

**MINUTES**  
**ORDINANCE COMMITTEE MEETING**  
**Meeting of August 20, 2019 – 8 a.m.**  
**Conference Room A**

Present: Committee Chair, Councilor Shepard; Councilors Smith and Wilder Cross.

Also Present: Councilors Hager and Pratt; Town Manager Ephrem Paraschak; Town Planner Tom Poirier; Deputy Police Chief Chris Sanborn; Public Works Director Bob Burns; Deputy Public Works Director Terry Deering; Brenda Caldwell; Three (3) members of the public: Richard and Roxana Pratt, and Susan Duchaine; Executive Assistant Jessica Hughes.

1. **Consideration of minutes of July 16, 2019 Committee meeting.**

A motion was MADE by Councilor Smith, SECONDED by Councilor Wilder Cross, and VOTED to accept the minutes of the July 16, 2019 Ordinance Committee as distributed. Unanimous vote.

2. **Current Business**

A. Review the Cemetery Ordinance and bring back recommendations to the Town (referred by Town Council on November 13, 2018).

The committee reviewed the Cemetery Ordinance as written and Councilor Hager discussed his recommended changes, which included the following:

- Update all font to be consistent throughout the document as it is currently mixed between serifs and sans serifs;
- Find and replace all references of the unnecessarily capitalized plural and singular word “Cemetery/Cemeteries” with the lowercase word;
- Under Section 3.2 - Supervisor, correct spelling of Superintendent;
- Under Section 3.5 – Pedestrian Use, correct the capitalized word “Avenues” to lowercase, and correct the incorrect pluralized word “walks” to walk;
- Under Section 3.10 – Town Authority, the reference of “the Town” should be clarified or “the Town” should be defined;
- Under Section 4.1 – General, omit the unnecessary space in the fourth sentence; who is the authorized representative of the Town?
- Under Section 4.2 – Purchase of Internment, the reference of Town’s Finance Office in the first sentence should be replaced by the Town Clerk Office; replace reference of “Finance Office” in the second sentence with the Town Clerk Office;
- Under Section 4.3 – Payment in Full Required, need to capitalize the two references of interment when referring to the “Right of Interment;”
- Under Section 4.4 – Right of Interment only, capitalize the references of “Right of Interment,” omit the unnecessary space and adjust the capitalized word “Cemeteries” to lower case;
- Under Section 4.5 – Inheritance, omit the unnecessary space;
- Under Section 5.1 – Burial Site and Grave Site, correct and make fonts consistent;
- Under Section 6.1 – Timing, omit erroneous underscore;
- Under Section 6.3 – Delay, update last sentence to reference that any protests of an interment or inurnment be in writing and delivered to the Town Clerk;

- Under Section 6.4 – Location, omit the erroneous underscore in the first sentence, and omit unnecessary space;
- Under Section 6.7 – Limits, make all fonts consistent;
- Under Section 9.1 – Law, remove possessive apostrophe from “Disinterment’s” as it is plural, not possessive;
- Under Section 10.4 – Prohibited, remove unnecessary space and add “non-organic material” to list of prohibited item;
- Under Section 10-6 – Peaceful conduct, make all font consistent (see start of second sentence);
- Under Section 13-2, complete the incomplete sentence that advises how the ordinance may be amended.

Councilor Hager asked if it is ideal to place headstones against the road, to which Public Works Director Bob Burns replied that if headstones are placed back to back, it would cover epitaphs that are written on both sides of a headstone, which is why some headstones are placed against a road.

Bob Burns recommended that the Town Clerk’s Office provide an explanation of where a headstone will be placed at the time that they are purchased to prevent confusion.

Councilor Hager expressed his appreciation to Bob Burns for his professionalism and handling of a concern shared by Mr. Fred Lamontagne.

Bob Burns shared that the Town has inherited cemeteries that are fraught with mistakes and that Deputy Director Terry Deering manages the heavy workload of overseeing cemeteries, which should have a full time sexton.

Brenda Caldwell commented that the Town has 15 cemeteries that were created in the 1600 and 1700’s, and that we need to bear in mind that we cannot change existing cemeteries.

Councilor Shepard commented that the intent of reviewing this ordinance is to give the Town authority to plan and layout existing and new cemeteries.

Brenda Caldwell shared that the Town has land for a new cemetery off of Wentworth Drive that was given to the Town in 1985 for cemetery purposes, which was recommended by the Cemetery Committee around that time.

Councilor Pratt commented that we should find out what the Town’s rights are for the new land, to which Ephrem Paraschak commented that there will be some logistical challenges.

Councilor Pratt commented that there should be a master plan for any new cemetery.

Deputy Director Terry Deering shared that he went from overseeing 10-15 burials to 40+ burials a year, which is very time-intensive and logistically very challenging to manage the workload.

Brenda Caldwell commented that there should ideally be a full time Superintendent dedicated to managing this workload.

Dick Pratt commented that his family has two plots at West Gorham Cemetery and the layout of the cemetery is very confusing.

Terry Deering shared that when the Shaw Brothers donated the land for West Gorham Cemetery, roads were not included in the cemetery plan.

Bob Burns commented that North Gorham and White Rock Cemeteries are currently agency-maintained, which will eventually become added responsibility for the Town.

Dick Pratt asked why the fence at North Gorham Cemetery has not been repaired, to which Terry Deering responded that it has broken down and the Town received funding to repair one quarter of the fence, which will be a \$75,000 to \$80,000 project.

Dick Pratt suggested that the Cemetery Ordinance should prohibit shrubs and annuals.

Terry Deering commented that he has seven to eight work orders for tedious shrub work around headstones. The ordinance, as written, currently conveys that the Town is responsible for maintenance of vegetation. Terry suggested that the ordinance should also prohibit solar lights.

Councilor Shepard agrees that there should be a system in the ordinance.

Councilor Pratt suggested that the ordinance should ban trees and bushes.

Ephrem Paraschak asked the committee if there was anything else that should be considered that will make the ordinance better.

Bob Burns agreed with Councilor Hager's suggestions. Bob further shared that Public Works does not have the time and staff to effectively manage the ordinance and current workload. Bob is in support of banning artificial flowers.

Dick Pratt suggested banning non-organic materials, which would address artificial flowers and solar lights.

Councilor Shepard recommended reviewing the requested changes at the September Ordinance Committee meeting.

Councilor Wilder Cross would like for Bob Burns and Terry Deering to attend the September Ordinance Committee meeting.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Paul Smith and VOTED to ask staff to make the recommended changes to the Cemetery Ordinance and bring it back for review at the next meeting. Unanimous vote.

B. Review and provide a recommendation on a new Disorderly Housing Ordinance (referred by the Town Council on June 18, 2019).

The Committee reviewed that they previously asked to replace the reference of "scheme" with regulatory framework under Section 3 – Legislative Findings, item d.

Deputy Chief Chris Sanborn recommended increasing the number of visits from three to five in a 30-day period referenced under Section 4 – Disorderly Houses Prohibited, item b 2, to which the Committee members agreed.

Tom Poirier recommended changing the appeal process to the Zoning Board of Appeals and not the Town Manager.

Councilor Shepard suggested striking “as set forth in paragraph (3) below” from the first sentence within Section 4 – b (1) and the table from Section 4 – b (3) since they are no longer applicable with the increased number of five visits in a 30-day period.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Paul Smith and VOTED to send the Disorderly Housing Ordinance with recommended changes to the Town Council for review and consideration at the September Town Council meeting. Unanimous vote.

- C. Review the Special Amusement Ordinance and recommend updates, if any, to the Town Council (referred by Town Council on January 2, 2018).

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Paul Smith and VOTED to postpone the review of the Special Amusement Ordinance for review and further discussion at the September Ordinance Committee meeting. Unanimous vote.

- D. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Crossroads and recommend updates, if any, to the Town Council (referred by Town Council on August 7, 2018).

Tom Poirier updated the Committee that developing an amendment will require an amendment to the Comprehensive Plan, which will take a significant amount of time; the district will need to be re-written and a 30-day public notice will need to be given. If the Committee decides to only change maps, it will take less time.

Tom Poirier will provide examples and a layout should the Committee want to change the Comprehensive Plan.

Councilor Pratt commented that he wants to be transparent and go the route that will best inform the public.

Tom Poirier commented that staff can notify property abutters at the time of public hearings.

### 3. **Items Referred by Town Council to Committee for Future Meetings/Action.**

No items were discussed from the list below.

- A. Review adding requirements to the Land Use & Development Code requiring that property taxes be paid before the issuance of permits and bring back recommendations to the Town Council (referred by the Town Council on February 5, 2019).
- B. Review the Cemetery Ordinance and bring back recommendations to the Town (referred by Town Council on November 13, 2018).
- C. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Commercial Center and recommend updates, if any, to the Town Council (referred by Town Council on August 7, 2018).

- D. Review and consider developing an amendment to the Land Use & Development Code to allow varied density in the Village Centers and Urban Commercial District and recommend updates to the Town Council (referred by Town Council on February 6, 2018).

4. **Other Business**

No additional items were discussed under Other Business.

5. **Schedule next meeting and discuss agenda items for next meeting.**

The next meeting of the Committee is scheduled for Tuesday, September 17<sup>th</sup> at 8am. The following agenda items will be discussed at the next meeting:

- A. Review the Cemetery Ordinance and bring back recommendations to the Town (referred by Town Council on November 13, 2018).
- B. Review the Special Amusement Ordinance and recommend updates, if any, to the Town Council (referred by Town Council on January 2, 2018).
- C. Review and consider developing an amendment to the Land Use & Development Code to incorporate the requirements of the South Gorham Crossroads and recommend updates, if any, to the Town Council (referred by Town Council on August 7, 2018).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Smith and VOTED to adjourn. Time of adjournment: 9:55 a.m.

Respectfully submitted,

Jessica Hughes, Executive Assistant to the Town Manager & HR