verbal permission which could be withdrawn at any time. In a memo, dated February 8, 2017, the Superintendent indicated that the School would stick with the current turn-around at Tanglewood Drive. The Fire Chief (see his memo of February 12) indicated that they would not use Mr. Smith's driveway unless they had no other choice because of a concern that the weight of the Fire Engine might damage a driveway and because, in the case of Mr. Smith's private driveway, it slopes downhill. The Fire Chief also verbally advised me that an emergency vehicle could turn-around in any location during an emergency. I later confirmed that the Fire Department could turn-around in any location in an emergency, from the Town's Attorney, Mark Bower. (See his email of February 10, 2017).

At your March 7, 2017 Council Meeting the Council voted to authorized, on a temporary basis, the Public Works Department to snow plow and sand Councilor Smith's private driveway as an additional location for municipal vehicles to turn-around and further directed Town Staff to look for better options to use as a turn around.

We have been able to obtain a written easement to use the end of Tanglewood Drive, which is the location being used by the School Department to turn around School Buses.

I have attached another copy of my January 23, 2017 memo to the Town Council and my December 28, 2016 memo to Councilor Smith for additional background information.

## MEMO

To: Town Council  
From: David Cole  
Date: January 23, 2017

Re: Turnaround Easement on Phinney Street.

Phinney Street is located off Fort Hill Road. At the end of Phinney Street is an extension that turns right, known as Phinney Street extension.

Back in June 22, 1988 the Town acquired an easement from Arnold Smith to provide a turnaround for the snow plow at the end of Phinney Street extension. The easement allowed the Town to plow down Phinney Street, turn right onto Phinney Street Extension and turn around in the easement located near the end of Phinney Street Extension.

On November 13, 2001, the Town Council made a decision that Phinney Street extension was not a Town Road. On March 5, 2002 the Town Council moved to acquire the Phinney Street extension by eminent domain. The final step in completing the eminent domain process was not done until March 14, 2012. Subsequently, in April 2012, Paul Smith, Patrick Smith and Susan Smith commenced a law suit against the Town claiming that the eminent domain process was no longer valid. Later, C&C Family LLC, Travis Caruso, Allyn Caruso and Thomas Caruso became parties to the law suit.

On February 12, 2015, the Town of Gorham and Paul Smith, Patrick and Susan Smith, C&C Family LLC, Travis, Allyn and Thomas Caruso reached a compromised settlement in the law suit. As part of the settlement, the Town released any interest it had in Phinney Street extension, to the Smiths including the turnaround easement acquired in 1988.

In subsequent snow storms, the Town plowed down Phinney Street and turned around at the intersection of Phinney Street and Phinney Street extension. Paul Smith objected to the Town using any part of Phinney Street extension so the Town then used the intersection of Phinney Street and Blockhouse Road. This turn around, while not ideal, has worked for the Town and we have continued to use it.

Paul Smith recently offered to allow the Town's plow trucks to turnaround in his private driveway. While we appreciate his offer, his private driveway slopes downhill and increases the risk of the truck getting stuck or sliding sideways and we do not believe it is a better option than the turnaround we are currently using. In addition, there is a road plan on file for Blockhouse Run so we know there is a reasonable gravel base on the road and can support Town vehicles.

In addition I am concerned about a conflict of interest when the Town is being asked to no longer use a turn-around that is working, and instead, using the private driveway of a member of the Gorham Town Council. Attached is my memo to Councilor Smith responding to his offer.

# 9183

**MEMO**

To: Paul Smith  
From: David Cole  
Date: December 28, 2016

Re: Snow plow turnaround on Phinney Street.

Thank you for your recent offer, and written grant of permission, to allow the Town's snow plow to turn around in your driveway located near the end of Phinney Street.




Since last year, the Town has used the 50 foot wide right-of-way for Phinney Street and a portion of Blockhouse Run for the plow to turn around. Although not ideal, it is functioning adequately for the Town. Your driveway slopes downhill and causes a less than ideal turnaround as well.

Perhaps even more importantly, using the Town's plow truck to turnaround in your driveway would inadvertently result in your driveway being plowed out by the Town. At a minimum, as a member of the Town Council, that would provide the appearance of a conflict of interest and could constitute an actual conflict of interest.


For these reasons, we believe our current turnaround is the best option for the Town.



CC: Town Council  
Bob Burns, Public Works Director

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From:  Norm Justice <norm.justice@gorhamschools.org> Wed, Feb 08, 2017 12:15:08 ...  

Subject: Re: School Bus turnaround on Phinney Street.

To:  David Cole

Cc:  Heather Perry <heather.perry@gorhamschools.org>  
 "normj@gorhamschools.org" <NormJ@gorhamschools.org>

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David,

Our buses currently turn around at Tanglewood Drive & Phinney. Both Blockhouse and Mr Smiths driveway are on slight incline and are difficult areas to turn particularly in inclement weather. Years ago we had a spare bus driver that was unfamiliar with Phinney Street that attempted to turn the bus in Mr. Smiths drive and got stuck.

We appreciate Mr. Smith's offer for a turn around spot. We feel Tanglewood and Phinney is a much safer spot for buses to turn around.

Norm

On Wed, Feb 8, 2017 at 12:00 PM, David Cole <[dcole@gorham.me.us](mailto:dcole@gorham.me.us)> wrote:




Heather:

The Town currently uses Blockhouse Run ( a road off of Phinney Street) as a turn around for the Town's Snow Plow truck. Recently, Paul Smith offered to allow the Town to use his driveway for the Snow plow truck to turn around it. While we appreciate his offer, we concluded that continuing to use Blockhouse Run was a better turnaround for the Snowplow truck. The Town Council discussed his offer at their meeting on February 7. During the discussion Mr. Smith indicated that his driveway was a better turnaround for the School Bus. Members of the Town Council asked me to follow up with the School Department regarding his comment.


Dave



David Cole, Town Manager  
Town of Gorham  
75 South Street, Suite 1  
Gorham, ME 04038

Telephone [\(207\)222-1650](tel:(207)222-1650)  
FAX [\(207\)839-5408](tel:(207)839-5408)

From:  Heather Perry <heather.perry@gorhamschools.org> 2/8/2017 12:32:13 PM  

Subject: Re: School Bus turnaround on Phinney Street.

To:  Norm Justice <norm.justice@gorhamschools.org>

Cc:  David Cole  "normj@gorhamschools.org" <NormJ@gorhamschools.org>

Thanks David, and thanks for your quick response Norm. David, could you please pass along to Mr. Smith our sincere thanks for his offer, but let him know that we will stick with our current turnaround location for the reasons Norm so eloquently identified.

Thank you!

*Heather J. Perry*  
*Superintendent of Schools*  
*Gorham School District*  
*75 South Street, Suite 2*  
*Gorham, ME 04038*  
*Tel. # - 207-222-1012*  
*Fax. # - 207-839-5003*  
*Email: [heather.perry@gorhamschools.org](mailto:heather.perry@gorhamschools.org)*  
*Twitter: @hperrysup*




<https://docs.google.com/uc?export=dow>

On Wed, Feb 8, 2017 at 12:15 PM, Norm Justice <[norm.justice@gorhamschools.org](mailto:norm.justice@gorhamschools.org)> wrote:

David,

Our buses currently turn around at Tanglewood Drive & Phinney. Both Blockhouse and Mr Smiths



From: "Robert Lefebvre" <rlfebvre@gorham.me.us> Sun, Feb 12, 2017 9:50:52 PM   
Subject: Re: Turn Around on Phinney Street.  
To: David Cole  
Bcc: David Cole

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David I have gone to this area and reviewed the turn arounds. The turn around on blockhouse run is very tight but we can use it for an engine or the Rescue. The ladder in the winter time most likely would not be able to turn around using this. If we could not use the turn around on blockhouse that Public Works is using we would back our trucks back to the intersection and back to the corner of Phinney Street Extension. I am not sure just were that private way starts, however we would not have to back into it very much to make the swing back on to Phinney Street to head back towards Fort Hill Road. I do not see us using Councilor Smith's driveway for a couple of reasons. First we try and not use a private driveway to turn apparatus around unless we have no other choice. It is to easy with the weight of the trucks to damage private property. Second it is a straight shot backing out of block house to back a short distance into Phinney Street extension to turn around, and I am not sure that we would have to actually back into Phinney Street extension to make the turn. Last Councilor Smith's driveway slopes down hill and in the winter time backing down hill is not our best option when we could back straight across to Phinney Street Extension.

Thanks

Bob L.

"David Cole" <dcole@gorham.me.us> writes:

Bob:

The Town uses Blockhouse Run as the Snow Plow truck turn-around off Phinney Street. Recently Paul Smith has offered to let the Town use his driveway for the Snow Plow Truck to turn around. The Town concluded that Blockhouse Run was a better turn-around for the Snow Plow truck than his driveway. The Council considered Mr. Smith's request at their meeting on Feb. 7. During the discussion, Mr. Smith said that his driveway was a better place for a Fire Engine to turn around. Council members asked me to follow up with you. Would Mr. Smith's driveway be a better place for a Fire Truck or Rescue vehicle to turn around?

Dave:

David Cole, Town Manager  
Town of Gorham  
75 South Street, Suite 1  
Gorham, ME 04038

Telephone (207) 222-1650  
FAX (207) 839-5408

your questions:

Your first question is whether emergency vehicles (fire, ambulance, rescue) are authorized to turn around in a private driveway. The general rule is that an easement, license or other legal authority is needed in order to utilize private property owned by another, including a driveway. This is why the Town will occasionally need to negotiate easements to turn around snow plow trucks, for instance. Although there is not much legal guidance directly on the issue of emergency vehicles turning around, it goes without saying that emergency vehicles are allowed to use private roads in order to respond to an emergency. Also, there are statutes that allow towns to use highway equipment on private ways (i.e., public easement roads) in order to provide for fire and police protection, and that excuse emergency vehicles from certain traffic laws when responding to an emergency. I would say that the prevailing view is that emergency vehicles may turn around in private driveways in the event of an emergency without risking liability for trespass. However, if this is occurring on more than an occasional basis in a particular location, or has been raised as a complaint by a property owner, it would probably be advisable for the Town to seek a more long-term turnaround solution.

To answer your second question, since driveways are private property, other persons have no legal right to use that property to turn around private vehicles and/or business vehicles without specific legal authority to do so, such as a license or easement. (Although, to the extent the business vehicle, such as a delivery truck, is there to serve the property owner in question, that vehicle would have apparent authority to turn around as an invitee. Also, a public utility vehicle working on a property that is burdened by a utility easement probably has an implied right to turn around in the driveway.) The lack of a "no trespassing" sign does not create a general authorization of the use of the driveway by others; therefore, a property owner would not need to post his/her driveway against trespassing in order to enforce that right, and a property owner would be within his/her right to place gates or bars on his/her driveway to prevent turnarounds, to the extent those gates/bars are located entirely on his/her private property.

I'm happy to discuss if you have any further questions on either of these points. Thank you.

-- Mark

Mark A. Bower  
**Jensen Baird Gardner & Henry**  
(207) 775-7271

**From:** David Cole [mailto:dcole@gorham.me.us]  
**Sent:** Thursday, February 09, 2017 9:03 AM  
**To:** Mark A. Bower  
**Cc:** David Cole  
**Subject:** Response by Emergency Vehicles.

Mark:

I am writing to clarify the authority provided by Maine Law for an emergency vehicle, like a Fire Engine, Heavy Rescue, Ambulance or similar vehicle to turn-around in or on a private driveway or private road. Do emergency vehicles has such authority and, if so, are there any restrictions?

Second, what authority do vehicles, whether private automobiles or business vehicles, have to turn around in a private driveway? Is the land owner obligated to post a driveway if vehicles are not allowed to turn around?

Dave

David Cole, Town Manager  
Town of Gorham  
75 South Street, Suite 1  
Gorham, ME 04038

Telephone (207)222-1650  
FAX (207)839-5408



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

**Confidentiality Notice:** This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message, attachments and/or files, including any contained in your reply.

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From:  Norm Justice <norm.justice@gorhamschools.org> Thu, Mar 02, 2017 3:27:29 PM 

Subject: Re: School Bus turnaround on Phinney Street.

To:  David Cole

Cc:  Heather Perry <heather.perry@gorhamschools.org>  
 "normj@gorhamschools.org" <NormJ@gorhamschools.org>

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David & Heather,

FYI, I wanted to follow up from my earlier email. While our buses currently turn around at Tanglewood Drive its important to note this is a private drive and the owner has given us verbal permission to back into Tanglewood. Obviously if that permission is rescinded we'd need another turn around for buses. I'd also note prior to this thaw when snow banks were higher Tanglewood became quite narrow. If we had any more snow it would not have been possible to turn at Tanglewood.

If Tanglewood is not an option, turning a bus on Blockhouse Run would be extremely difficult due to the angle of Phinney Street and Blockhouse not being a 90 degree angle. While Mr. Smith's driveway would be better then Blockhouse it is less the ideal due to its slope and configuration.

Ideally obtaining an easement on Phinney Street that would provide for a hammerhead turnaround similar to those typically required by our Land Use Code for dead-end roads would be the best solution. The attached Town of Gorham GIS Maps shows the 2ft contours and drop off on Mr. Smiths driveway.



## MEMO

To: Town Council  
From: David Cole  
Date: July 31, 2017

Re: Ordinance to Prohibit Retail Marijuana.

**Note: The Town Attorney has concluded that an Ordinance to Prohibit Retail Marijuana is a Land Use Ordinance and not a Police Powers Ordinance. As such, it must go through the approval process for any other amendment to our Land Use and Development Code. If the Council wishes to proceed with this Ordinance, you should hold the public hearing and then vote to send it off to the Planning Board for them to hold their public hearing and make a recommendation to the Town Council. The Council would then hold another public hearing and act on the Ordinance.**

Back in November 2016, the voters narrowly approved a ballot measure legalizing retail marijuana stores, marijuana cultivation, manufacturing and testing facilities and marijuana Social Clubs. That new law allows municipalities to prohibit Marijuana retail activity and Social Clubs. After the vote I placed an ordinance for a moratorium on retail marijuana on your November 2016 Council agenda. Moratoriums are a temporary solution that last 6-months and are intended to give a municipality time to draft regulations for something they are not prepared for. They may be extended for an additional 6-months under certain circumstances.

After the measure was narrowly approved by the voters, the State began to develop their own regulations. As a result, I asked the Town Council to postpone action on the moratorium several times while the State continued to develop regulations so our local ordinance could be consistent with State regulations.

The Maine legislature has clarified some parts of the law. As a result, retail marijuana establishments may not be licensed until February 1, 2018. The new law also allows personal use of marijuana for people 21 or older but limits its use to private residences or private property not generally accessible by the public and prohibits its use by operators and passengers in vehicles on public roads.

MMA's legal staff continues to advise: "...that if a municipality wishes to act, the sooner the better because, notwithstanding the delay in State licensing, there are still some potential legal risks if there are no local safeguards in place in the meantime".

After considering this issue further, I am now recommending adoption of an Ordinance that would prohibit retail marijuana and marijuana Social Clubs instead of continuing to work towards a 6-month moratorium. **Please note: There is a separate law that allows medical marijuana facilities. This**

**Ordinance to Prohibit Retail Marijuana would not impact that law or activities allowed by that law.**

Production, processing and sale of marijuana is still completely illegal under federal law; everyone producing, processing and selling marijuana, even in a State, like Maine, where it is legal for medical or recreational purposes, is committing a federal crime.

In addition, many of the marijuana products that are intended to be consumed are cookies, brownies, chocolate bars, gummie bears or similar products, and drinks. These products are very attractive to children and there is potential for accidental use, even if the products aren't marketed to children.

Research in Colorado, where a similar law was approved in 2011, indicates that marijuana use has increased by 20% since their law went into effect, even though use is down 4% nationally, 62% increase in Marijuana related crashes, Marijuana-related visits to an ER unit more than doubled since 2011 and marijuana use by 12 – 17 years olds in Colorado is more than twice the national average.

Some provisions of this law are inconsistent and unclear. So implementing a Retail Marijuana Ordinance that would allow retail marijuana but regulate it will likely place an additional administrative burden on our Police Department and Administrative Staff, at least until the law is more settled.

I believe it will take some time for the State, and those municipalities who chose to allow but regulate retail marijuana establishments, to fully understand the consequences and develop appropriate regulations to respond to those consequences. When those problems have been identified, and appropriate regulations have been developed to respond to those problems, and when municipalities have better information to understand and determine the cost of allowing retail marijuana, the Town can have another debate about whether to allow it.

Until then because of the issues listed here, I believe the Town financial resources and staff resources are better devoted to providing other services and recommend the Town prohibit this activity.



# Gorham Police Department

270 Main Street Gorham, Maine 04038  
Telephone (207) 839-5581 Fax (207) 839-7717  
G.P.D. Administrative Office (207) 222-1660



Daniel Jones  
Chief of Police

Christopher Sanborn  
Deputy Police Chief

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**To:** David O. Cole  
Town Manager

**From:** Chief Daniel Jones

**Subject:** Marijuana Ordinance

**Date:** July 31, 2017

Per our discussion, here is Gorham Police Department's position on preventing the sale and serving of marijuana within the Town of Gorham. The Gorham Police Department has no agenda regarding the sale and use of marijuana. Our position against its use within the Town of Gorham is simply based on public safety concerns specifically with regard to our youth. Marijuana was legalized in Maine by referendum. It was written by the people who are looking to profit from the sale of marijuana, not the legislature. They wrote the bill in their interests, not the public good. As written, marijuana would have been legal for those under 21 years of age had the legislature not stopped in and closed that loophole. The legislature is working to remedy other issues with the law, but they will not be able to remedy everything.

Edible forms of marijuana are a major concern. They are especially enticing to children because of the colorful packaging and are usually in the form of candy, cookies, brownies, gummies or colorful beverages. Kids may be interested in trying these forms of marijuana regardless of whether they know it is a drug. A single typically-sized brownie may have 9 dosage units. An unsuspecting person could eat an entire brownie which could lead to hallucinations or other issues not regularly associated with marijuana. Because edibles cause the drug to take effect only after digestion, there is a delayed high and corresponding delayed sobriety. Users often become impatient and take more than the recommended dosage, then remain impaired far longer than anticipated leading to driving, working or tending to their children while still under the influence.

Marijuana is still illegal under federal law. That makes it an all-cash business because banks can't participate in transactions involving contraband. Criminals are aware of this which could lead to armed robberies. The Federal Government could take enforcement action at any time against businesses engaged in the cultivation, possession or sale of marijuana. Our police officers are sworn to uphold all laws local, state and federal. This does not pose an issue when an officer encounters a joint because that does not rise to the level of federal prosecution, but we could potentially be asked to assist with the seizure of a law-abiding entity according to the State of Maine. Additionally, the State of Maine does not have the funding, manpower or training to oversee the sales and service of marijuana within the State. This means the businesses that are selling/serving marijuana to our neighbors will be wildly unregulated.

Marijuana usage will be a drain on our resources. An operator who is impaired by marijuana can take up to two and a half hours more to evaluate than someone who is impaired by alcohol. A serious motor vehicle crash takes weeks to reconstruct. Both of these investigations require officers with special trainings and certifications. As with any mind-altering substance, quality-of-life related calls for service will increase.

September 9, 2016 the Maine Chiefs of Police Association took a stance against the legalization of recreational marijuana because of the issues listed above in addition many others. Since Maine has legalized marijuana, we will have to contend with all of these issues to some level. The Gorham Police Department wishes to limit the exposure of all of these issues to its citizens, especially our youth.



First 200\* receive a gift bag containing one joint, one sample of premium flowers, and a Bite from Bliss Edibles  
\*with \$10 donation minimum





Item # 9248

**Town of Gorham**  
PUBLIC WORKS DEPARTMENT  
80 Huston Road

**Robert Burns, P.E.**  
Public Works Director  
rburns@gorham.me.us



Mailing Address:  
75 South Street, Suite 1  
Gorham, Maine 04038-1382

Tel. (207) 892-9062  
Fax (207) 893-2092  
www.gorham-me.org

**Terry Deering**  
Deputy Director  
tdeering@gorham.me.us

**MEMORANDUM**

**TO:** David Cole  
**FROM:** Bob Burns  
**DATE:** August 2, 2017  
**CC:** File, Terry Deering, Alisha Barrows  
**RE:** **Purchase of FY2017 Ten-Wheel Plow Truck and Sander**

**Ten-Wheel Plow Truck Bid**

In the FY2017 Public Works budget \$172,000 is programmed for the purchase of a ten-wheel plow truck with a sander hopper and accessories. On July 31st bids were received for this truck from 4 dealerships and two truck body and plow companies. This new truck purchase will ultimately systematically replace a 2001 International ten-wheel plow truck with an odometer reading of approximately 90,531 miles and over 8,722 hours of engine use.

In review of the bid amounts, and with consideration of minimum specifications, extras, fleet consistency, driver comfort and shop efficiency, my recommendation is to purchase a 2018 Freightliner 114SD ten-wheel plow truck in the amount of \$109,101 from Freightliner of Maine in Westbrook and to exercise our trade-in option of \$22,000 for a net cost of \$87,101. This truck would be equipped with an Allison 4500 RDS 6-speed automatic transmission, outfitted with American/Everest plow gear, an Everest body and Swensen hopper sander to be installed by HP Fairfield of Scarborough at a cost of \$76,006. Public Works will install and a liquid calcium spray system and other miscellaneous items totaling approximately \$4,200.

Estimated Cost	\$172,000
Truck bid price minus trade	\$87,101
Plow Gear price	\$40,111
Truck Body price	\$22,331
Sander Hopper price	\$13,559
Premium Cab option	\$397
<u>Liquid calcium spray system, etc.</u>	<u>\$4,200</u>

Net cost of ten-wheel truck fully equipped \$167,704

We have opted for the automatic transmission as it has a very reliable track record in my experience and offers the driver additional comfort over long winter hours, as well as offering a higher resale value at the end of its service life.

It should be noted that the cost of the same style of truck purchased in FY13 equipped with a manual transmission and without a hopper sander cost \$160,615. Similarly in FY11 a 10-wheel plow truck with an automatic transmission and sander hopper was \$138,196. In FY10 the same style plow truck with manual transmission was \$112,969.00 and the sander hopper was \$12,864.00. In FY08 the same style plow truck with an automatic transmission was \$107,065.00 and the sander hopper was \$12,595.00. In FY07 the truck cost with automatic transmission was \$95,422.00 and the sander hopper was \$9,975. The industry attributes these substantial cost increases to the requirements of a more environmentally-friendly emissions systems on the truck engine and to a substantial fluctuation in the price of steel and stainless steel, along with effects from the recession of 2008.

**Town of Gorham**  
PUBLIC WORKS DEPARTMENT  
80 Huston Road

Mailing Address:  
75 South Street, Suite 1  
Gorham, Maine 04038-1382

Tel. (207) 892-9062  
Fax (207) 893-2092  
www.gorham-me.org



Item # 9249

**Robert Burns, P.E.**  
Public Works Director  
rburns@gorham.me.us

**Terry Deering**  
Deputy Director  
tdeering@gorham.me.us

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## MEMORANDUM

**TO:** David Cole  
**FROM:** Bob Burns  
**DATE:** August 2, 2017  
**CC:** File, Terry Deering, Alisha Barrows  
**RE:** **Purchase of FY2018 Six-Wheel Plow Truck and Sander**

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### Six-Wheel Plow Truck Bid

In the FY2018 Public Works budget \$144,000 is programmed for the purchase of a six-wheel plow truck with a sander hopper and accessories. On July 31st bids were received for this truck from 4 dealerships and two truck body and plow companies. This new truck purchase will ultimately systematically replace a 2002 International six-wheel dump truck with an odometer reading of approximately 62,750 miles and 7,628 hours of engine use.

In review of the bid amounts, and with consideration of minimum specifications, extras, fleet consistency, driver comfort and shop efficiency, my recommendation is to purchase a Western Star 4700SF from Freightliner of Maine located in Westbrook in the amount of \$86,225 and to exercise our trade-in option of \$16,000 for a net cost of \$70,225. The selected Western Star 4700SF single axle dump truck would be outfitted with a truck body, hopper sander and plow gear supplied by H.P. Fairfield of Scarborough and will have an Allison 3500 RDS P 6-speed automatic transmission. A liquid calcium spray system, two-way radio and other miscellaneous items totaling approximately \$4,200 will be added by the Public Works department once the equipped truck is delivered.

Estimated Cost	\$144,000
Truck bid price minus trade	\$86,225
Trade-in Value	\$16,000
Plow Gear price	\$40,116
Truck Body price	\$17,331
Sander Hopper price	\$10,454
Premium Cab Option	\$325
<u>Liquid calcium spray system, etc.</u>	<u>\$4,200</u>
Net cost of six-wheel truck fully equipped	\$142,651

We have opted for the automatic transmission as it has a very reliable track record in my experience and offers the driver additional comfort over long winter hours, as well as offering a higher resale value at the end of its service life.

It should be noted that the cost of the same style of truck fully equipped and purchased in FY15 with an automatic transmission was \$119,346 and the sander hopper was \$10,470. In FY11 the same style truck fully equipped with an automatic transmission was \$121,646 and the sander hopper was \$11,450. In FY10 the same style plow truck with manual transmission was \$112,969.00 and the sander hopper was \$12,864.00. In FY08 the same style plow truck with an automatic transmission was \$107,065.00 and the sander hopper was \$12,595.00. In FY07 the truck cost with automatic transmission was \$95,422.00 and the sander hopper was \$9,975. The industry attributes these substantial cost increases to the requirements of a more environmentally-friendly emissions systems on the truck engine and to a substantial fluctuation in the price of steel and stainless steel, along with effects from the recession of 2008.

Item # 9250

# Gorham Fire Department

Robert Lefebvre, Chief  
04038-1382  
Telephone (207) 839-6762  
Fax (207) 839-7753

Central Station, 270 Main Street, Gorham, Maine

## MEMO

**Date:** 06/14/17  
**To:** David Cole town Manager  
**Cc:** Deputies  
**From:** Robert Lefebvre Fire Chief   
**RE:** Rescue 1

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The new Rescue has arrived and has been placed in service and is working out very well. With the new truck in service it leaves us with the question of what we are going to do with the old Rescue. I would like to request that you consider allowing us to keep the old Rescue as a spare vehicle to be used whenever our two front line vehicles are out for service or repairs.

The number of calls we are handling continues to grow and it is very common for us to have two or three Rescue calls going all at the same time. An example is yesterday where between 8 am and midnight we did 16 calls. When we are down one truck because of repairs or servicing of vehicles it becomes an issue, and we again put a strain on our Mutual Aid Partners.

My intention would be to keep this truck fully stocked so that it could be placed in service in a short time with only having to change the drug box, heart monitor, and stretcher to place it in service.

Please let me know what your thoughts are.

**MAINE MUNICIPAL ASSOCIATION  
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF  
PROPOSED SLATE OF NOMINEES FOR 2018**

**MMA VICE PRESIDENT  
(1-Year Term)**

**MARY SABINS, TOWN MANAGER, TOWN OF VASSALBORO**

**Professional & Municipal Experience:**

- Town of Vassalboro, Maine – Town Manager/Treasurer/Tax Collector (June 2008 – present)
- Town of Chelsea, Maine – Town Manager/ Treasurer/Tax Collector/General Assistance Administrator/Road Commissioner (July 2006 – June 2007)
- MSAD #40, Warren, Maine – Facilities Director/Food Service Director (2005 – 2006)
- Town of Windsor, Maine – Town Manager/Treasurer/Tax Collector/General Assistance Administrator (2001 – March 2005)
- Town of Hope, Maine – Town Administrator/Treasurer/General Assistance Administrator (1997 – 2001)
- City of Augusta, Maine – Internship with the City Manager (September – December 2000)
- Town of Union, Maine – Town Clerk/Tax Collector/Occasional Acting Town Manager ( 1988 – 1997)

**Other Experience, Committees and Affiliations:**

- Member, Maine Municipal Association Executive Committee (2014 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2014 – present)
- Chairperson, Maine Municipal Association Strategic & Finance Committee (2016)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2014 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (2014 – present)
- Member, MMEHT Selection Committee (2015-2016); appointed by MMA Executive Committee
- Member, Maine Town, City & County Municipal Management Association
- Member, Communications Committee, Maine Town, City & County Municipal Management Association (2015)
- Director, Board of Kennebec Valley Council of Government (2008-2009)
- As the wife of a volunteer firefighter and EMS worker, I have volunteered often in support of our hometown fire and ambulance services (1980-present)

**Education:**

- BS in Business Administration with Management Major from University of Maine at Augusta.
- Graduate of Medomak Valley High School, Waldoboro, Maine

**Awards and Certifications:**

- Qualified as a Certified Public Manager, Maine Town, City & County Management Association (2016)

**MMA EXECUTIVE COMMITTEE MEMBERS**  
**(Three 3-Year Terms)**

**JAMES BENNETT, CITY MANAGER, CITY OF BIDDEFORD**

**Professional & Municipal Experience:**

- City of Biddeford, Maine – City Manager (August 2015 – present)
- City of Presque Isle, Maine – City Manager (March 2010 - July 2015)
- Town of Sabattus, Maine – Interim Town Manager (September 2009 – March 2010)
- City of Lewiston, Maine – City Administrator (March 2002 – July 2009)
- Town of Westbrook, Maine – Administrative Assistant to the Mayor (October 1996 – March 2002)
- Town Old Orchard Beach, Maine – Town Manager (May 1990 – October 1996)
- Town of New Gloucester, Maine – Town Manager (February 1988 – May 1990)
- Town of Dixfield, Maine – Town Manager (February 1986 – February 1988)
- Town of Lisbon, Maine – Selectman (May 1982 – February 1986) Vice Chairman (1985 – 1986)

**Other Experience, Committees and Affiliations:**

- President, International City/County Management Association ( 2014 – 2015); Regional Vice President, (2008 – 2011) Chairperson, Conference Planning Committee, (2007 – 2008); Committee Member (various years 1997 – 2011); Small Community Task Force (1999 – 2001)
- ICMA Emerging Leaders Development Program Facilitator (2007 – present)
- President, Maine Town & City Management Association (1998 –1999); Board of Directors (1991 – 2000)
- Member, Executive Committee, Maine Municipal Association (1992 – 1996)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (1992 – 1996)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (1992 – 1996)
- First Chairperson, Maine Municipal Association Strategic & Finance Committee (1995 – 1996)
- Member, Governor’s Municipal Advisory Committee (1992 – 1996)
- President, Aroostook Municipal Association (2012 – 2014)
- Executive Board, Northern Maine Development Commission (2010 – present)
- Chairperson, Aroostook Tourism Committee (2011 – 2013)
- Member, Revolving Loan Committee, Northern Maine Development Commission (2010 – present)
- Executive Board, Maine Service Center Coalition (2011 – present)
- Treasurer, Martindale Country Club (2005 – 2008)
- Treasurer, Kora Klown Shrine Unit (2004 – 2008)
- Kora Divan, Kora Shriners (2004-2006)
- Worshipful Master, Ancient York Lodge of Free and Accepted Masons (2007)
- Chairman and Founder, Ginger Bennett Memorial Scholarship Fund (2003 – present)
- Chairman, Joseph Graziano Memorial Scholarship Fund (2004 – 2012)

**Education:**

- Master of Business Administration, University of Southern Maine
- Bachelor of Science, Business Administration, University of Southern Maine
- Associate of Science, Accounting, Bentley College

**Awards and Certifications:**

- ICMA Legacy Leader since 2008
- All –America City, National Civic League (LEW) 2007
- Public Service Leadership Award, Androscoggin Chamber of Commerce 2006

- Maine Town and City Management Association's "Linc Stackpole Manager of the Year" August 2003
- ICMA Credentialed Manager since 2002
- MTCMA Certified Municipal Manager since 1993

## **JILL DUSON, AT-LARGE COUNCILOR, CITY OF PORTLAND**

### **Professional & Municipal Experience:**

- City of Portland, At Large Councilor; Chair, Housing Committee; Vice Chair, Legislative Committee (November 2001 – present)
- City of Portland, Mayor (2004 – 2005 and 2008 – 2009)
- Maine Human Rights Commission, Manager, Compliance Division (March 2012 – January 2016)
- Maine Department of Labor, Director, Bureau of Rehabilitation Services (June 2004 – February 2011)
- Perkins Thompson Consulting, LLC, President/Principal (January 2001 – July 2003)
- Northern Utilities Natural Gas, Inc., Manager, Government & Community Relations (January 1997 – December 2001)
- Central Maine Power Company, Management/Leadership (June 1987 – January 1997)
- Maine Committee on Aging, Director, Long Term Care Ombudsman Program (May 1984 – May 1987)
- Bureau of Maine's Elderly, Director, Home Equity Conversion Project (January 1983 – April 1984)
- American Bar Association, Assistant Staff Director, Commission on Legal Problems of the Elderly (November 1981 – December)
- Delaware County Legal Assistance Association, Director of Nursing Home Advocacy Project; Staff Attorney - Senior Citizens Law Unit (August 1979 – October 1981)

### **Other Experience, Committees and Affiliations:**

- President, Maine Electoral College (December 2008); Maine Presidential Elector (2004 and 2008)
- Chair, Portland School Committee (2000 - 2001); District 5 School Committee Representative (1998 – 2001)
- Vice Chair, Local Government Advisory Committee (LGAC), US Environmental Protection Agency, Member, LGAC Executive Committee; Chair, LGAC Cleaning Up Our Communities Workgroup
- Member, Democratic Municipal Officials Organization, Council of Policy Advisors; Council of State Chairs
- Board of Directors, Mercy Hospital
- Board of Directors, Institute for Civic Leadership
- Gubernatorial Appointee, Maine Company for Higher Education
- Member, National League of Cities, Energy, Environment & Natural Resources Policy and Advocacy Committee
- Member, National League of Cities, Policy Committee on Community and Economic Development
- Member, National League of Cities, Human Development Steering Committee
- Board of Directors, Portland Community Chamber of Commerce
- Board Chair, Legal Services for the Elderly
- Board of Directors, Portland Symphony
- Board of Directors, Maine Philanthropy Center
- Board of Directors, Maine State Chamber of Commerce

### **Education:**

- Senior Executives in State & Local Government, Kennedy School of Government, Harvard University
- Leadership Maine Zeta Class, Maine Development Foundation, Augusta, ME
- Juris Doctor, University of Pennsylvania School of Law, Philadelphia, PA
- Bachelor of Arts, Antioch College, Ohio
- Chester High School, Chester, PA



## **GARY FORTIER, CITY COUNCILOR, CITY OF ELLSWORTH**

### **Professional & Municipal Experience:**

- Self-employed electrical contractor (1991 – current)
- City of Ellsworth, Maine - City Councilor (1992 – 2001) and (2004 – present); Mayor/Chair (five years)
- City of Ellsworth Recreation Commission, Finance Committee, Penobscot Downeast Cable Television Committee and Library Expansion Committee
- City of Ellsworth Council Representative on the Building Committees for Ellsworth High School, Ellsworth Elementary-Middle School and the renovation of Ellsworth City Hall
- Broadcast Council and School Board monthly meetings on Public Access TV (2002 – 2004)
- Director, Ellsworth Area Chamber of Commerce (1995 – 1998)
- Director, Northeast Emergency Medical Services Council (1984 – 1987)
- Ellsworth area EMT-I with County Ambulance (1972 – 1989)
- City of Ellsworth, Volunteer Firefighter; retiring as Captain (1970 – 2005)

### **Other Experience, Committees and Affiliations:**

- Member, Maine Municipal Association Executive Committee (2015 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2017)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2015 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (2015 – present)
- Member, Maine Municipal Association Nominating Committee (2012) and (2015)
- City of Ellsworth Voting Delegate, Maine Municipal Association Business Meeting (1992 – current)
- Member, Maine Municipal Association Legislative Policy Committee, Senate District 7 (2014 – 2019)
- Secretary and Scholarship Coordinator, Down East Electrical Associates (a trade group of electricians from Hancock and Washington Counties) (Current)
- State Emergency Response Commission (SERC), Appointed Member by Governor King (1993 – 2002); served as Vice Chairman for last four years
- Assisted in local projects annually, such as Rotary Pancake breakfast, Ellsworth Antique Show at Woodlawn, Red Cross Disaster Shelter operations; Demeyer Field Electrical Repairs, Ellsworth Garden Club projects (greenhouse at Ellsworth High School, Donald Little Park Power, and Blue Star Memorial on Route 1A).

### **Awards and Certifications:**

Ellsworth Area Chamber of Commerce Citizen of the Year -- 2008  
Ellsworth Rotary Club Paul Harris Fellow Honor – 2006 as a non-Rotarian

Item #9252



**Town of Gorham Planning Department**

David C.M. Galbraith, *Zoning Administrator*  
[dgalbraith@gorham.me.us](mailto:dgalbraith@gorham.me.us)

Thomas M. Poirier, *Town Planner*  
[tpoirier@gorham.me.us](mailto:tpoirier@gorham.me.us)

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GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1620

July 20, 2017

Mr. Michael Phinney  
Chairman, Gorham Town Council  
75 South Street  
Gorham, ME 04038

**Re: Comprehensive Plan Implementation Committee**

Dear Chairman Phinney:

Since the adoption of the updated Comprehensive Plan, the Planning Board has come across a few situations where certain ordinances in the Land Use Code may not be aligned with the Plan's goals or the Code is lacking provisions which would assist with the furtherance of said goals.

Accordingly, I would like to propose the formation of a Comprehensive Plan Implementation Committee as part of the Planning Board to explore and develop some of the admirable recommendations in the Comprehensive Plan. The Committee would communicate its findings and suggestions directly to the Town Council for consideration and possible implementation.

The Committee would be comprised of 3-4 members of the Planning Board who, along with the Town Planner, would undertake the tasks of the Committee by utilizing their experience and knowledge from reviewing and interpreting the Land Use Code ordinances.

I await your response and hope to be given permission to move forward with this important endeavor. Please feel free to contact me or Thomas Poirier, Town Planner, with any questions you may have regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Zelmanow".

Edward L. Zelmanow  
Chairman, Gorham Planning Board

cc: David Cole, Town Manager  
David Galbraith, Zoning Administrator  
Thomas Poirier, Town Planner  
Town Councilors  
Planning Board Members



Item # 9254

**OFFICE OF THE DISTRICT ATTORNEY  
CUMBERLAND COUNTY**

Stephanie Anderson  
District Attorney

142 Federal Street, Portland, Maine, 04101  
101 Meadows Road, West Bath, Maine, 04530-9704

Portland  
(207) 871-8384

March 21, 2017

Bath  
(207) 443-5104

Chief Daniel Jones  
Gorham Police Department  
270 Main Street  
Gorham, ME 04038

**RE:** State v. Craig Carrigan, CR-16-4344  
Town of Gorham Approval

Dear Chief:

Enclosed please find a Town of Gorham Approval form for the forfeiture of a portion of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer a portion of the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

**DEPARTMENT OF THE ATTORNEY GENERAL**

State of Maine

By:   
Lea-Anne Sutton

Assistant Attorney General

STATE OF MAINE  
Cumberland, SS

UNIFIED CRIMINAL DOCKET  
Criminal Action  
Docket No. CR-16-4344

State of Maine

}

}

}

City/Town Of Gorham

v.

}

Approval Of Transfer

}

15 M.R.S.A. §5824(3)

Craig Carrigan,  
Defendant

}

} and §5826(6)

}

}

AND

\$14,200.00 US CURRENCY  
DEFENDANT IN REM

**NOW COMES** the City/Town of Gorham, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of any portion of the above captioned Defendant(s) *In Rem*, **namely \$1,420.00 US Currency**, on grounds that the City/Town of Gorham Police Department did make a substantial contribution to the investigation of this or a related criminal case.

**WHEREFORE**, the City/Town of Gorham Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of Gorham, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)