

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
June 1, 2021

Chairman Pratt opened the meeting with the Pledge of Allegiance to the Flag. There were 16 members of the public in attendance.

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

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to accept the minutes of the May 4, 2021 Regular Town Council Meeting. **7 yeas**

Councilor Communications

Councilor Hager reported that the Finance Committee met on May 17th and continued to review the Town fees. They have been able to get through half of the fees and will continue to review the other half at their June meeting.

Councilor Wilder Cross thanked everyone who came out for the Memorial Day Parade and voiced her gratitude for such an amazing community. She attended the GMS and GHS outdoor Steel Band last week and enjoyed the excellent music. She also reported that she attended a work fair on impartial police training which discussed how bias and racism effects our police in the State of Maine. She feels that Gorham is on target with police training on this subject however there is plenty of work to be done. She thanked Chief Sanborn for letting her attend this training. She pointed out the GPCOG met last month and discussed statewide broadband and the efforts to expand broadband across the State. She also attended the annual assembly meeting and there were several speakers including one on the lack of housing in general in the State. She announced that the Art on South will be held June 5th from 10-2 in the green space next to Robie Gym.

Councilor Phillips announced that next Sunday, June 6th will be the Gorham Taste Walk. Maps are \$5 for the scavenger hunt that will be taking place with a prize at the end. She congratulated the GHS class of 2021. She also noted that she was out on the trails and noticed many people are not cleaning up after their dogs. She urged people to please be responsible for their own pets.

Councilor Shepard reported that the Ordinance Committee met on May 18th and discussed several Items, one which is on the agenda tonight. Other items which were discussed will come back to the Ordinance Committee at their next meeting.

Councilor Hartwell thanked everyone who put together a great Memorial Day Parade. He echoed what Councilor Phillips said and reminded citizens to clean up after their pets while on the trails and also while walking their pets in the Town's cemeteries.

Chairman Pratt was happy to see everyone back in person. He reported that he attended the latest Jetport Noise Advisory Committee meeting and reminded citizens to report their concerns and issues on the Jetport's website. Chairman Pratt congratulated Chris Record on his new career choice. He also thanked everyone who helped with the Memorial Day parade including the Police Department, Fire Department, Rec Department, Local Veterans and the Lions Club.

Town Manager Report

Town Manager Paraschak hopes Staff can take advantage of lessons learned throughout the past year with new technology and make some improvements. He reminded citizens of the Town wide Vision Appraisal which will start this month. Property owners will receive a notice in the mail before anyone comes out to their property. He asked home-owners to work with the company to help make the appraisals fair and equitable.

School Committee Report

School Committee member Ann Schools reported the following:

-Congratulations Dr. Porter – I would like to publicly congratulate, again, Dr. Brian Porter as he will be taking on the new role of Assistant Superintendent. As you all know, Dr. Chris Record will be taking over as Superintendent of the Cape Elizabeth School District. We wish him well in his new position and want to thank him for his many years of service to the students and community of Gorham! We had some high-quality applicants and are very pleased to welcome Dr. Porter as Assistant Superintendent at the end of this schools year!

- FY 22 Proposed Budget: As you are likely aware, Governor Mills has proposed significant increases in support for Maine's public schools in her most recent biennial budget proposal. Her revised budget plan would add \$79 million in FY 22 and an additional \$109 million in FY 23 to support Maine's public schools, achieving for the first time the required 55%. As a result of this newest budget proposal, the Gorham Schools may be receiving approximately \$1.16 million dollars in additional state subsidy for FY 22. Due to the timing of this process, the State budget was NOT passed prior to the need for the Town Council to vote on our budget later this evening. In all likelihood, it may not be passed by the time our voters validate the proposed budget on June 8. However, the School Committee voted to add an item to the Town Council's agenda later this evening that if approved by the council, would allow the schools to receive these additional funds and utilize them immediately and fully to offset taxpayer expense in FY 22. If the Town Council approves this item, **AND** if the projected additional funds arrive from the State at the anticipated level, the result would be a reduction of \$0.65 on the mil for the School impact on Gorham taxpayers. This would bring the estimated impact of the school's proposed FY 22 budget down to a -\$0.08 cents on the mil. Overall, this would be a REDUCTION in property taxes for the taxpayers of Gorham as a result of the school's proposed budget. The School Committee would urge the Town Council to pass this item on the agenda later this evening so that these funds, once received can be used to reduce property taxes.

- Update On Summer Construction Projects: The Narragansett Modular Expansion, Phase III is moving forward as planned. This past week the crane was in to set the new modular classrooms on their foundations, and we are now beginning all the interior work necessary to hook them all together. This project is on schedule to be completed for Fall, 2021 opening of school. On

Wednesday night, the School Committee voted to award bids to move forward with three other large summer projects that will be taking place across our schools. The first was a bid awarded to Shaw Brothers to move forward with the Narragansett bus loop, sidewalk, and safety work planned for this summer. The second project bid was awarded to Aceto Construction to complete work on the GMS sidewalk areas that are in significant disrepair. The final bid awarded was for the GHS Field Lighting project to place new outdoor lighting poles and lights at the GHS competition field, the baseball and field hockey fields, and the softball field. It will be a busy summer and we all look forward to the end result!

- **Hiring processes:** We have positions open for K-5 teachers, Ed. Techs and bus drivers, as well as special education positions this summer. Additionally, we are in the process to replace Dr. Brian Porter as the principal at Village Elementary School. We continue to struggle (as it seems like most everyone else does as well) in hiring bus drivers. If you know of anyone looking for work, who either already has a Class B license, or who is willing to get trained to drive a bus and who LOVES CHILDREN...please encourage them to apply. Even if they aren't qualified yet, we have our "earn to learn" program and are willing to pay folks to become trained with a sign on bonus! Our bus drivers are very important to our school system. Folks interested in positions within the Gorham Schools should check out our district website at www.gorhamschools.org and click on "Human Resources" and then "Employment Opportunities".

- **GHS Class of 2021 Graduation and Celebration Convoy** - We will be honoring our 2021 graduates on Sunday, June 13 at 4:00 p.m. (weather permitting) with a graduation ceremony to be held outdoors on the GHS competition field. We do have alternate plans in case of inclement weather that have been shared with families by Mr. Jandreau if the need arises. Gorham High School, in collaboration with Gorham Project Graduation, the Gorham Police Department, and the Gorham Fire Department will also be honoring our graduates in a graduation convoy, which we hope will become a new tradition here in Gorham started by our 2020 graduates! The convoy will commence at 7:30 p.m. on Sunday, June 13th beginning at the Gorham Industrial Park and will conclude at Gorham High School. Graduates will be joined by their families for the convoy in their cars. The convoy will follow route 25 and Main Street from the Industrial Park through Gorham Village. The convoy will turn left onto South Street and enter the Gorham High School Campus via Morrill Avenue. **WE INVITE MEMBERS OF OUR GORHAM COMMUNITY** to line Route 25 and Main Street, South Street, and Morrill Avenue to cheer and wave signs that celebrate our seniors. We ask that participants and spectators refrain from throwing candy or other items, either from vehicles in the convoy to spectators or from spectators toward the convoy. Please note that, at the conclusion of the convoy, seniors will be dropped off at GHS for a closed event. There will NOT be a public fireworks display as there was last year.

A HUGE THANK YOU TO THE GORHAM POLICE DEPARTMENT AND THE GORHAM FIRE DEPARTMENT FOR HELPING US PLAN THIS YEAR'S CELEBRATION CONVOY!

- **End of School Year Activities:**

- * June 8 - K-12 Virtual Step Up Day! - VOTING DAY - GET OUT AND VOTE!
- * June 10 - Last student day, students dismissed on Early Release Schedule
- * June 11 - Last staff Day
- * June 12 - POSSIBLE rain date for GHS Graduation (1:00 p.m. if announced)
- * June 13 - GHS Graduation (4:00 p.m.)

- Note: Each of our schools have other activities going on as well. Best place to keep up with the various "happenings" is by visiting each school's website at: www.gorhamschools.org

Our next School Committee regular meeting is scheduled for June 9th via Zoom at 7 pm.

Public

Hearing # 1

On item #2021-6-01 Public Hearing on the proposed 2021-2022 Fiscal Year Budget for the Gorham School District. (Admin. Spon.)

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

Proposed

Order # 21-076 ORDERED, that the following school budget items be adopted and approved for fiscal year 2021-2022:

Councilor Hager disclosed that there may be a conflict of interest with him since his son works for the School Department.

Moved by Councilor Hartwell, seconded by Councilor Phillips and VOTED to let Councilor Hager remain for the discussion and vote on the item. **6 yeas, 1 abstention (Hager)**

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-076 due to length. **7 yeas**

NOTE: Pursuant to Section 405 of the Council-Manager Charter of Town of Gorham, "The Town Council, after reviewing the proposed budget, may change the total appropriation prior to approving the final budget." Pursuant to State law, 20-A M.R.S.A. Section 2307, "In charter municipalities where the municipal charter confers upon a municipal council or other municipal legislative body the authority to determine the total amount of the school budget and confers upon the school committee or school board the authority to direct the expenditure of those funds for school purposes, the municipal council or other municipal legislative body shall determine the total amount of the school budget to be submitted to a budget validation referendum and the school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format." Pursuant to section 15671-A(5 of Title 20-A of the Maine Revised Statues, when the Council approves a school budget exceeding the State's EPS funding model, a separate recorded council vote is required to approve the funds raised. Consequently, a separate Order follows this Order for that purpose.

ORDERED, that the following school budget items be adopted and approved for fiscal year 2021-2022:

That **\$19,447,086** be authorized to be expended for Regular Instruction;
that **\$7,366,151** be authorized to be expended for Special Education;
that **\$0** be authorized to be expended for Career and Technical Education;
that **\$986,394** be authorized to be expended for Other Instruction;
that **\$3,584,896** be authorized to be expended for Student and Staff Support;
that **\$1,417,088** be authorized to be expended for System Administration;
that **\$2,294,484** be authorized to be expended for School Administration;
that **\$2,103,117** be authorized to be expended for Transportation and Buses;
that **\$4,303,250** be authorized to be expended for Facilities Maintenance;
that **\$2,644,163** be authorized to be expended for Debt Service and Other Commitments;
and that **\$120,000** be authorized to be expended for All Other Expenditures.

BE IT FURTHER ORDERED:

That **\$44,266,629** appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$14,432,905** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

That **\$740,888** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER ORDERED, that the school committee be authorized to expend **\$44,266,629** for the fiscal year beginning July 1, 2021 and ending June 30, 2022 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

BE IT FURTHER ORDERED, that the Town will appropriate **\$301,513** for adult education and raise **\$62,401** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

BE IT FURTHER ORDERED, that the Town raise and appropriate to transfer **\$120,000** to the school nutrition program.

ORDERED that \$7,917,999 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$7,917,999 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$7,917,999 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$7,917,999. The State's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new State Essential Programs and Services (EPS) model.

Explanation: - The additional local funds are those locally raised funds over and above the municipality's local Contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the School Department budget for educational programs.

Moved by Councilor Kuech to pass the Order as is. There was no second and the motion failed

Moved by Councilor Phillips, seconded by Councilor Pratt and VOTED to amend the order to reduce the overall budget by \$345,000. **2 yeas, 5 nays (Hager, Wilder Cross, Shepard, Kuech, Hartwell)**

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to amend the order to reduce the overall budget by \$233,438. **3 yeas, 4 nays (Kuech, Phillips, Shepard, Hartwell)**

Moved by Councilor Hartwell to amend the order to reduce the overall budget by \$1,000,000. There was no second and the motion failed.

Moved by Councilor Shepard, seconded by Councilor Hartwell and VOTED to amend the order to reduce the overall budget by \$400,000. **2 yeas, 5 nays (Hager, Kuech, Phillips, Pratt, Wilder Cross)**

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to amend the order to reduce the overall budget by \$300,000. **4 yeas, 3 nays (Kuech, Shepard, Hartwell)**

Moved by Councilor Wilder Cross, seconded by Councilor Hager and VOTED as amended.

Order #21-076 was VOTED as amended. 4 yeas, 3 nays (Shepard, Hartwell, Kuech)

Item #21-6-02 Action to consider authorizing the Gorham School Department to use all of additional state subsidies to reduce the mil rate for FY22. (Admin. Spon.)

Proposed

Order #21-077 Moved by Councilor Hager, seconded by Councilor Kuech and Ordered, that the Town Council authorizes the Gorham School Department to use all of additional state subsidies received but not already included in the proposed FY22 budget to decrease the local cost share expectation, as defined in Title 20-A, section 15671 A (1) (B), for local property taxpayers for funding public education as approved by the School Board.

Moved by Councilor Shepard, seconded by Councilor Hager and VOTED to amend the order to read use 50% of the money to reduce taxes and 50% of the money to go into a Capital Improvement fund. **5 yeas, 2 nays (Phillips, Kuech)**

The meeting went into a recess to contact the Town Attorney to get the proper wording for the Order.

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to amend the order to read:

Ordered, that the Town Council authorizes the Gorham School Department to utilize up to 50% of additional State subsidy dollars for the purpose of (A) increasing the allocation of finances in a reserve fund approved by the School Committee, and to utilize the remaining 50% to decrease the local cost share.

Order #21-077 was VOTED 7 yeas

Public

Hearing #2

On order #2021-6-03 Public Hearing on the proposed 2021-2022 Fiscal Year Budget for the Town of Gorham. (Admin. Spon.)

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

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to waive the reading of Order #21-078 due to length. **7 yeas**

Proposed

Order #21-078 Moved by Councilor Phillips, seconded by Councilor Wilder Cross and ORDERED, that the Town Council vote to adopt the 2021-2022 Fiscal Year Budget with the following departmental totals:

General Government	\$	2,000,787
Public Safety	\$	4,895,252
Public Works/Solid Waste/Engineering & Insp Services	\$	3,138,702
Health & Welfare and Social Service Agencies	\$	54,600
Recreation/Community Center/Cable	\$	604,849
Libraries and Museum	\$	517,053
Development	\$	155,458
Debt & Interest	\$	2,031,013
Capital Items	\$	47,000
Insurance and Employee Benefits	\$	3,087,443
Other Town Services and Unclassified	\$	454,664
Subtotal	\$	16,986,821
Cumberland County Property Tax	\$	1,380,030
Total	\$	18,366,851
Non-Property Tax Revenues	\$	8,025,054

BE IT FURTHER ORDERED that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of \$2,556,602 to be funded from the town's undesignated fund balance; and

BE IT FURTHER ORDERED that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on November 15, 2021 shall commence bearing interest on November 16, 2021, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2022, shall commence bearing interest on May 17, 2022 at the interest rate of 6.0% per annum as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and

BE IT FURTHER ORDERED that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate of 2.0% per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers.

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to amend the order to remove item #12 in Capital Part 2, page 82 – Response Vehicle for North Scarborough Station. **7 yeas**

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to amend the order to remove # 7 in Capital Part 2, page 82 – Electric Car for Economic Development. **6 yeas, 1 nay (Kuech)**

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to rescind the previous amendment. **7 yeas**

Moved by Councilor Pratt, seconded by Councilor Hager and VOTED to amend the order to allocate the \$50,000 removed from Capital Part 2 to #1- Funds for Road Work. **7 yeas**

Moved by Councilor Pratt, seconded by Councilor Phillips and VOTED to amend the order to remove #4 on page 2 – New Administrative Assistant Position. **6 yeas, 1 nay (Kuech)**

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to amend the order to increase the amount in the Police Departments Ammunition line from \$7000 to \$10,000. **7 yeas**

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to amend the order to change the State Revenue Sharing Line on Page 10 to \$1,100,000. **7 yeas**

The new order reads as follows:

Proposed

Order #21-078

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and ORDERED, that the Town Council vote to adopt the 2021-2022 Fiscal Year Budget with the following departmental totals:

General Government	\$	1,964,419
Public Safety	\$	4,898,052
Public Works/Solid Waste/Engineering & Insp Services	\$	3,138,702
Health & Welfare and Social Service Agencies	\$	54,600
Recreation/Community Center/Cable	\$	604,849
Libraries and Museum	\$	517,053
Development	\$	155,458
Debt & Interest	\$	2,031,013
Capital Items	\$	47,000
Insurance and Employee Benefits	\$	3,058,543
Other Town Services and Unclassified	\$	454,664
Subtotal	\$	16,924,353
Cumberland County Property Tax	\$	1,380,030
Total	\$	18,304,383
Non-Property Tax Revenues	\$	8,125,054

BE IT FURTHER ORDERED that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of \$2,556,602 to be funded from the town's undesignated fund balance; and

BE IT FURTHER ORDERED that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on November 15, 2021 shall commence bearing interest on November 16, 2021, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2022, shall commence bearing interest on May 17, 2022 at the interest rate of 6.0% per annum as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and

BE IT FURTHER ORDERED that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate of 2.0% per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers.

Order 21-078 was VOTED as amended. 7 yeas

Public

Hearing #3

On item #2021-6-04

Public hearing to hear comment on the proposed amendment to the Land Use & Development Code to restrict the use of Invasive Terrestrial Plants for sale, for use in plantings and buffering, and to require the removal of invasive species within any street right-of-way. (Admin. Spon.)

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

**Proposed
Order # 21-079**

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and Ordered, that the Town Council approve the amendments to the Land Use & Development Code to restrict the use of Invasive Terrestrial Plants for sale, for use in plantings and buffering, and to require the removal of invasive species within any street right-of-way as follows:

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-079 due to length. **7 years**

Chapter 2: General Standards of Performance, Section 2-1 Environmental,

J. Invasive Terrestrial Plants

- 1) No person shall import, export, buy, sell, or intentionally propagate for sale or distribution any living and viable portion of any plant species, which includes all of their cultivars, varieties and hybrids, listed under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273.
- 2) That the use of any of any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be restricted from landscaping or buffering purposes for any property located within the Town.
- 3) That the transplanting of any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 within the Town or across Town boundaries is not permitted.
- 4) That the disposal any invasive plant species, which includes all of their cultivars, varieties and hybrids identified under 01-1001 Maine Department of Agriculture, Conservation and Forestry, Division of Animal and Plant Health, Chapter 273 shall be such as to not promote the dispersal of the invasive species to other lots, properties, and areas within the Town or outside of Town boundaries.

Chapter 2: General Standards of Performance, Section 2-5 Minimum Standards for the Design and Construction of Streets and Ways, E. Acceptance of Streets and Ways, 4. Streets Offered for Acceptance,

- i) That the applicant must present to the following documentation: Proof of the verification by a qualified professional approved by the public works department and compensated by the applicant that the street rights-of- way and any other property proposed to be conveyed in any manner to the Town, upon visual inspection, has been free of invasive terrestrial plants as defined in Chapter 2, J. Invasive Terrestrial Plants of this Code for a period of two years prior to the application filing. In the event that invasive terrestrial plants are present, the applicant shall provide proof to the Public Works Director that

there have been appropriate eradication methods applied for a minimum of two growing seasons in a manner acceptable to the Public Works Director.

Chapter 4: Site Plan Review, Section 4-9 Approval Criteria and Standards

P. Landscaping - The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

- 1) The use of Invasive Terrestrial Plants is not allowed in any landscaping on the site per the standards and requirements identified under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.

S. Buffering - The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

- 1) The use of Invasive Terrestrial Plants is not allowed in any buffering on the site per the standards and requirements identified under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.

Moved by Councilor Hartwell, seconded by Councilor Hager and VOTED to amend the order to correct J- Invasive Terrestrial Plants, 4) to read, that the disposal **of** any invasive plant species. **7 yeas**

Order #21-079 was VOTED as amended. **7 yeas**

Public

Hearing #4

On Item #2021-6-05

Public hearing to hear comment on the proposed amendment to the Land Use & Development Code to add an exemption for well drilling activities to the Town's noise ordinance during times of severe drought. (Admin. Soon.)

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

Proposed

Order #21-080

Moved by Councilor Phillips, seconded by Councilor Hartwell and Ordered, that the Town Council approve amendments to the Land Use & Development Code to add an exemption for well drilling activities to the Town's noise ordinance during times of severe drought as follows:

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to waive the reading of Order #21-080 due to length. **7 yeas**

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-1 - ENVIRONMENTAL

H. NOISE ABATEMENT

- 1) Noise is required to be muffled so as not to be objectionable to surrounding land uses. Noise may be equal to but not exceed an hourly A weighted equivalent sound level of 75 decibels (dBA) as defined and measured generally in accordance with ANSI standards. This standard shall apply at any boundary line. This section shall not apply to mineral exploration, excavation or gravel pits that are subject to the provisions of Chapter 2, Section 2-1 C(5)(a)(3) of this Code. The 75 decibel (dBA) limit applies at the lot line for all lots in Gorham, except as noted below.

After April 7, 2009 developments subject to site plan review are required to meet Chapter 4, Site Plan Review, Section 4-9, Approval Criteria and Standards, Subsection T, - Noise Abatement. Where there is a conflict between those noise requirements and the standards of this section, the more restrictive requirements shall govern.

- 2) A use shall not be subject to the noise limits established by this section at any property line where the property owner and the abutting property owner have agreed in writing that those noise limits will not apply at their shared property line or that the noise limits may exceed the 75 decibel limit by an amount established in writing. Any such agreement concerning the noise limits at the shared property line shall be set forth in reciprocal deeds between the property owners and shall be recorded in the Cumberland County Registry of Deeds.
- 3) The following activities are excluded from the sound level limits.
 - a) Construction and demolition work 7 am to 7 pm. With prior approval from the Town of Gorham Code Enforcement Officer, this exemption can be extended beyond daytime hours to accommodate certain activities such as major concrete pours.
 - b) Agricultural activity and daytime timber harvesting.
 - c) Landscaping, lawn mowing and related grounds keeping.
 - d) Snow removal and related winter maintenance such as sanding.
 - e) Operation and daytime (7 a.m. to 7 p.m.) testing of emergency equipment such as fire alarms, backup generators, and pressure relief valves.

- f) Registered and inspected motorized vehicles traveling on public roads and when entering and departing from a parking or loading area and which are moving, starting or stopping. This excludes operation of vehicles and on-board equipment during loading, unloading, processing, mixing or related operations. Examples of non-exempt vehicle operations include refrigeration units on parked vehicles, cement mixers, and on-board loading pumps.
- g) Safety and warning signals required by law, rule or regulation.
- h) Cultural and sporting events with proper approval from the Town of Gorham.
- i) At lot lines where the abutting property owner has granted a noise easement to the applicant, such an easement shall state the abutting property owner agrees that the sound level limits at the shared property line can be exceeded a specified amount but not by more than 10 dBA above the applicable sound level limits. Any agreement or easement concerning noise levels shall be included in the reciprocal deeds, and shall be only for the specific noise, land use and term covered by the noise easement and shall have no effect on the sound level limits applicable to other properties.
- j) Maintenance, startups, shutdowns and other routine activities are not exempt from these sound level limits. Exceptions to this restriction can be granted by prior approval of the Code Enforcement Officer according to the following criteria:
 - 1) Frequency, no more than once every three months
 - 2) Permitted sound level, no more than 85 dBA for brief limited, intermittent time periods totaling no more than one hour for the duration of maintenance,
 - 3) Maintenance exceeding normal sound limits, as described in item 2 to occur only between the hours of 7AM and 5PM
- k) Well drilling work 7 am to 7 pm. With prior approval from the Town of Gorham Police Department, this exemption can be extended beyond daytime hours to accommodate welling drilling activities during times of severe drought.

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to amend the order to say abnormally dry times instead of times of severe drought. **7 yeas**

Order #21-080 was VOTED as amended. **7 yeas**

Public

Hearing #5

On Item #2021-6-06

Public hearing to hear comment on the proposed amendment to the Land Use & Development Code requiring surveyors to identify setbacks. (Admin. Spon.)

Chairman Pratt opened public hearing #5. There were no comments from the public and the hearing was closed.

Proposed

Order #21-081

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council approve amendments to the Land Use & Development Code requiring surveyors to identify setbacks as follows:

Moved by Councilor Wilder Cross, seconded by Councilor Phillips and VOTED to waive the reading of Order #21-081 due to length. **7 yeas**

CHAPTER 1: ZONING REGULATIONS SECTION 1-3 - ADMINISTRATION E. APPLICATION

- 1) Unless excused by the Code Enforcement Officer, all applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building or alteration and the proposed sewage disposal system as required by the Maine State Plumbing Code ~~certified by a registered land surveyor or registered civil engineer or a plumbing inspector appointed by the Town.~~ The Code Enforcement Officer may require at his discretion additional tests to be performed under his observation and at the expense of the applicant. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code.
 - a. All newly created lots less than 60,000 sq.ft. of lot area shall be surveyed by a State of Maine Registered Surveyor and all property corners shall be marked with permanent markers, For the purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the record and part of the building permit review.
 - b. Newly created lots greater than 60,000 sq.ft. may require a survey by a State of Maine Registered Surveyor if the Code Enforcement Officer determines that the proposed structure proximate to a front, side, rear, or shoreland setback warrants concerns about a given setback not meeting the minimum allowed. Should a boundary survey be warranted, all property corners shall be marked with permanent markers, For the purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the

record and part of the building permit review.

- c. If any part of the structure is proposed to be located closer than 5 feet to the minimum front, side, rear or shoreland setback required by the applicable zoning district regulations; or if the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, or other unusual features of lot shape or topography, the Code Enforcement Officer may require that the foundation be set and pinned by a professional land surveyor.

Moved by Councilor Wilder Cross, seconded by Councilor Kuech and VOTED to amend Chapter 1, #1 to say: The Code Enforcement Officer may require at ~~his~~ their discretion additional tests to be performed under ~~his~~ their observation and at the expense of the applicant. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code. **7 yeas**

Order #21-081 was VOTED as amended. **7 yeas**

**Public
Hearing #6
on Item #2021-6-07**

Public hearing to hear comment on a proposed increase to the transfer overlay fee to promote use and development in respective areas while maximizing contributions. (Admin. Spon.)

Chairman Pratt opened public hearing #6. There were no comments from the public and the hearing was closed.

**Proposed
Order #21-082**

Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council increase the transfer overlay fee from \$15,000 to \$16,500 to promote use and development in the respective areas while maximizing contributions.

Order #21-082 was VOTED **7 yeas**

Item #2021-6-08

Action to consider amending the Land Use & Development Code with regard to adding additional uses to home occupations. (Ordinance Committee Spon.)

**Proposed
Order #21-083**

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to waive the reading of Order #21-083 due to length. **7 yeas**

Chapter 1: ZONING REGULATIONS

SECTION 1-5 - Definitions

Business and Professional Offices for the conduct of business and involve no sales of tangible products available on the premises, except as a minor and ancillary use as would be directly related to the conduct of a given profession, or storage of materials or equipment that are used off the premises.

Professional offices include, but are not limited to, the following: office facility of a salesman, sales representative or a manufacturer's representative; office facility of an architect, engineer, broker, dentist, physician, optometrist, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent or accountant; office facility of a minister, rabbi or other religious leader, provided that the office is open to the public or congregation.

The following uses are not considered business and professional offices:

- 1) Distribution facilities
- 2) Sales offices involving on-premises display and sales of materials, except as a minor and ancillary use as described above
- 3) Offices of building contractors involving the storage of materials or equipment.

Personal Services

A service based on the intellectual or manual efforts of an individual rather than a salable product. Personal services includes, but are not limited to, the following:
barber, hairdresser, beauty parlor, **spa, barbershop**, shoe repair, shoe shine, photographic studio, and businesses providing similar services of a personal nature.

Repair Services

Businesses providing for the repair and maintenance of personal and business property such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; musical instruments; sporting equipment; small engines and equipment; **small appliances; bicycles; electric bicycles** and similar items but not including the repair of motor vehicles, boats, recreational vehicles or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

Instructional Services

An instructional service is a use in which the practitioner provides the client with special instruction in a specific area of study. Instructional services include, but are not limited to, the following: music, dance, arts and crafts, and tutoring.

Home crafts **The business activities whereby the commodity for sale is completely manufactured by the resident craftsman. Home crafts may include, but are not limited to, the following: artists, jewelers, sculptors, dressmaking, seamstresses and tailors, and include such activities as model making, bakery, rug weaving, lapidary work and furniture making.**

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-15 – HOME OCCUPATION STANDARDS

Home occupations shall conform to the following requirements:

1. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

2. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence.

1-3. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto with the exception of farm/roadside stands which are allowed to be carried on in a separate structure.

2-4. Not more than two people outside the family shall be employed in the home occupation.

3-5. There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this chapter), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

4-6. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, or glare shall be generated. **The noise standards shall comply with the standards identified under Chapter 4, Section 4-9, and T. Noise.-**

7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood **or generate more than 10 vehicle trips per day.**

6-9 In addition to the oOff-street parking **provided to shall** meet the **standards set forth in Section 2-2 of this Chapter. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure but not within the yard setbacks. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences. normal requirements of the dwelling, adequate off-street parking be provided**

~~for the vehicles of each employee and the vehicles of the maximum of the home occupation may attract during peak operating hours.~~

10. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers and to items which are accessory and incidental to a service which is provided on the premises.

~~7-11.~~ The home occupation shall not utilize more than 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more, with the exception of day care home facilities which may utilize up to 50% of the dwelling unit in addition to the use of the exterior of the property for State required play areas.

8-12. The following uses shall be allowed as home occupations as defined in Chapter 1, Section 1-5 Definitions:

- a. Business and Professional offices
- b. Personal Services
- c. Instructional Services
- d. Repair Services
- e. Day Care Home
- f. Home crafts
- g. Construction Services
- h. Office of a Contractor or Tradesman
- i. Medical marijuana caregiver

A home occupation shall be limited to the following:

- ~~a. art studio~~
- ~~b. bed and breakfast~~
- ~~c. day care home~~
- ~~d. dressmaking shop~~
- ~~e. farm/roadside stands~~
- ~~f. hairdressing shop~~
- ~~g. teaching or tutoring facilities~~
- ~~h. office of a physician, dentist, optometrist, lawyer, engineer, architect or accountant~~
- ~~i. office of a real estate broker or agent~~
- ~~j. office of an insurance agent or broker~~
- ~~k. office of construction services~~
- l. uses similar and compatible with the above as determined by the Town's Code Enforcement Officer

9-13. Permit required. A permit must be obtained from the Code Enforcement Department prior to commencement of the Home Occupation. As part of the permit approval, the Town's Code Enforcement Officer is authorized to limit the proposed use or require on-site improvements to minimize potential negative impacts to the neighborhood and/or roadways.

14 .A home occupation shall not be interpreted to include the following:

- a. facilities for the repair of motor vehicles
- b. day care center

.15. In addition to the home occupation standards listed above, the home occupation uses **listed below shall meet the following requirements:**

a. Instructional Services

- 1) **Instructional services involving a maximum of four students at a time are permitted. In the case of musical instructions, no more than two students at a time shall be permitted.**

b. Day Care Home

- 1) **Prior to the permit approval of the use by the Code Enforcement Officer, the applicant must obtain a license from the State of Maine Department of Child and Family Services.**

c. Construction Services

- 1) Limited to two of the following: pick-up trucks, vans or box trucks and one trailer parked/stored outside.
- 2) No outside storage of materials.
- 3) Material storage buildings/space limited to 20% of the size of the total area of the dwelling unit.

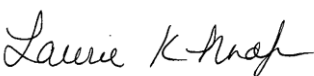
d. Repair Services

- 1) **The repair of any small engines or equipment with any type of gas, diesel, oil, or natural gas engine is not permitted.**

Order 21-083 was VOTED **7 yeas**

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to adjourn. **7 yeas**
Time of Adjournment: 9:45pm

A True Record of Meeting
06/01/2021

ATTEST  _____ 06/02/2021
Laurie Nordfors, Town Clerk

