

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
November 14, 2017

Vice Chairman Shepard opened the meeting with the Pledge of Allegiance to the Flag. There were 2 members of the public in attendance at the start of the meeting.

Election Report

Town Clerk Laurie Nordfors reported that the November 7th election had a decent turnout of voters with a total of 4228 ballots cast, which was a 31% voter turnout. Gorham voters elected to the Town Council, Ron Shepard and Suzanne Phillips, and to the School Board, Dennis Libby, William Benson, Jennifer Whitehead and Kate Livingston. Also, Thomas Grant was elected to be Gorham's Portland Water District Trustee. The State Referendum question results were, Question 1 – no, Question 2 – yes, Question 3 – yes and Question 4 – yes. Laurie thanked her Election Workers and Clerks' office staff for their hard work and dedication to the Town of Gorham. She also thanked the Gorham Public Works, Public Safety and the Gorham Rec Department for all of their help. Everyone worked together to ensure a smooth and safe election.

Swearing in of Newly Elected Town Councilors

Town Clerk Laurie Nordfors swore in newly elected Councilors Ron Shepard and Suzanne Phillips.

Roll Call: Chairman Hartwell, Councilors Benner, Shepard, Hager, Stelk, Smith and Phillips. Also present were Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Item # 9282 Moved by Councilor Smith, seconded by Councilor Stelk and ORDERED, that the Town Council elect Ben Hartwell as the Chair for the 2017-2018 year. **7 yeas**

Item # 9283 Moved by Councilor Stelk, seconded by Councilor Smith and ORDERED, that the Town Council elect Sherrie Benner as the Vice Chair for the 2017-2018 year. **7 yeas**

Moved by Councilor Benner, seconded by Councilor Stelk and VOTED to accept the minutes of the October 4, 2017 regular Town Council Meeting. **7 yeas**

Open Public Communications – none

Councilor Communications

Councilor Phillips thanked the Gorham Voters for coming out to the polls and electing her to the Town Council.

Councilor Shepard also thanked the Gorham Voters for re-electing him to another 3 years on the Council.

Councilor Benner reported that she and Councilors Hartwell and Stelk attended a Toast to Main Street and it was announced that Gorham was selected as a Main Street Community. This announcement was a result of a lengthy application process started by the Gorham Economic Development Corporation and continued with the Gorham Village Alliance. Sherrie thanked all who participated in the application process, especially Kathy Garrard. She also attended a groundbreaking ceremony for a new Day Care Facility, Seedlings to Sunflowers at Gorham Crossing. Sherrie also reported the Eco Maine just had there annual meeting and the numbers being reported are astounding with the tonnage of waste being kept out of the surrounding Communities. Councilor Benner congratulated Council Shepard and Councilor Phillips on their election to the Town Council and mentioned that it is a milestone that it is the first time there are three women on the Gorham Town Council and looks forward to a successful year.

Councilor Stelk commented on the Main Street Community recognition and also thanked Kathy Garrard and Dee Dee Perkins for all of their hard work with the application process. She expressed that there is always a lot of room on the Gorham Village Alliance Committee for new members and for anyone who would like to get involved with the Committee.

Chairman Hartwell thanked former Councilor Mike Phinney for his many years of service on the Gorham Town Council and Planning Board.

Town Manager Report

Town Manager Ephrem Paraschak thanked everyone who was involved in the election for a job well done. He also congratulated and welcomed back to the Council Ron Shepard and Suzanne Phillips. Ephrem thanked Mike Phinney for his service to the Town of Gorham and for helping make his transition to new Town Manager smooth. Ephrem reported that Becky Sladen, of Baxter Memorial Library, was presented with a 10 year service pin. He gave Condolences to the family of Robert Libby, who was a Town Assessor and served as interim Town Manger several times back in the 1980's. Ephrem shared with the Council, that he will be meeting with the Maine Turnpike Authority to get an update on the Gorham Connector and how that project is progressing. Ephrem also thanked everyone who was involved in the Veteran's Day Ceremony and noted that it was a good turnout. He also thanked all departments for their help and support during the recent wind storm.

School Committee Report

Chairman Wright thanked everyone that came out to vote and to all of those candidates that ran for School Committee. He congratulated and welcomed Jennifer Whiteheard, William Benson and Kate Livingston and welcomed back Dennis Libby to the School Committee. Chairman Wright reported that the School Committee will be receiving recommendations from the K-5 Configuration Committee and the School Day Committee at the next workshop on November 29, 2017. The GHS Building Committee and athletic Capital Campaign Committee met with Harriman Associates, the Architect chosen to work with the Districts on the project. More information will be updated at the next School Board meeting. Chairman Wright thanked the Gorham Fire Department and the Gorham Police Department for their help during the recent power outages. He reported that Gorham was able to open up two or our schools to families without power for three nights and served a total of 199 residents without power. He also thanked the Gorham Business Community for their donations of food and other items during the power outages. Holiday concerts will be coming up starting next week, so please check out the Gorham School Department website for further information. The next School Committee regular meeting is scheduled for December 13, 2017.

Item # 9284 Moved by Councilor Benner, seconded by Councilor Stelk and Ordered, that the Town Council appoint the following people to the:

1. Finance Committee: Jim Hager, Chair; Suzanne Phillips, Paul Smith
2. Ordinance Committee: Sherrie Benner, Chair; Ron Shepard, Marla Stelk
3. Appointments/Personnel Committee: Marla Stelk, Chair; Sherrie Benner, Suzanne Phillips
4. Economic Development/Capital Improvements Committee: Ron Shepard, Chair; Jim Hager, Paul Smith
5. Representative to Greater Portland Council Of Governments: Marla Stelk, Ephrem Paraschak
6. Representative to Eco Maine: Sherrie Benner
7. Representative To Jetport Noise Abatement: Jim Hager
8. Representative to Pacts Policy Committee: Bob Burns
9. Representative to Metro Regional Coalition: Ron Shepard
10. Gorham High School Building Committee: Suzanne Phillips, Paul Smith
11. Gorham Athletic Campaign Committee: Jim Hager
12. Cable Franchise Committee: Ron Shepard, Jim Hager

Item # 9284 VOTED 7 yeas

Item # 9285 Moved by Councilor Hager, seconded by Councilor Smith and VOTED to table this item until the December Council meeting. 7 yeas

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

Item # 9286 Moved by Councilor Shepard, seconded by Councilor Benner and Ordered, that he Town Council approve the new State annual maximums for the General Assistance Ordinance. 7 yeas

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

Item # 9287 Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council amend the Land Use & Development Code definition of Day Care Homes and Day Care Centers, to allow adult day care. 7 yeas

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

Item # 9288 Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council approve a renewal liquor license for Lucky Thai Restaurant, 563 Main Street. 7 yeas

Item # 9289 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council partially abate taxes in the amount of \$1,125.52 for property at 53 Jordan Drive for the 2015-2016 and 2016-2017 fiscal years to correct an overvaluation error in the assessment. 3 yeas, 4 nays (Hager, Phillips, Benner, Hartwell)

After the vote, there was a brief discussion and Councilor Benner asked to re-consider her vote on the Item.

Moved by Councilor Benner, seconded by Councilor Stelk and VOTED to re-consider the Vote on Item # 9289. 7 yeas

Item # 9289 was Re-Voted, 6 yeas, 1 nay (Hager)

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to waive the reading of Item #9290. 7 yeas

Item # 9290 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code Minimum Standards for the allowance of mobile vending units, to the Planning Board for a Public Hearing and their recommendation, as follows:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-11 – ROADSIDE COMMERCIAL DISTRICT

B. PERMITTED USES

12) Mobile Vending Units

C. SPECIAL EXCEPTIONS

~~1) Mobile Vending Units~~

SECTION 1-12 – INDUSTRIAL DISTRICT

B. PERMITTED USES

10) Mobile Vending Units

SECTION 1-16 – NARRAGANSETT DEVELOPMENT DISTRICT

B. PERMITTED USES

1) Commercial/ Light Industrial Uses

1) Mobile Vending Units

SECTION 1-21 – AGRICUTURAL/ INDUSTRIAL DISTRICT

B. PERMITTED USES

15) Mobile Vending Units

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 PARKING, LOADING AND TRAFFIC

A. OFF – STREET PARKIGN STANDARDS

2)

Mobile Vending Units: The operator of the mobile vending unit shall have available, and under written agreement, at least three off-street parking spaces. In cases where on-street parking is available immediately in front, the operator must have one off-street parking space for any vehicle belonging to an employee working on a given shift. Mobile vending units are prohibited from locating in parking spaces in the Town's road right-of-ways.

Mobile Vending Units with exterior seating: In addition to the parking spaces required under mobile vending units an additional parking space is required for each 2 seats available for dining.

SECTION 2-16 – MOBILE VENDING UNIT

Mobile vending units shall conform to the following requirements:

1. Mobile Vending Units shall be licensed by the Maine Department of Health and Human Services (DHHS) and operate in compliance with all applicable DHHS regulations relating to eating and lodging places, as may be amended from time to time.
2. Mobile Vending Units shall comply with all applicable provisions of the Town of Gorham Victualer's Ordinance, as may be amended from time to time.
3. The operator of a Mobile Vending Unit shall obtain from the Code Enforcement Officer a mobile vending unit food service permit, which shall be renewed annually, and pay the annual permit fee in such amount as the Town Council may from time to time establish by Council order. In order to issue a mobile vending unit food service permit, the Code Enforcement Officer shall ensure that the Mobile Vending Unit meets the following requirements:

- a. That the placement of the Mobile Vending Unit:
 - (1) Shall not hinder vehicular traffic or cause traffic congestion on or off the site;
 - (2) Shall not hinder, or interfere with, pedestrian traffic on or off the site;
 - (3) Shall not block or otherwise hinder access to or from any private property; and
 - (4) Shall not create a nuisance for abutting properties due to the generation of noise, odor, fumes, dust, smoke, lights or glare.
- b. That the hours of operation for the Mobile Vending Unit shall be limited to 7:00 am to 10:00 pm.
- c. That the operator of the Mobile Vending Unit shall provide written permission from the property owner to locate the Mobile Vending Unit on said property.
- d. That the Mobile Vending Unit shall comply with Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
- e. That the Mobile Vending Unit shall be prohibited from locating in the rights-of-way for Town and State ~~streets~~ roads, including on-street parking spaces, or Town sidewalks.
- f. That the operator of the Mobile Vending Unit shall make adequate provisions for solid waste disposal including, at a minimum:
 - (1) At least one (1) covered trash receptacle, thirty gallons or larger in size, shall be available to hold waste and debris. No paper, food or other wastes shall be allowed to accumulate on site.
 - (2) The waste container shall be emptied at least once per day into an approved commercial dumpster (it being emptied by a licensed waste hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility of the operator of the Mobile Vending Unit to ensure that all wastes are handled and disposed of properly.
- g. That the operator of the Mobile Vending Unit shall ensure that there is an adequate supply of potable water for the cleaning of equipment and the preparation of foods.

- h. That the operator of the Mobile Vending Unit shall ensure that there is an adequate and safe source of electrical power meeting all applicable federal, state, and local codes.
 - i. That the operator of the Mobile Vending Unit shall ensure that all food supplies and other business material shall be stored within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
 - j. Mobile vending units shall serve to the sidewalk or road right-of-way when parked adjacent and parallel to a Town sidewalk or road right-of-way.
 - k. That no signs shall be placed on sidewalks or other rights-of-way. ~~No temporary or mobile signs shall be allowed.~~ The placement of 1 sign with a maximum sign area of 8 sq.ft. is allowed when the mobile vending unit is open. The sign must be located within 25' of the mobile vending unit. The sign must be removed when the mobile vending unit is not in use and not located to hinder safe vehicular or pedestrian traffic on or off the site.
 - l. That the Mobile Vending Unit, and any vehicles or trailers used in conjunction therewith, shall be in good upkeep and provide a neat and tidy appearance.
 - m. That if the Mobile Vending Unit will provide exterior seating, it shall meet the requirements of Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
 - n. That temporary bathroom facilities, such as portable toilets, are not permitted on site for use by the operator of the Mobile Vending Unit and/or patrons of the Mobile Vending Unit.
- 4. Unless permanently connected to public utilities and approved by the Planning Board, Mobile Vending Units shall not be left on site or displayed, or left in public view, in the location of the business during non-business hours.
 - 5. A mobile vending unit food service permit may, after seven (7) days' written notice and public hearing, be suspended or revoked by the Code Enforcement Officer for violation of any provision of this Section. The victualer's license may be revoked or suspended by the municipal officers in accordance with the relevant provisions of the Victualer's Ordinance, as may be amended from time to time.
 - 6. Exemptions: At Town sponsored events and any private property is allowed 1 exemption per year for events in conjunction with a mass gathering permit. ~~The~~

~~use of Mobile Vending Units at Town-sponsored events shall be exempt from the requirements of this ordinance.~~

7. Drive through services is prohibited from mobile vending units.

Moved by Councilor Shepard, seconded by Councilor Hager and VOTED to amend the order to allow food trucks in to the Village Commercial Area. 4 yeas, 3 nays (Phillips, Stelk, Benner)

Item #9290 was VOTED as amended. 5 yeas, 2 nays (Benner, Smith)

Item # 9291 Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council approve the transfer of \$1,675 to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-17-3618) and
Be it further ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham. 7 yeas

Moved by Councilor Stelk, seconded by Councilor Smith and VOTED to adjourn 7 yeas

Time of adjournment: 7:25pm

A True Record of Meeting

ATTEST _____
Laurie Nordfors, Town Clerk