

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
September 7, 2021

Chairman Pratt opened the meeting with the Pledge of Allegiance to the Flag. There were 5 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Hartwell, Hager, Phillips, Wilder Cross and Kuech. Also in attendance were Community Development Director Tom Poirier and Town Clerk Laurie Nordfors.

Moved by Councilor Hager, seconded by Councilor Wilder Cross and VOTED to accept the minutes of the August 3, 2021 Regular Town Council Meeting and the August 24, 2021 Special Town Council Meeting. **7 yeas**

Open Public Communications

Dennis Marrotte announced that on September 16, 2021, from 4pm-7pm, there will be an opening reception to celebrate and learn more about the Bridges of Friendship Exchange that will be on display at Baxter Memorial Library until October 29, 2021.

Harold Parks, George Street asked the Council to consider having Public Works remove fall leaves from the George Street cul-de-sac.

Councilor Communications

Councilor Hartwell announced there will be two events in Gorham recognizing the 20th anniversary of 9/11. The VFW will host a short ceremony at 8:00am at Phinney Park followed by the Stephen Ward Memorial Run, which will start at the Municipal Center at 8:30am.

Councilor Shepard reported that the Ordinance Committee met on August 17th and discussed 4 topics which will be brought back to the Committee during their September meeting.

Councilor Phillips echoed Councilor Hartwell on the Stephen Ward Memorial Run announcement and also noted that there will be a “kids run” as well. She also reported that a “Gorham Cleanup” will take place on October 3rd and will focus on the Village and South Street. You can get more information on the Conservation Commission and the Village Alliance Facebook page. She reported that the Town Council/School Department Facilities Committee will meet on September 14th at 6:30. Councilor Phillips once again addressed the on-going problem of pet waste on the trails and around Town. She urged citizens to please clean up after their pets and dispose of the waste in the proper places. If the problem does not improve, it could result in closing the trails to pets.

Councilor Wilder Cross pointed out that things are starting to open up again and was glad to be able to attend the MMA Women in Leadership Symposium in Augusta last month. She enjoyed the workshop and hopes to see more qualified women apply for Municipal positions.

Councilor Kuech also attended the MMA Women in Leadership Symposium and was impressed to learn how women got to where they are in their positions. She found the symposium very interesting.

Councilor Hager reported that the Finance Committee will meet for their quarterly meeting on September 20th at 5:30pm.

Chairman Pratt reminded citizens that school is back in session and to please slow down, stop looking at your phones and stop for busses and crosswalks.

Town Managers Report

Director of Community Development Tom Poirier remarked that the town-wide revaluation is still going on. Letters have gone out to home owners to announce that they will be in their area. If you have any questions, you may call the number on your letter or contact the Assessing Department. He reported that speed limit studies are conducted by the DOT, who come out and assess the road in question. He mentioned that the DOT only allows 3 requests per year. The police department cannot enforce a speed limit unless that speed limit is set by the DOT.

School Committee Report

Darryl Wright reported the following:

1. The opening of our schools has gone well this year even with the ongoing COVID 19 pandemic challenges. We've opened our schools, had open houses, and welcomed back our students and families. It was great to see parents back in our schools for open houses and it was incredible to see ALL our students back in school together this past week! We are continuing to follow all appropriate MDOE and MCDC safety guidelines and we will continue to report all active positive cases and an all-cases summary on our website. Our COVID 19 information pages on our website remain active and up to date. Please encourage anyone with questions to check out the information there and reach out to Superintendent Perry with any questions they may have.
2. Enrollments at each school at the beginning of the year are: Great Falls - 509, Village - 415, Narragansett - 362, GMS - 630, and GHS - 834. That would put our total estimated enrollment at 2,750. The numbers at the beginning of the School year are very fluid. The official enrollments are reported to the State as of Oct. 1 to account for continued movement during the first few weeks of school. We will report our updated enrollments in October.

3. A huge THANK YOU to the members of the Gorham PD and Gorham Recreation Department for helping us out during the days leading up to the opening of school. Because of a shortage of staff, and a need to once again make significant changes to the furnishings in our schools over the course of the summer, we were in a bind trying to get some last-minute furniture moves done before school opened up. When we put out the call for help, these folks stepped up to help and we greatly appreciate them!
4. The SC will be getting an update at our meeting tomorrow night regarding summer work but I wanted to share with the Council and the public some of large projects that were completed. This Phase of the Narragansett Modular Expansion (6 additional classroom spaces) along with site work that included paving, improved sidewalks, crosswalks and safety signage are done. Repairs to the GMS sidewalks were completed and we are in the midst of our field lighting project at GHS. Tune into our meeting tomorrow night for more details.
5. Staffing shortages continue to be a problem for the District. We are down 3 FT bus drivers, 3 van drivers and 2 FT Ed Techs. We are also seeing a severe shortage in substitute teachers, with only 25 on the books instead of our pre-pandemic levels of around 90 at this point in the year. Substitutes can make \$100 a day for Certified subs and \$95 a day for non-certified. We continue to offer a sign on bonus of \$2,000 for bus drivers and provide an opportunity for bus drivers without their CDL license to be paid while they go through the process of getting their CDL license. If you know of anyone interested in working for the Gorham School District, please have them go to the District website for the details on the employment opportunities.
6. With the number of parent pickups at the end of the day at GHS increasing dramatically from pre-pandemic numbers, we have run into a traffic issue that affects the PM bus route schedules. Adjustments are being worked on and there will be a change in traffic flow beginning on Monday Sept 13th. In the meantime, please be prepared for delays this week and watch for the change in traffic patterns starting next week.
7. Our next School Committee regular meeting is scheduled in person for tomorrow, September 8th, here in the Burleigh H. Loveitt Council Chambers, at 7:00 PM.

Public Hearing #1

Public hearing to hear comment on a referendum question for the November 2, 2021 Municipal Election, to authorize the Town to expend not more than \$575,000 from the school capital reserve fund and not more than \$244,900 from undesignated fund balance in addition to the \$2,265,000 in funding from bonds approved by referendum in 2020, for the Gorham Middle School HVAC Heat Pump Upgrade and Repair Project. (Admin Spon.)

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

Public hearing #2
On Item #2021-9-01

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McInerny. (Admin. Spon.)

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

Proposed
Order #21-123

Moved by Councilor Kuech, seconded by Councilor Phillips and Ordered, that the Town Council issue a Medical Use Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McInerny.

Order #21-123 was VOTED **7 yeas**

Public Hearing #3
On Item #2021-9-02

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Robert Derrey, Alternative Relief, 17 Industrial Parkway, Unit A. Property owned by Dave Cowan. (Admin. Spon.)

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

Proposed
Order #21-124

Moved by Councilor Kuech, seconded by Councilor Wilder Cross and Ordered, that the Town Council issue a Medical Use Marijuana License to Robert Derrey, Alternative Relief, 17 Industrial Parkway, Unit A. Property owned by Dave Cowan.

Order #21-124 was VOTED **7 yeas**

Public Hearing #4
On Item #2021-9-03

Public Hearing to hear comment on a proposal to amend the Town's General Assistance Ordinance by updating the maximum levels of assistance as required by the State. (Admin. Spon.)

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

Proposed

Order #21-125

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council amend the Town's General Assistance Ordinance by updating the maximum levels of assistance as required by the State.

Order #21-125 was VOTED **7 yeas**

Public Hearing #5

On Item #2021-9-04

Public hearing to hear comment on a proposal to waive the impact fees for a single-family dwelling, pursuant to the provisions under Chapter 7: Impact Fees, Section 7-1 G: Waiver of Impact fees in the Land Use & Development Code. (Admin. Spon.)

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

Proposed

Order #21-126

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council waive the impact fees for a single-family dwelling, Map 83, Lot 8-1, pursuant to the provisions under Chapter 7: Impact Fees, Section 7-1 G: Waiver of Impact Fees in the Land Use & Development Code.

Order #21-126 was VOTED **7 yeas**

Item #2021-9-05

Action regarding the November 2, 2021 Annual Municipal Election. (Admin. Spon.)

Proposed

Order #21-127

Moved by Councilor Shepard, seconded by Councilor Hager and Ordered, that the Town Council authorize the Town Clerk to issue the warrant for the November 2, 2021 Annual Municipal Election; and

Be It Further Ordered, that the polls be open from 7:00am until 8:00pm; and

Be It Further Ordered, that the Town Council appoints the following persons for the designated voting districts and if any of the following should fail to serve, the Town Council hereby authorizes the Town Clerk to appoint substitutes:

District 1-1 – Susan Emerson, Warden and Laurel Smith, Ward Clerk
District 1-2 – Katherine Corbett, Warden and Cornelia Loughran, Ward Clerk
District 2 – Martha Towle, Warden and Nancy Kenty, Ward Clerk
Central – Paula Nystrom, Warden and Nanette Belanger, Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:00am and 4:00pm on Tuesday, October 26, 2021 and Wednesday, October 27, 2021; between the hours of 8:00am and 7:00pm on Thursday October 28, 2021 between the hours of 8:00am and 1:00pm on Friday October 29, 2021 and between the hours of 8:00am and 4:00pm on Monday November 1, 2021, and

Be it Further Ordered, that the Town Clerk be authorized to process absentee ballots on Tuesday, October 26th thru Tuesday, November 2nd starting at 10:00am each day.

Order #21-127 was VOTED **7 yeas**

Item #2021-9-06 Action to consider approving applications from the Senior Property Tax Relief Program. (Admin. Spon.)

Proposed
Order #21-128 Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council approve all qualifying applications from the Senior Property Tax Relief Program as reviewed and recommended by staff.

Order #21-128 was VOTED **7 yeas**

Item #2021-9-07 Action to consider a resignation from the Conservation Commission. (Admin. Spon.)

Proposed
Order #21-129 Moved by Councilor Wilder Cross, seconded by Councilor Shepard and ORDERED, that the Town Council accept the resignation of Jodie Keene from the Conservation Commission; and

Be It Further Ordered, that the Council thanks Jodie Keene for her years of service on the Board.

Order #21-129 was VOTED **7 yeas**

Item # 2021-9-08

Action to consider amending the Land Use & Development Code to allow for an application fee refund for overturned rulings of the Gorham Code Enforcement Officer. (Councilor Hartwell Spon.)

Proposed

Order #21-130

Moved by Councilor Hartwell, seconded by Councilor Hager and Ordered, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use and Development Code to allow for a refund of Zoning Board of Appeals application fees when a determination of the Code Enforcement Officer is overturned by the ZBA.

Order #21-130 was VOTED **7 yeas**

Item # 2021-9-09

Action to consider authorizing staff to search out funding sources and solutions that benefit local agricultural businesses. (Councilor Hartwell Spon.)

Proposed

Order # 21-131

Moved by Councilor Hartwell, seconded by Councilor Phillips and Ordered, that the Town Council authorizes staff to research and apply for funding that would benefit local agricultural businesses through the advancement and/or construction of a facility that could be used for local farmers markets and other local events.

Order #21-131 was VOTED **7 yeas**

Item # 2021-9-10

Action to consider amending the Land Use and Development Code to move forward with the adoption of the South Gorham Crossroads District. (Councilor Hartwell Spon.)

Proposed

Order # 21-132

Moved by Councilor Hartwell, seconded by Councilor Shepard and Ordered, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use and Development Code to adopt the South Gorham Crossroads District as identified by the Town's Comprehensive Plan.

Moved by Councilor Phillips, seconded by Councilor Hartwell and VOTED to amend the order to add South Gorham Corridor Commercial District. 7 yeas

Order #21-132 was VOTED as amended **7 yeas**

Item # 2021-9-11

Action to consider amending the Land Use and Development Code with regards to performance standards for multi-family housing. (Councilor Hartwell Spon.)

Proposed

Order # 21-133

Moved by Councilor Hartwell, seconded by Councilor Wilder Cross and Ordered, that the Town Council forward to the Ordinance Committee, for review and recommendation, examining performance standards for multi-family housing to promote effective multi-family development in the Town of Gorham.

Order #21-133 was VOTED as amended **7 yeas**

Item #2021-9-12

Action to consider adopting a remote and hybrid meeting policy. (Councilor Pratt Spon.)

Proposed

Order #21-134

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and Ordered, that the Town Council adopts the following remote and hybrid meeting policy pursuant to 1 M.R.S § 403-B as follows:

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-134 due to length. **7 yeas**

TOWN OF GORHAM TOWN COUNCIL

REMOTE AND HYBRID MEETING POLICY

Pursuant to 1 M.R.S § 403-B

- I. **Purpose:** The Town of Gorham strives to provide an open and transparent government that maximizes the ability of its residents to participate in the public process. This Policy sets forth the conditions upon which the Gorham Town Council may conduct a remote meeting, as that term is defined in this Policy. In addition, this Policy sets forth the conditions upon which the Gorham Town Council may conduct a hybrid meeting, as that term is defined in this Policy.
- II. **Definitions:**
 - a. “Hybrid meeting” means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

- b. “Public meeting” means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.
- c. “Remote means” means “remote methods” as that term is defined in 1 M.R.S. § 403-B(1), as may be amended. For purposes of this Policy, “remote means” may include, but is not necessarily limited to: Zoom, Go-To-Meeting, Skype, Google Meet, or other comparable internet-based telephonic or videoconferencing platform. Remote means does not include text-only means such as e-mail, text messages, or chat functions.
- d. “Remote meeting” means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted *solely* by remote means.

III. **Remote Meetings of the Town Council:** The Town Council shall conduct its meetings in person unless the Chair (or in his/her absence, the Vice Chair), in consultation with the Town Manager, makes a determination that an emergency or urgent issue exists that requires the Town Council to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. § 406, as may be amended, and this Policy.

IV. **Hybrid Meetings with Remote Participation by Individual Town Councilors:** Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Town Council are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable are limited to:

- a. Illness or other physical condition, or temporary absence from the Town of Gorham, that causes the member to face significant difficulties travelling to and attending the public meeting in person; or
- b. To provide a reasonable accommodation to a member with a disability.

A Town Councilor who believes it is not practicable, as set forth above, for him/her to attend a meeting in person shall notify the Chair (or in his/her absence, the Vice Chair), as well as the Town Manager, of the existence of such circumstances as far in advance as is possible. The Chair (or in his/her absence, the Vice Chair), shall, in consultation with the Councilor, then make a determination whether being physically present is not practicable for that Councilor and, if such a determination of impracticability is made, so notify the Town Manager that a hybrid meeting will be conducted. If the agenda has already been posted at the time the determination is made to authorize a hybrid meeting with the Town Councilor’s remote participation, an amended meeting agenda containing the information set forth in Section VI(a) of this Policy shall be posted on the

Town's website and be distributed to all Town Councilors, relevant Town staff, and local representatives of the media by the same or faster means used to notify Town Councilors at least four (4) hours prior to the originally noticed meeting start time.

- V. **Hybrid Meetings with No Remote Participation by Individual Town Councilors:** The Town Council is not required by law to offer this type of meeting format and will only conduct a hybrid meeting with no remote participation by individual Town Councilors when it is determined by the Town Manager, in consultation with the Chair (or in his/her absence, the Vice Chair), that such a hybrid meeting is necessary for some special reason, such as the need for the Town Council to communicate with an outside attorney, professional or consultant without incurring the costs associated with that person's travel to/from Gorham.
- VI. **Public Notice of Remote Meetings or Hybrid Meetings:** When the Town Council conducts a remote meeting or a hybrid meeting, the following shall occur:
- a. Notice of the public meeting shall be provided in a manner that provides ample time to allow public attendance. Such notice shall be disseminated in a manner that is reasonably calculated to notify the general public of the time, date, location, and method to be used to conduct the meeting. Such notice shall provide information regarding how members of the public may attend the public meeting remotely and shall provide the physical location where members of the public may participate in person, if applicable.
 - b. Members of the public shall be provided with a reasonable opportunity to participate in the public meeting by remote means, which shall at a minimum include an effective means of communication between such members of the public and the Town Council. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.
 - c. Unless the entire Town Council is conducting a remote meeting as provided in Section III of this Policy, members of the public must be provided the option to attend the meeting in person or by remote means.
 - d. Unless the entire Town Council is conducting a remote meeting as provided in Section III of this Policy, the Chair (or in his/her absence, the Vice Chair), at the start of the meeting, shall announce the name of any Town Councilor(s) participating by remote means and state the reason therefor, which reason must be consistent with Section IV.
 - e. All public documents and other materials considered by the Town Council shall be made available to members of the public by the same or more efficient means as they are provided to individual Town Councilors. This requirement may be met by: (i) posting all public documents and materials to be considered by the Town Council on the Town's website at least one (1) business day prior to the meeting; (ii) making physical copies of all documents and materials to be considered by the Town Council available for in person pick-up at the Town Office at least one (1) business day prior to the meeting; or (iii)

enabling the “screen-sharing” function of the remote means utilized for the meeting in such a way that members of the public are able to view all relevant documents and materials while the Town Council is reviewing and discussing the same.

- VII. **Quorum**: A Town Councilor who participates in a remote meeting or a hybrid meeting is considered present for purposes of determining the presence of a quorum and voting.
- VIII. **Roll Call Vote Required**: All votes taken during a remote meeting or a hybrid meeting must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by all Town Councilors and the public.
- IX. **Zoom Preferred**: The preferred remote means for all Town boards and committees shall be Zoom Webinar. The platform shall be set up and hosted by a Town official and a digital recording shall be preserved. The use of private accounts to host a remote meeting or a hybrid meeting is prohibited.
- X. **Disruptions and Adjournment**: If during the conduct of a remote meeting or a hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of Town Councilors. If the interruption cannot be resolved within 15 minutes, and the Town Council has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Town Councilors and a remote connection to the public location identified in the Town Council’s notice pursuant to Section VI(a) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
- XI. **Executive Sessions**: To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via remote means. There shall be no audio or visual recording of an executive session.
- XII. **Other Town Boards and Committees**: Any public body organized under the auspices of the Town may adopt this Policy in order to comply with 1 M.R.S. § 403-B. Any public body adopting such a remote and hybrid meeting policy under this section must, after hearing on the same, file written notice of the vote with the Town Clerk upon adoption. Any such public body may also choose to set more stringent regulations for use of remote means, provided that said policy is at least as stringent as this Policy and complies with 1 M.R.S. § 403-B. Such enhanced policy must also, after hearing on the same, be approved by a vote of a majority of the members of said body, and a copy of said enhanced policy must be filed with the Town Clerk upon adoption.

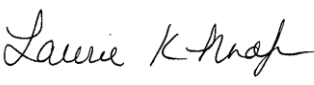
XIII. **Amendment; Severability; Effective Date:** This Policy may be amended as needed by a majority vote of the Town Council. The provisions of this Policy are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect. This Policy shall take effect immediately upon adoption by the Town Council.

Date Adopted: _____, 2021

Moved by Councilor Hager, seconded by Councilor Shepard and VOTED to table Order #21-134 for further discussion by Staff and to bring it back to Council in October. **7 yeas**

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to adjourn. **7 yeas**
Time of Adjournment: 7:56PM

A True Record of Meeting
09/07/2021

ATTEST  _____ 09/08/2021
Laurie Nordfors, Town Clerk