

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
October 1, 2019

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 26 members of the public in attendance at the start of the meeting.

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

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to accept the minutes of the September 3, 2019 regular Town Council meeting. **7 yeas**

Open Public Communications

Lisa Bolduc, Sylvan Road discussed her concerns with the new development in town and asked the Council if there is ever any follow up to make sure the developers stay within their plans.

Jen Rush, Adeline Drive requested that the Town clear snow this winter from the sidewalks of a ¼ mile stretch on Solomon Drive to ensure the children walking to and from the Middle School are safe.

Councilor Communications

Councilor Pratt announced that last call for any complaints or concerns of Jetport noise be given to him before the meeting of the Jetport Noise Committee on October 17th.

Councilor Shepard reported that the Ordinance Committee met on September 17th and discussed several agenda items that will be presented at tonight's meeting. The next Ordinance Committee meeting will be October 15, 2019.

Councilor Phillips reported that she attended the Founder's Festival Committee meeting and they are looking at several different themes for maybe one big event next fall to coincide with Maine's Bicentennial anniversary. The next meeting will be October 17th. She reported that she attended the grand opening of the Brooks Dining Hall at USM and also presented them with the Golden Spoon Award from winning the 2019 Gorham Taste Walk.

Councilor Wilder Cross attended the September meeting of GPCOG and reported that they had covered three items during the meeting; the need for affordable housing, better preparation for an influx of homeless people and regional transportation priorities (PACTS) in the Town. She reported that there is a video about the Husky Line on our website where you can get lots of great information on public transportation in Town and she thanked GOCat for their wonderful job putting the video together. Councilor Wilder Cross attended the Gorham Village Alliance Meeting and was excited to hear about the plans for the green space next to Robie Gym and also reported that the New Year's Gorham Committee is working hard to bring one of the best celebrations to the Town this year. Councilor Wilder Cross announced that there is an opening on the Board of Appeals to fill a vacancy and that the Appointments Committee is seeking applications for that position.

Town Manager Report

Town Manager Paraschak thanked Tom Ellsworth, Economic Development Director for his many years of service to the Town and congratulated him on his retirement and reported that the Town is currently advertising for that position. He noted that the Municipal Office will be closed on Monday, October 14th in observance of the Indigenous Peoples Day holiday. He announced that the GPCOG will be sponsoring a community forum to discuss Opioid use and addiction on October 15th at 6pm at Old Robie School. Town Manager Paraschak affirmed that the Town is still having issues at the Silver Bullet recycling bins and announced that the Town is rolling out a slightly more aggressive enforcement plan to curb illegal dumping at the bins. He reminded citizens that the Annual Municipal Election is on Tuesday, November 5th and polls will be opened from 7am-8pm. Absentee ballots are now available in the Clerk's office and if you would like to avoid the lines on Election Day, you can vote Absentee. He also noted that there will be a Meet the Candidates night on October 8th at 6pm in the Council Chambers and it will also be live streamed on GOCAT. The regular Town Council meeting for November will be automatically moved to November 12th.

School Committee Report

Chairman Wright congratulated Heather Whitaker for winning the \$25,000 State Farm Neighborhood Assist Grant for Gorham School Department's Fighting Food Insecurity in Gorham Maine program. He thanked her for her efforts to get the word out to have the community vote as it led to Gorham being 1 of 40 programs to receive the \$25,000 grant. He reported that the Maine Supreme Court will be visiting GHS on October 8th. They will hear three separate cases and teachers and classes will be invited down to observe, take notes and even have the opportunity to interact with the Justices, Prosecutors and others to learn about the processes used by our State's highest court. He revealed that the Narragansett modular project is moving along on schedule and disclosed that foundations are being poured and will be completed soon. Modular classrooms are due to arrive by the mid to end of October. Chairman Wright reported that the Schools have applied to the MDOE for their lease reimbursement program for the Village and GHS modular spaces and will hear later this fall whether or not they are approved for up to 5 years of reimbursement at \$8 per square foot toward those costs. He reminded the Council to save the dates of October 10th and October 30th as the Town Council will soon be receiving invitations to two special announcements taking place in the Gorham Schools. He reported that at the last School Committee workshop they discussed the GHS building project and have requested that the Building Committee meet to provide a specific recommendation for which conceptual design they would recommend to the School Committee. This meeting will take place on October 22nd at 6pm. The K-12 enrollment number stand at 2814 students, which is 32 more students than last year and 8 less than what was projected. K-5 enrollment stands at 131 which is 22 more students than last year. Chairman Wright announced that October 10th is Bus Driver, Maintenance and Cafeteria workers appreciation day and reminded everyone to thank them for what they do for our students every day. He also announced that GHS Homecoming is this week and Friday night's football game will be followed by fireworks and then the Homecoming dance on Saturday. The next School Committee meeting will be on October 9th.

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

Item #9496 Moved by Councilor Pratt, seconded by Councilor Wilder Cross and ORDERED, that the Town Council approve renewal applications for the following Automobile Graveyard/ Junkyard Permits for 2020;

STEVE LUCE	LKQ CORP/GORHAM AUTO	192 NARRAGANSETT STREET
JIM STONE	CASCO FEDERAL CREDIT UNION	375 MAIN STREET
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRAIL
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL ROAD
SHAWN MOODY	MOODYS/INSURANCE AUTO AUCTION	200 NARRAGASETT STREET
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW ROAD

Item #9496 VOTED 7 yeas

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

Item # 9497 Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council issue a renewal liquor license to Gorham House of Pizza, LLC, 2 State Street. **7 yeas**

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

Item #9498 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, Whereas, the Town has an ordinance regulating General Assistance, and
Whereas, the State annually provides an update maximum level of assistance that must be adopted,
Now Therefore Be It Ordered by the Town Council, that the Town's General Assistance Ordinance is amended to incorporate the updated maximum levels of assistance as required by the State. **7 yeas**

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

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to waive the reading of Item #9499 due to length. **7 yeas**

Item # 9499

Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, Ordered, that the Town Council amend the Special Amusement Ordinance as follows:

Section 1. Applicability

This Ordinance ~~amendment~~ applies to all events at all facilities licensed by the State to sell liquor, ~~regardless of whether liquor is served at any specific event,~~ including trivia, games, karaoke or other music events, pool tables, arcade games or video games.

Section 6. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Entertainment shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional or amateur entertainers, by patrons, or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value including trivia, games, karaoke or other music, pool tables, arcade games or video games.

***Additions: Underlined**

****Deletions: Struck Through**

Item #9499 VOTED 6 yeas, 1 nay (Phillips)

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

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Item #9500 due to length. **7 yeas**

Item #9500

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council amend the Cemetery Ordinance as follows:

Town of Gorham
Cemetery Ordinance.

Section 1: PURPOSE.

1.1 **Purpose:** Many ~~Cemeteries~~cemeteries in the Town of Gorham were previously managed by independent Cemetery Associations and were later turned over to the Town to manage. The records of the Cemetery Associations that were provided to the Town were sometimes incomplete or incorrect. The purpose of this ordinance is to standardize rules and regulations among the various cemeteries and maintain and administer these cemeteries for the benefit of the Town and its citizens, to preserve and protect the ~~Cemeteries~~cemeteries as peaceful and beautiful areas that serve as reverent symbols of the citizens' respect for the deceased. In formulating this Ordinance, a balance of interests of the various stakeholders purchasers of rights of interment; family, friends, and acquaintances of the deceased buried therein; Gorham citizens and taxpayers; maintenance workers; and commercial service providers is taken into consideration. Most important these rules and regulations are intended to ensure the safety of all who enter these ~~Cemeteries~~cemeteries. All persons visiting the ~~Cemeteries~~cemeteries shall abide by this Ordinance.

Section 2: APPLICABILITY; RESCISSION OF INCONSISTEN ORDINANCES OR RULES.

2.1 **Applicability:** This ordinance shall apply to the following Cemeteries and to any other ~~Cemetery~~cemetery, now or in the future, maintained by the Town of Gorham:

1. Eastern Cemetery
2. Fort Hill Cemetery
3. Hillside Cemetery
4. Huston Road Cemetery
5. Little Falls Cemetery
6. North Street Cemetery
7. Sapling Hill Cemetery
8. Shaws Mills Cemetery
9. Smith Cemetery
10. South Gorham Cemetery
11. South Street Cemetery
12. West Gorham Cemetery (sometimes called Dow Road or Lewis Cemetery).

2.2 **Rescission:** Any previously adopted Ordinance or rules, dealing with cemeteries in Gorham are hereby repealed.

Section 3: GENERAL RULES.

3.1 **General:** The Town reserves the right to enlarge, reduce, re-plot, or change the boundaries or grading of the ~~Cemeteries~~cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or re-grade roads, drives, or walks, or any part thereof. The Town also reserves the right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes and to use cemetery property, but not inconsistent with Rights of Interment already sold to Grantees, for cemetery purposes, including interment and inurnment of the dead, or for anything necessary, incidental, or convenient thereto. The Town reserves to it and to those lawfully entitled thereto, a perpetual right of ingress and egress over burial sites for the purpose of passing to and from other burial sites.

3.2 **Supervisor:** The Public Works Director shall have the general responsibility to supervise all ~~Cemeteries-cemeteries~~ in Gorham. ~~Where-ever-Wherever~~ the term Superintendent~~ent~~ is used it means the Public Works Director for the Town of Gorham or his/her designee.

3.3 **Hours:** The ~~Cemeteries-cemeteries~~ shall be open to the public seven days per week from 8 am to sunset each day.

3.4 **Motor Vehicles:** Motor vehicles must stop when meeting a funeral cortege and only resume movement after the procession passes. Maximum speed is ten (10) miles per hour. No vehicle may be driven or parked across or upon any burial site or lawn. Parking or leaving any vehicle on any road or drive in such a way as to prevent any other vehicle from passing is prohibited. Commercial vehicles that are not directly involved in the business of the Cemeteries are not permitted. Snowmobiles and unregistered motor vehicles such as motor scooters and all-terrain vehicles are prohibited within the Cemeteries except for attendance at funerals.

3.5 **Pedestrian Use:** Persons within the cemeteries shall only use the ~~Avenuesavenues~~, walks and alleys and shall not walk upon or across lots or lawns unless it is necessary to gain access to a particular lot.

3.6 **Violations:** Any violation of these Rules and Regulations will be treated as a trespass or nuisance, depending on the violation, and will be referred to the Town Manager or Police Chief accordingly. Violation of the Rules and Regulations may also lead to prosecution for violation of federal or state laws. Improper conduct or violation of Rules and Regulations by anyone may result in a request to leave the Cemeteries.

3.7 **Waste Removal:** Individuals who enter the Cemeteries must carry out all waste that they create while in the Cemeteries. Depositing of waste, rubbish, and debris on the grounds of the Cemeteries, or neighboring and adjacent property, is prohibited.

3.8 **Group Functions:** The only group functions that are allowed within the Cemeteries are funerals, burials, memorial services, and educational tours. Other types of functions are not permitted unless permission is sought and granted, in advance, by the Town Manager or the Town Council.

3.9 **Correction of Errors:** The Town shall have the right to correct any errors that may be made by it or its agents in making interments, disinterments or removals, or in the description, transfer or conveyance of any Rights of Interment or interment property. Such corrections may include cancelling such conveyance and substituting and conveying in lieu thereof other Rights of Interment or other interment property of equal value and similar location as far as possible, or as may be selected by the Town, or, in the sole discretion of the Town, by refunding the amount of money paid to the Town on account of said conveyance. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

3.10 **Town Authority:** The Superintendent shall have charge of the grounds and property within the Cemeteries and all persons visiting the Cemeteries and the application and enforcement of these Rules and Regulations including, but not limited to, monuments, cremation and urns. The Town reserves the right to make final decisions regarding the application and enforcement of these rules and regulations.

3.11 **Reasonable Precautions:** Reasonable precautions will be taken to protect Grantees from loss or damage, but the Town shall not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, or act of God, common enemy, thieves, vandals, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the same be direct or collateral.

Section 4: RIGHT OF INTERMENT.

4.1 **General:** The Town will issue a Right of Interment ("Right") (right to bury human remains or to bury the ashes of a human being ("cremated remains" or "cremains"), the latter hereinafter referred to as an Inurnment) upon the payment in full of the current price for such rights. Purchase of a Right in no way grants any other rights or privileges to the purchaser, and a right of interment is subject to these Rules and Regulations. No Right shall be used for any purpose other than the burial or the memorializing of the human dead, or the cremains of the human dead. The statement of any employee or agent of the Town, unless confirmed in writing by an authorized representative of the Town shall in no way bind the Town.

4.2 **Purchase of Interment:** Individuals considering the purchase of a Right of ~~interment~~ Interment should contact the ~~Town's Finance Office~~ Town Clerk at the Gorham Municipal Center. The ~~Finance Office~~ Town Clerk will notify the appropriate official who will assist the individual in making a decision to purchase.

4.3 **Payment in Full Required:** Complete payment of the purchase price for the Right of ~~i~~ Interment must be made to the Town before any burial is permitted. No partial payments will be accepted. Upon full payment for the Right of ~~interment~~ Interment, and signing of Grantee Acknowledgement Form, the Town of Gorham will issue an executed document signifying the granting of the Right.

4.4 **Right of Interment only:** The Grantee is the individual who has purchased the Right of ~~interment~~ Interment, or has inherited the Right from a deceased predecessor Grantee. The Grantee "owns" the ~~right~~ Right of ~~interment~~ Interment, but does not own real property, just the right to use one or more specific burial sites in the ~~C~~ cemeteries subject to all of the Rules and Regulations as well as applicable laws and ordinances.

4.5 **Inheritance:** The laws of the state of Maine determine the descent of title to Rights of interment. Heirs must prove their legal inheritance before rights to burial spaces can be reassigned. Upon the death of a Grantee, the heirs or devisees of such person must file with the Town Clerk proof of ownership for the purpose of correcting the record. Notarized statements as to relationship (e.g. Affidavit of Heirs) and certified copies of wills or court decrees (if any) are normally sufficient. The Town shall charge an administrative fee for each descent of title of each burial right.

4.6 **Repurchase of Rights:** The Town has no obligation to repurchase Right of interment from Grantees.

4.7 **Exchange Rights:** The Town may, but is not obligated to, allow exchanges of Right of interment for different burial sites within its Cemeteries. The Town shall charge an administrative fee for each exchange of each burial right.

Section 5: CARE OF BURIAL SITES.

5.1 **Burial Site and Grave Site:** Burial Site is the basic unit of space within the Cemeteries used or intended to be used for the burial of human remains. It is also commonly referred to as a single "grave site".

5.2 **Site Boundary:** No burial site shall be defined by a fence, railing, hedge, crypt, or enclosure of any description. Boundaries that existed prior to the adoption of this Ordinance around burial sites may be maintained as a boundary by the owners of the interment right, but no one is allowed to add to or replace them.

5.3 **Right to Remove:** The Town, or their agent/designee have the right to remove all floral designs, vases, urns, decorations, flowers, shrubs, wreaths, plants, and other materials placed in Cemeteries that, in their opinion, become unsightly, dangerous, detrimental, diseased, or that interfere with normal maintenance of Cemeteries.

5.4 Perpetual Care: The general care of the surface conditions of the Cemeteries is the responsibility of the Town and includes cutting of grass, filling in sunken graves, trimming bushes and trees, and raking and cleaning the grounds. Perpetual care does not include, nor does the Town assume any responsibility, for caring for or planting flowers or ornamental plants, or other special work.

Section 6: INTERMENTS AND INURNMENTS.

6.1 Timing: Cemeteries shall be open for interments and inurnments Monday through Saturday from 8 am to 4 pm. There shall be no interments and inurnments permitted after December 1 through April 1; ~~however~~, this prohibition may be waived at the discretion of the Town if weather conditions or soil conditions warrant such a waiver. Interments and inurnments will not be permitted on Sundays or federal or state holidays unless waived by the Town. Any service extending beyond the established hours will be subject to an additional fee.

6.2 Notice: Forty-eight (48) hours-notice (not counting Sundays or holidays) must be given to the Town by the funeral or burial service provider prior to all interments.

6.3 Delay: The Town reserves the right to postpone any interment and inurnment due to weather conditions or other emergency. The Town shall not be responsible or held liable for any costs or damages for any delay in an interment/inurnment due to a written, timely protest to the interment or inurnment by a third party, or where the Rules and Regulations or any law or ordinance has not been met. The Town is under no obligation to recognize any protest of an interment or inurnment unless it is in writing and delivered to the Town Clerk.

6.4 Location: -When an interment and inurnment is to be made, the location of such shall be designated by the Grantee of the Right or their representative or agent. Should the Grantee or their representative fails or neglects to make such designation, particularly when the Grantee owns rights in multiple burial sites, the Town reserves the right to make or direct the interment and inurnment in a location designated by the Town. An individual who presents himself or herself as having the authority of the Grantee for this purpose of locating an interment or inurnment shall certify in writing that they have such authority (e.g., Affidavit of Authority) and accept full responsibility and liability for their actions, and will hold the Town Clerk, Superintendent, and Town harmless from any liability, including legal costs, on the account of such authority and disposition.

6.5 Instructions: Prior to the interment or inurnment, Grantees or their heirs or representatives are encouraged to provide the Superintendent a written communication as to the location of the burial. The Town cannot be responsible for a mistake as to the particular space or location in the plot resulting from lack of precise and proper written instructions (for example, mistake caused by any order given by telephone).

6.6 Vaults and concrete boxes: In order to maintain a high standard of care and to eliminate sunken graves, all burials must be made using rigid and durable outside containers (commonly known as "vaults and concrete boxes) made of natural stone, reinforced concrete, or any similar container approved by the Town. Cremated remains must be interred in a permanent container approved by the Town.

6.7 Limits: No interment of two (2) or more bodies shall be made in one (1) burial site except in the case of a mother or father and a child, or two (2) infants buried in one (1) casket (or two (2) caskets if small enough to fit within the burial space), or six (6) cremated remains, or one (1) full burial and two (2) cremations. All interments of multiple bodies' cremains shall be located and made by the Town. No double depth standard interments will be made.

6.8 Prohibition: Interments and inurnments are to be performed only by the Town or individuals or entities approved by the Town. Grantees and other parties not approved by the Town are specifically prohibited from performing interments or inurnments. The Town will take all reasonable action to rectify

any such prohibited burials and seek damages and costs from violators of this rule. The Town will not be responsible for recording the unauthorized burial, including the identity of the deceased.

6.9 Movement of Monuments: Monuments and Markers may have to be moved or removed to gain access to burial sites for purposes on interment or inurnment. The Town will restore the moved items to their initial position as soon as time and weather permit.

6.10 Funeral Directors: All funeral or burial parties entering Cemeteries shall be under the direction of a funeral director licensed by the state of Maine who shall abide by the Rules and Regulations.

6.11 Casket: Once a casket containing a body is within the Cemeteries, it shall not be opened except by a licensed funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.

6.12 Fee: The Town will charge an administrative fee for all interments and inurnments.

Section 7: PLANTS.

7.1 Shrubs: Prior to planting any shrub, approval of the Town must be obtained. Shrubs growing on any burial site may be pruned or removed by the Town or its agents at the discretion of the Town. Generally, no shrubs or trees will be permitted on a single burial site, or at individual Monuments or Markers. Plantings on two (2) abutting burial sites, or larger plots, may be permitted, subject to pre-approval of the Town.

7.2 Removal of plants to gain access: Planted materials may have to be removed to gain access to burial sites. The Town is not responsible for damage or losses resulting from removal of plant material during any interment or inurnment process.

7.3 Landscape: The Town may undertake, to the extent practicable, the pruning of trees and shrubs to preserve the general landscape features of the Cemeteries, but will not undertake to maintain individual plantings, or containers of plants.

7.4 Flowers: Any planting of flowering plants is restricted to non-spreading varieties. Any perennial plantings must be pre-approved by the Town.

Section 8: MONUMENTS AND MARKERS.

8.1 Definitions: Monument shall mean any above grade level burial site identification object made of stone, bronze, or other material. Marker (also commonly called "headstones" or "flush markers or memorials") shall mean any grade level burial site identification object made of stone, bronze or other material.

8.2 Location and Construction: The location of all Monuments and Markers shall be determined and marked out by the Town. The Grantee has no authority, either specific or implied, to locate or mark out the Monument or Marker by himself or herself or to cause his or her agent to do so. The Grantee is responsible for any and all costs incurred for remedying any error in their locating a Monument or Marker independently of the Town. All Monuments must have a foundation as specified by the Town. The Town does not assume any responsibility for the proper construction of foundations or setting of Monuments or Markers.

8.3 Single Burial Site: A single burial site shall have no more than one (1) Monument and no more than two (2) Markers. The foundation base on a single burial site generally shall be no wider than thirty-two (32) inches. At the discretion of the Town, a Monument or Marker may have a base size of up to seventy-five percent (75%) of the width of the burial space.

8.4 Multiple Burial Sites: Multiple burial sites that abut each other may have a larger Monument than a single burial site, if approved in advance. The Town has authority to approve applications for such Monuments.

8.5 Repair: Monuments and Markers that are placed in the cemeteries remain the property of the Grantee or party purchasing them. Monuments and Markers erected by Grantees shall be maintained in a safe condition by the Grantee (including heirs and assigns), Notwithstanding the primary maintenance responsibility of the Grantee, the Town may, at its sole discretion, take appropriate steps to resolve safety concerns.

8.6 Installation: Monuments and Markers may not be installed until all relevant fees and expenses have been paid. The Town must approve, in advance, all installations.

8.7 Temporary Markers: Temporary Markers may remain on a burial site for up to 120 days of an interment or inurnment. The Town may remove such markers at the end of this period if the Grantee fails to do so. If a Monument or Marker is on order by the end of the 120-day period, the Town will allow the Temporary Marker to remain until the Monument or Marker is installed.

Section 9: DISINTERMENTS.

9.1 Law: Disinterment's are governed by State statute, Title 22 MRSA Section 2843 as may be amended from time to time. A permit for disinterment or removal of a dead human body must be obtained from the Town Clerk of the Town of Gorham.

9.2 Fee: Cost of the disinterment shall be the responsibility of the party causing or seeking the disinterment. The Town may charge a fee to reasonably cover administrative, labor and equipment costs.

9.3 Opening: The Town will allow and observe the opening of a grave upon showing, to the Superintendent's satisfaction, of requisite identification, authorization documentation and permit. In all disinterment cases, the responsibility of the Town shall be limited to identifying the grave only and the actual disinterment must be made by the person authorized to do so.

Section 10: RULES OF CONDUCT.

10.1 Mischief: No person shall destroy, mutilate, deface, injure or remove any ~~Monument~~monument, ~~Marker~~marker, gravestone, fence, railing, other structure, plant, or other Town properties within the ~~C~~cemeteries.

10.2 Dogs: Dogs brought into the ~~C~~cemeteries must be on leash at all times. Persons walking dogs in the ~~C~~cemeteries must pick up any of their droppings and dispose of it outside of the ~~C~~cemeteries, and will be strictly liable for any personal harm or property damage caused by the dog.

10.3 Insurance: All commercial service providers entering the ~~C~~cemeteries to perform services or deliver commercial products must have liability and workers' compensation coverage consistent with the Town's requirements and present proof of insurance to the Town.

10.4 Prohibited: Some articles are considered injurious to the beauty and dignity of the ~~C~~cemeteries and can create safety hazards and reduce the peaceful ambiance therein. The following objects are not permitted in the ~~C~~cemeteries:

- Non-organic material
- Breakable items
- Unsightly items

- Eternal flames or any open flames and
- Weapons except those used by honor guards or in military funerals or carried by law enforcement officers consistent with their policies and procedures

10.5 Alcohol or Illegal Substance: No person shall be in possession of or consume any alcoholic beverage within Cemeteries. No person shall be in possession of or consume any illegal substance within Cemeteries.

10.6 Peaceful conduct: No person shall behave in a loud, indecent, or disorderly manner in the Cemeteries or create any unnecessary disturbance therein. It is of the utmost importance that there should be a strict observance of the proprieties in the cemetery. The discharge of firearms or fireworks therein are strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the Town. Horseplay, games, contests, sports activities, or any similar activity or gathering not in keeping with the purpose and dignity of a cemetery are prohibited within the Cemeteries.

10.7 Horses: Horses are prohibited from the Cemeteries except for the purpose of funeral, ceremonial, or memorial functions. Owners are responsible for cleaning up after their horses.

Section 11: AUTHORITY.

11.1 Authority: The Superintendent, and the Superintendent's designee, is hereby vested with the supervision and control of the grounds, property, and visitors of the Cemeteries pursuant to Section 3.

11.2 Decisions of Superintendent. In the event that a Grantee or their representative or agent has been aggrieved by the Superintendent's application or enforcement of these Rules and Regulations, the Grantee or their representative or agent may appeal the Superintendent's decision to the Town Manager. The grievance must be received in writing within twenty-one (21) calendar days of the cause of action for the grievance.

Section 12: VIOLATIONS.

12.1 Any violation of any section of this ordinance may be prosecuted to the full extent of the law and subject to any fines and equitable relief as may be available.

Section 13: SEVERABILITY/AMENDMENT.

13.1 In the event any section or provision of this ordinance is declared invalid by a court of competent jurisdiction, the remaining sections or provisions shall continue in full force and effect.

13.2 This ordinance may be amended by the Town Council at any properly

***Additions: Underlined**

****Deletions: ~~Struck Through~~**

Item #9500 VOTED 7 yeas

Chairman Hartwell opened public hearing #6.

Owens McCullough, Sebago Technics on behalf of Prescott Holdings, spoke in favor of the proposed zone change.

Ryan Dumais, Attorney with Eaton Peabody, representing Gorham Self Storage LLC, spoke in opposition of the proposed zone change.

Robert Cherry, Vice President of Support Services at Martin's Point spoke in opposition of the proposed zone change.

Noah Minor, Green Street spoke in opposition of the proposed zone change.

Walter Stillson, Prescott Holdings spoke on his behalf as the applicant.

Jacob Jebson, Martin's Point reminded the Council of the 14 acres of land adjacent to Martin's Point that they dedicated to the Town to use for light outdoor activity for citizens.

The public hearing was closed.

Item # 9501 Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council amend the Land Use & Development map to change Map 32, Lot 19 from Roadside Commercial to the Industrial District.

***Note - This order would adopt a new zoning map.**

**Item # 9501 was VOTED 2 yeas, 5 nays (Pratt, Phillips, Hartwell, Wilder Cross, Smith)
Item fails.**

Chairman Hartwell opened public hearing #7.

Nate House, Development Officer with Avesta Housing revealed his plans on the proposed Contract Zone Change for the Avesta Housing project.

The public hearing was closed.

Moved by Councilor Phillips, seconded by Councilor Pratt and VOTED to waive the reading of Item #9502 due to length. **7 yeas**

Item #9502 Moved by Councilor Phillips, seconded by Councilor Pratt and ORDERED, that the Town council amend the Contract Zone Agreement for Avesta Housing as follows:

FIRST AMENDMENT TO CONTRACT ZONING AGREEMENT

This First Amendment to Contract Zoning Agreement, made as of the ____ day of _____, 2019, by and among the TOWN OF GORHAM, a body corporate and politic, located in the County of Cumberland and State of Maine, with a mailing address of 75 South Street, Suite 1, Gorham, ME 04038 (hereinafter "the Town"), AVESTA HOUSING

DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (“Avesta”), AVESTA MCINTYRE LP, a Maine limited partnership with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the “Partnership”), successor in interest to Avesta School Street LP, and BERRY PARK HOUSING CORPORATION, a Maine nonprofit corporation with a place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (“Berry Park”)

WITNESSETH:

WHEREAS, Avesta, Town and the Partnership entered into that certain Contract Zoning Agreement dated January 28, 2015, recorded in the Cumberland County Registry of Deeds in Book 32063, Page 124, as affected by Affidavit recorded in said Registry of Deeds in Book 32290, Page 165 (collectively the “CZA”); and

WHEREAS, Avesta transferred a portion of the property described in the CZA to Berry Park; and

WHEREAS, the parties now wish to amend the CZA as more fully set forth below;

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. All the recital clauses in the CZA are hereby deleted and the following are inserted in their place:

“WHEREAS, Avesta, Berry Park and the Partnership own land and buildings at 99 School Street, identified in the Town tax maps as Map 101, Lots 18 and 19, pursuant to deeds recorded in the Cumberland County Registry of Deeds in Book 6286, Page 38, Book 6574, Page 327, Book 32359, Page 242 and Book 32221, Page 115 (collectively the “Property”); and

WHEREAS, Avesta executed a Declaration of Condominium for Ridgewood Seniors Housing Condominium dated January 6, 2015 and recorded in said Registry of Deeds in Book 32016, Page 255 (the “Declaration”) providing for the further development and use of the Property and certain common amenities; and

WHEREAS, Avesta built and is operating a 20 unit affordable multifamily rental housing project on Map 101, Lot 18 of the Property (the “Ridgewood Project”), shown as Land Unit 1 on the Condominium Plat for Ridgewood Seniors Housing Condominium recorded in said Registry of Deeds in Plan Book 215, Page 7 (the “Plat”); and

WHEREAS, the Partnership built and is operating a 24 unit affordable multifamily rental housing project for the elderly and disabled on Map 101, Lot 18 of the Property (the “Ridgewood II Project”), shown as Land Unit 2 on the Plat; and

WHEREAS, Berry Park or a limited partnership affiliated with Avesta intends to develop additional affordable multifamily rental housing units on the undeveloped portion of Land Unit 3 (the "Future Housing"); and

WHEREAS, initially Land Unit 1 (the Ridgewood Project) and a portion of Land Unit 3, which was to be a service center, were to be located within the same building and were to share a common wall, as shown on the Plat, but Berry Park now intends to demolish that portion of the building shown on the Plat as Land Unit 3; and

WHEREAS, certain areas of the Property are dedicated for common use as provided in the Declaration, including but not limited to parking, ingress and egress and utilities; such areas are labelled on the Plat as "Common Elements;" and

WHEREAS, the Declaration and the Plat are to be amended to reflect demolition of the portion of the building shown on the Plat as Land Unit 3 as well as the proposed location of the building(s) that will comprise the Future Housing; and

WHEREAS, the Property is located in Gorham Village in close proximity to services for the elderly; and

WHEREAS, the Code permits the use of the Property as multifamily housing; and

WHEREAS, the Town has the authority to enter into a contract rezoning for property, pursuant to 30-A M.R.S.A. § 4352(8) and Chapter I, Section I, Subsection H, as amended, of the Gorham Land Use and Development Code (the "Code"); and

WHEREAS, prior to the adoption of the CZA, after notice and hearing and due deliberation upon the rezoning proposal, the Gorham Planning Board recommended the rezoning of the Property, and after a separate notice and hearing process, the Gorham Planning Board has recommended execution of this Amendment; and

WHEREAS, Chapter 5, Section A of the 2016 Gorham Comprehensive Plan ("the Comprehensive Plan") provides: "The Town should support efforts by the community groups and private developers to create additional affordable housing when there is a clear, demonstrated need for those units;" and

WHEREAS, Chapter 1, Section A of the Comprehensive Plan provides that the goals of the town include: "Facilitating the availability of affordable housing including removing impediments in the Town's ordinances and providing density bonuses" and

WHEREAS, Chapter 5, Section A of the Comprehensive Plan provides that: "The Town should allow more intense utilization of the land in the areas of the community where public sewerage is or can be available while assuring that this higher density is balanced by protecting open space in rural areas." and

WHEREAS, the re-zoning would be consistent with the goals set forth in the Comprehensive Plan to provide additional subsidized housing units for very low income elderly, and consistent with both existing and permitted uses in the zoning district; and

WHEREAS, the Town, by and through its Town Council, originally determined that said rezoning will be pursuant to and consistent with the Comprehensive Plan and has authorized the execution of this Contract Zoning Agreement on January 6, 2015, and further, that the amendments to the CZA more fully set forth herein continue to be pursuant to and consistent with the Comprehensive Plan and has authorized the execution of this Amendment on _____, 2019;”

2. Section 2 of the CZA is deleted in its entirety and is replaced with the following:

“2. Permitted Uses. Avesta is authorized to continue the use of the Ridgewood Project within Land Unit 1 as shown on the Plat, as amended, as 20 units of affordable multifamily rental housing for the elderly. The Partnership is authorized to establish on the Property the Ridgewood II Project within Land Unit 2 as shown on the Plat, as amended, as 24 units of affordable multifamily rental housing for the elderly and disabled, and to continue such use. Berry Park or a limited partnership affiliated with Avesta is authorized to establish on the Property within Land Unit 3 as shown on the Plat, as amended, the Future Housing.”

3. Section 5 of the CZA is hereby amended to add a new subsection b, to read as follows:

b. Avesta shall finance fifty percent (50%) of the costs of the installation of any bus stop located within twelve hundred (1,200) feet of the frontage of the Property, with a maximum contribution amount of \$5000.00. If a bus stop is installed within twelve hundred (1,200) feet of the frontage of the Property, Avesta shall participate in the Transit Pass Program operated by Greater Portland Metro or in any similar successor program run by Greater Portland Metro or any successor in the provision of transit services currently provided by Greater Portland Metro. Avesta shall reimburse the Town for its portion of costs related to the provision of Para Transit services required by residents of the Property. The Town shall provide an invoice to Avesta for such costs and Avesta shall reimburse the Town within thirty (30) days of the date of such invoice.

4. As amended hereby, the CZA continues in full force and effect, and the parties ratify and affirm their respective obligations under the CZA as amended hereby.

Chairman Hartwell opened public hearing #8.

Arthur Handman, GEDC Chairman revealed that the GEDC unanimously voted to support the Referendum Question.

Councilor Hager disclosed that he works for Woodard & Curran but has no opinions on the proposed plans.

Darin Stairs, Woodard & Curran shared the plans he has that have been brought forward for the development of the new Industrial Park.

Noah Minor, Green Street spoke in favor of the Industrial Park.

Public hearing #8 was closed

Old Business

Item #9478

Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council forward to the Ordinance Committee for its review and recommendation, amending the Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana; and
Be it further ordered, that the Town Council schedule a workshop with legal counsel on the same. **7 yeas**

New Business

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Item #9503 due to length. **7 yeas**

Item # 9503

Moved by Councilor Wilder Cross, seconded by Councilor Hager and ORDERED, that the Town Council adopt the following resolution:

WHEREAS our region is in need of young workers and families to support our existing and future economy, and to offset our region's demographic challenges; and

WHEREAS the region is losing more and more middle income households because of the cost burden of housing; and

WHEREAS the affordability of housing throughout the Greater Portland region continues to decline according to the Maine State Housing Authority; and

WHEREAS the number and location of households in our region struggling with the costs of housing is rising as documented by the Greater Portland Council of Governments; and

WHEREAS travel between home and work in our region is becoming longer, generating more expense to commuting households and more traffic congestion and stress to our transportation systems; and

WHEREAS the cost burden of housing falls heavily on our senior population, making aging in place more difficult; and

WHEREAS these findings show a lack of adequate housing choices for current residents and future workers, and the region faces a crisis of housing affordability; and

WHEREAS our region's economic and community wellbeing depends on expanding housing choices which in turn will support all our residents as well as our current and future economy by easing the challenges detailed above; and

WHEREAS the municipalities that make up the Metro Regional Coalition share a commitment to making housing more affordable for every person no matter their income level; and

WHEREAS the Town of Gorham is facing unprecedented residential housing growth in part due to the lack of affordable housing in neighboring communities; and

WHEREAS the Town of Gorham wishes to promote smart growth that limits long term costs to the municipality; and

WHEREAS all the municipalities of the Metro Regional Coalition have met and jointly agreed to pursue solutions to this crisis by acting singly and together to take steps at the municipal level to encourage diversification of housing units that lower and middle income households can afford without incurring unacceptable housing costs burden; and

WHEREAS the Gorham Town Council is willing to assist the entire region's need for expanded housing choices by implementing various residential growth control and diversification measures with the goal of focusing residential development in growth management areas; and

WHEREAS the Gorham Town Council will document our progress toward that goal by producing an annual report for the Metro Regional Coalition detailing success stories and progress made in the prior 12 months toward expanding regional housing choices in our community:

NOW THEREFORE the Gorham Town Council is hereby RESOLVED to work with the Greater Portland Council of Governments and the Metro Regional Coalition:

To encourage the number of housing units that can be afforded by lower and middle income households in our community by adopting and improving policies and incentives, which allow our community to contribute to achieving the overall regional goal of expanding the number of housing units in our *region* that are affordable to lower and middle income households, while managing the expansion of residential growth in smart and effective ways in the Town of Gorham.

Item #9503 VOTED 7 yeas

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of Item #9504 due to length. **7 yeas.**

Item #9504

Moved by Councilor Phillips, seconded by Councilor Pratt and ORDERED, that the Town Council amend the Program and Procedures of the Revolving Loan Fund as follows:

EXHIBIT A
TOWN OF GORHAM
PERMANENT
REVOLVING LOAN FUND PROGRAM AND
~~GUIDE LINES AND~~ PROCEDURES

Introduction and Purpose

The Town of Gorham is prepared to administer a permanent revolving loan fund (“RLF”)- for small and medium sized businesses located here. The program will provide direct loans for businesses that can’t meet their entire financing needs through conventional sources of financing from banks and other financial institutions. The Town will work with banks doing business in the community to meet the needs of area businesses. The purpose of the fund is to provide financing to businesses that create taxable assessed value and increase the economic opportunity for citizens in the Town of Gorham.

Eligibility Requirements

RLF funds will be available for small to medium sized legal businesses with fewer than 50 employees or sales of less than \$5 million during the most recent fiscal year. ~~There will be no restrictions as to the type of business that may receive assistance.~~ There will be no restrictions as to the type of business that may receive assistance, except, that, any business that is not permitted in the Town of Gorham, or is in violation of Federal or State of Maine laws is not eligible for Revolving Loan Fund financing.

Definition

What is a legal business?

An association, corporation, partnership, proprietorship, trust, or individual that has legal standing in the eyes of law. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

Financial Leveraging

RLF financing is intended to fill gaps that exist because of lack of access to other sources of financing. As a result, eligible businesses must be unable to meet their entire financing needs from conventional financing and their own sources. In order to qualify for financing, ~~50%-~~ 20% of a projects total financing needs to be provided by sources other than the Town of Gorham RLF. For loan requests of ~~\$5,000~~ \$10,000 or less there shall be no leveraging requirement.

Service Area

The loan fund will be available to any business that operates within the geographic borders of the Town of Gorham. Businesses interested in seeking assistance should contact The Gorham Economic Development Corporation, ~~286 New Portland Road~~ 75 South Street, Suite 1, Gorham, Me. 04038, C/o Town Manager’s Office

Use of Loan Funds

Loan funds can be used for any ~~legitimate~~ legal business purpose, including the purchase of land, buildings, machinery and equipment, furniture and fixtures, or leasehold improvements; goodwill cannot be financed. Working capital loans are available for the purchase of inventory, the financing of receivables or other business operating needs. Funds may also be used for business acquisition purposes.

Loan Amounts

The maximum loan amount from program funds is ~~\$100,000~~ \$150,000. There is no minimum amount.

Economic Benefit

Preference will be given to projects that create taxable assessed value in the Town of Gorham-. As a secondary benefit, ~~preference shall also be given to projects-~~ that retain- or create- jobs. The Town of Gorham's goal is to create or retain 1 full time job for each \$10,000 of loan funds invested.

Loan Terms and Rates

Loans are available for up to 20 years for land and building purchase and between 3 and 10 years for other business purposes. The Loan rate shall be fixed for the entire term of the loan and shall be determined on a case by case basis. In no event shall any loan carry a ~~-rate~~ that is less than 4% below or more than 4% above New York Prime Rate of Interest as published daily in the Wall Street Journal.

Security

Security for loans can consist of both business and personal assets and depends on the overall strength of the project that is being financed. Since many loans will require a substantial commitment from a private lender, The Town of Gorham will assume a subordinate security interest to that lender in those instances. Personal guarantees will be required from all individuals who own 20% or more of the business requesting the loan. Outside guarantors may also be required, if necessary.

Loan Application Review and Approval

The loan review process will consist of the completion of a loan application followed by a review by GEDC staff- which will then make a recommendation to the Loan Committee. The loan committee makes the final determination on all loan requests.

***Additions: Underlined**

****Deletions: ~~Struck Through~~**

***Note: This order will also amend the Revolving Loan Committee Guidelines to reflect an increase in small financing requests from \$5,000 to \$10,000.**

Arthur Handman, GEDC and Dan Nichols, Revolving Loan Fund Committee Chairman spoke in support of the item.

Item # 9504 VOTED 7 yeas

Item #9505

Moved by Councilor Phillips, seconded by Councilor Smith and ORDERED, that the Town Council forward to the Ordinance Committee, for its review and recommendation, an amendment to the Historic Preservation Ordinance to include a new category for Historic Sites, to include the Old Yard Cemetery, Town Clock, Civil War monument and Founders Monument, as recommended by the Historic Preservation Commission.

Noah Minor, Historic Preservation Committee Chairman, explained the item and spoke in support of the item.

Item # 9505 was VOTED 7 yeas

Item #9506

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council instruct staff to provide recommendations for the composition of a comprehensive plan amendment committee to amend the Future Land Use Map in the Comprehensive Plan's South Gorham Crossroads District and South Gorham Commercial Center District at the next regular Town Council Meeting and;

Be It Further Ordered, the Town Council instructs the committee to review proposed uses in both districts. **7 yeas**

Item # 9507

Moved by Councilor Wilder Cross, seconded by Councilor Hager and ORDERED, that the Town Council authorize staff to solicit proposals from qualified vendors for solar facilities to be located on the landfill located off of Huston Road. **7 yeas**

Item # 9508

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council instruct staff to install a waste & recycling receptacle at the Husky Line Bus Stop on Main Street and;

Be It Further Ordered, that staff find and implement the most cost effective means of maintaining the receptacle for public use. **4 yeas, 3 nays (Shepard, Phillips, Pratt)**

Item # 9509

Moved by Councilor Hager, seconded by Councilor Smith and ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, amending the Zoning Map in the area of Harding Bridge Road to match the Future Land Use Map in the Comprehensive Plan currently zoned as Rural to Suburban Residential. **7 yeas**

Item # 9510

Moved by Councilor Phillips, seconded by Councilor Pratt and ORDERED, that the Town Council designate Councilor _____ as the official liaison to the Gorham Economic Development Corporation.

Moved by Councilor Shepard, seconded by Councilor Phillips to amend the item to insert Councilor Pratt's name as the official liaison to the Gorham Economic Development Corporation.
6 yeas, 1 abstention (Pratt)

Item #9510 was VOTED 6 yeas, 1 abstention (Pratt)

Item #9511

Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council transfer \$151,507 in road funds remaining from completed projects to the following projects:

\$66,000 - Drag shim two sections of Route 202 (Windham Town Line to Little Falls Roundabout & a section between the Bernard Rines Bypass and the Buxton Town Line.)

\$15,000 - Overlay of Mallison Street.

\$70,507 towards overlay of Hurricane Road.

Item # 9511 VOTED 7 yeas

Item #9512

Moved by Councilor Shepard, seconded by Councilor Phillips and ORDERED, that the Town Council go into Executive Session pursuant to Title 1 MRSA Section 405 (6) (A) to conclude the annual performance evaluation of the Town Manager. **7 yeas**

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

Moved by Councilor Pratt, seconded by Councilor Phillips and VOTED to adjourn. **7 yeas**

Time of adjournment: 9:45pm

A True Record of Meeting
10/02/2019

ATTEST _____ 10/02/2019
Laurie Nordfors, Town Clerk

