

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
January 7, 2020

Chairperson Phillips opened the meeting with the Pledge of Allegiance to the Flag. There were 30 members of the public in attendance at the start of the meeting.

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

Moved by Councilor Pratt, seconded by Councilor Hager and VOTED to accept the minutes of the December 3, 2020 regular Town Council meeting. **6 yeas**

Open Public Communications

Susan Duchaine, Design Dwellings expressed her concerns for the on-going South Street re- zoning issues between her and the Town and also her concerns for the Vista Drive complex issues.

Debra Taylor, Benjamin Way requested that the Council vote to approve making Benjamin Way a public road.

Councilor Communications

Councilor Pratt issued a warning to citizens about the recent mail thefts in the Industrial Park area. He encouraged citizens to get their mail on a timely bases and not leave it in the mailbox while out of town.

Councilor Hartwell announced that he had met with Susan Duchaine and acknowledged her concerns with the Town. He appreciates her going on record to bring light to the on-going problems.

Councilor Wilder Cross reported that New Year's Gorham was a success. She thanked Public Works for getting the roads cleared of snow to help keep people safe. She thanked all of the people that planned all year for the event and made it one to remember. Councilor Wilder Cross will be attending a meeting of the Greater Portland Council of Governments on Friday and they will be discussing the many challenges each Town is facing with welcoming Asylum Seekers in hope that they will come up with a solution together.

Councilor Hager reported that the Finance Committee will meet on January 27th. He also reported that he met with Kevin Roach, CEO of EcoMaine and toured the facility. He hopes to give a 3 year commitment to the board. Councilor Hager also warned the Public about publicizing on social media about going on vacation which could lead to unwanted problems with theft.

Chairperson Phillips announced that the Gorham Business Exchange is planning the Gorham Marketplace on March 21st. She also announced that the Gorham Founder Festival will be held on September 19 and 20, 2020. They are hoping to get the Maine Bicentennial Grant to help with the costs of extra activities. The festival will include a float contest, parade, historical tours, fireworks ,music and much more and will be a Town wide event. Any businesses or groups that would like to participate are encouraged to contact her.

Town Manager Report

Town Manager Paraschak announced that “Gorham night” at USM will be on January 29th. He reported that many of the town’s street lights have been converted to LED. He asked if anyone notices any lights that are malfunctioning, please let him know. He thanked Public Works for all of their efforts on the recent snow events. He reminded citizens that there is a parking ban from midnight to 6am on all Municipal Ways during the winter. Town Manager Paraschak announced that a joint School Committee/Town Council meeting will be held on January 14th to discuss the High School Renovation Project and also an Ordinance Committee meeting will be held on January 21st.

School Committee Report

School Committee Chairman Stewart McCallister reported that the School Committee has created a new Facilities Committee whose members are Bill Benson, Darryl Wright and Phil Gagnon. The primary purpose of this committee is to work with the Superintendent and facilities director as well as the Town of Gorham to conduct a comprehensive facilities study to form the creation of a long term facility plan. Once this study is complete, this committee will work to develop a long term facility plan for the School District to include all school buildings, facilities maintenance buildings, transportation buildings, and sites associated with these buildings. He also reported that lease documents have been signed for the lease-purchase of modular classroom spaces associated with Phase I of the Narragansett Modular Expansion. The FY21 budget process at the school level is in full swing. Individual meetings are occurring between the Superintendent, Business Manager and Assistant Superintendent and each Principal/Program Director this month to review requests line by line. Once done, an initial draft budget will be created and sharpened before being delivered to the School Committee by February 14th. ED 279’s are coming out sometime next month with initial subsidy amounts. Superintendent Perry is expecting increases in subsidy in some areas but decreases in other areas. He reported that as always, there are some incredible activities coming up at our schools. Winter athletics are in full swing, there is a GHS band concert coming up on January 9th, a spring musical will be opening at the end of this month and so much more. Make sure to check out the schools website and social media sites to keep up with what’s going on. The next School Committee regular meeting is scheduled for January 8th.

Chairperson Phillips opened public hearing #1. There were no comments from the public and the hearing was closed.

Order 20-002 Moved by Councilor Shepard, seconded by Councilor Hartwell and ORDERED, that the Town Council issue a new Liquor License to Azul Tequila LLC, 29 School Street. **6 years**

Chairperson Phillips opened public hearing #2. There were no comments from the public and the hearing was closed.

Councilor Hartwell asked the Council to vote on whether he should recuse himself from the discussion and vote of the next two items due to a conflict of interest.

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to allow Councilor Hartwell To recuse himself from the discussion and vote of the next two items. **5 years**

Order 20-003 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council issue a renewal Liquor License to Sebago Brewing Company, 616 Main Street. **5 yeas, 1 recuse (Hartwell)**

Chairperson Phillips opened public hearing #3. There were no comments from the public and the hearing was closed.

Order 20-004 Moved by Councilor Wilder Cross, seconded by Councilor Pratt and ORDERED, that the Town Council issue a renewal Special Amusement License to Sebago Brewing Company, 611 Main Street. **5 yeas, 1 recuse (Hartwell)**

Chairperson Phillips opened public hearing #4. There were no comments from the public and the hearing was closed.

Moved by Councilor Pratt, seconded by Councilor Hager and VOTED to waive the reading of Item #2020-1-5 due to length. **6 yeas**

Order 20-005 Moved by Councilor Hager, seconded by Councilor Pratt and ORDERED, that the Town Council amend Chapter 7 of the Land Use and Development Code as follows:

**Proposed Ordinance Language
Amendment to LUDC Chapter 7 (Impact Fee Ordinance)**

A. Amend Section 7-1.G as follows:

The Town Council may, by formal vote following a public hearing, waive the payment of a required impact fee, in whole or in part, if it finds that:

- 1) The developer voluntarily agrees to construct the improvement for which the impact fee would be collected, or
- 2) The developer is required, as part of a development approval by the Town or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or
- 3) **The infrastructure that the impact fee relates to has been created to attract industry and the fee would be charged to an industrial use, or**
- 4) **The residential development activity will not result in a net addition of new dwelling units because the new dwelling unit will replace a demolished dwelling unit that was previously owned and occupied by the developer.**

B. Add a new subsection after Section 7-1.F.2:

- 3) **If a developer paid an impact fee pursuant to this chapter prior to the effective date of July 1, 2019, but would have been eligible for a waiver of the fee pursuant to Section 7-1.G.4 at the time of construction of the replacement dwelling unit, the developer may apply for a refund of the impact fee paid. Such application must be made in writing to the Director of Community Development within five years of the date of construction of the replacement**

dwelling unit, and must go to the Town Council for a formal vote following a public hearing. If approved, the refund of the impact fee shall be paid to the developer without interest.

Additions: Underlined

Order 20-005 was VOTED 6 yeas

Greg Day, Waterstones Properties Group gave a presentation on the future development of the Mountain Division Railroad.

Order 20-006 Moved by Councilor Hartwell, seconded by Councilor Hager and ORDERED, that the Town Council instruct staff to work with the Portland West Rail & Trail Alliance where possible to further explore the development of the Mountain Division Railroad for commuter access into Portland. **6 yeas**

Order 20-007 Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, that the Town Council accept the resignation of Rob Lavoie and Stefania Strzalkowska from the Conservation Commission, and Be It Further Ordered that the Town Council expresses its appreciation for their service on the Commission and to the Gorham Community. **6 yeas**

Bill Moreno, Conservation Commission thanked Rob Lavoie for all of his time and commitment to the Conservation Commission over the past years. He encouraged the Council to vote in favor of naming the pump track on Weeks Road the Lavoie Bike Park.

Order 20-008 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council officially name the Pump Track on Weeks Road the "Lavoie Bike Park" in recognition of Mr. Lavoie's outstanding dedication to the project, the Gorham Conservation Commission and the citizens of the Town of Gorham. **6 yeas**

Order 20-009 Moved by Councilor Hartwell, seconded by Councilor Hager and ORDERED, that the Town Council reconsider Order # 9528, an Order, that the Town Council forward to the Ordinance Committee, for their recommendation, a proposal to amend the contract zone of Hans Hansen in South Gorham to allow for senior housing units.

Bill Walsh and Hans Hansen both spoke on the item.

Order 20-009 was VOTED 3 yeas, 3 nays (Wilder Cross, Hager, Shepard) ITEM FAILS

Order 20-010 Moved by Councilor Hager, seconded by Councilor Wilder Cross and ORDERED, that the Town Council instruct staff to prepare general updates to the Employee Personnel Policy for Ordinance Committee review and recommendation. **6 years**

Order 20-011 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council instruct the Finance Committee to review Sewer rates for the Portland Water District in the Town of Gorham and provide a recommendation to the Town Council with regards to the rates. **6 years**

Order 20-012 Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council accept Benjamin Way as a public way.

Moved by Councilor Wilder Cross, seconded by Councilor Hartwell and VOTED to table the item until a workshop is scheduled. 2 years, 4 nays (Phillips, Pratt, Shepard, Hager) Motion Fails

Order 20-012 was VOTED 4 yeas, 2 nays (Hartwell, Wilder Cross)

Order 20-013 Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council accept Burton Drive as a public way. **4 yeas, 2 nays (Hartwell, Wilder Cross)**

Order 20-014 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council appoint Councilors Phillips, Wilder Cross and Hartwell to the Comprehensive Plan Amendment Committee. **6 yeas**

Order 20-015 Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council instruct staff to review and recommend traffic calming measures in and around the approaches to the Gorham Village for state collector roadways to include the use of reactive speed signs, bump outs, crosswalk signs and speed tables. **6 yeas**

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to waive the reading of Item # 2020-1-16 due to length. **6 years**

Order 20-016

Moved by Councilor Shepard, seconded by Councilor Pratt and ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, amending the Land Use & Development Code to allow for Self-Service Storage Facilities as follows:

CHAPTER 1: ZONING REGULATIONS

Self-Service Storage Facility – A structure containing separate, individual, and private storage spaces of varying sizes leased or rented to individuals for varying periods of time. Outdoor storage shall not be considered an accessory use to this permitted use.

Warehousing facilities – A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or a group of establishments in a particular industrial or economic field. Warehousing may be for long-term or short term storage.

SECTION 1-5 – DEFINITIONS

SECTION 1-11 - ROADSIDE COMMERCIAL DISTRICT

A. PURPOSE

To provide general sales, services and business space in the Town of Gorham.

B. PERMITTED USES

- 1) Any building or use listed under Section 1-10, Subsection B and C, Urban Commercial District.
- 2) Auto-oriented businesses.
- 3) Accessory uses and buildings including a caretaker unit.
- 4) Used car lot.
- 5) Gasoline station and/or repair garage.
- 6) Public utility facilities including substations, pumping stations, and sewage treatments plants.
- 7) Light Industrial Uses of ten thousand (10,000) square feet or less of gross building floor area.
- 8) Commercial outdoor recreation facilities.
- 9) Bed and Breakfast Establishment
- 10) Bed and Breakfast Establishment with public dining as an accessory use

- 11) Inn
- 12) Mobile Vending Units
- 13) Self-Service Storage Facility

Additions: Underlined

Order 20-016 was VOTED 5 yeas, 1 nay (Phillips)

Moved by Councilor Hartwell, seconded by Councilor Hager and VOTED to adjourn. **6 yeas**

Time of adjournment, 8:10pm

A True Record of Meeting
01/07/2020

ATTEST _____ 01/08/2020
Laurie Nordfors, Town Clerk