

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
October 3, 2023

Chairman Pratt opened the meeting. There were 15 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Phillips, Lavoie, Siegel and Gagnon. Also in attendance were Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Lavoie, seconded by Councilor Gagnon and VOTED to accept the Minutes of the September 5, 2023 Regular Town Council Meeting and the September 5, 2023 Special Town Council Meeting. **6 yeas**

Open Public Communications

Ken Curtis, South Street; Jim Means, Beatrice Drive; Melonie Bennett, Buck Street and Kelley Brown, Gray Road, all voiced their opinions on the recent tax rate increase due to the School Budget and how the increase is a burden on tax payers.

Rick Willey, Elizabeth Street questioned the Council on their leadership to the Town and would like to see a plan for the future.

Councilor Communications

Councilor Siegel informed residents that there is a community compost bin by the pickle ball court at the Chick Property on Main Street as well as a clothes donation bin in the parking lot of Ace Hardware and urged residents to use them. Councilor Siegel wished anyone celebrating Rosh Hashanah a Happy New Year.

Councilor Gagnon reminded the public there will be a Robie Park Steering Committee meeting on October 4th at 6pm where there will be a big reveal of what they have been working on all year.

Councilor Phillips noted that this weekend is Fall Maple Weekend at local maple farms. Also, several events happening this month include Hamblen Farms, who will host Autumn Fest on October 16 & 17, Baxter Library will host a scarecrow contest on October 21st and many trunk or treat events are happening around town. Councilor Phillips also attended the Jensen Baird Municipal Client Seminar where they discussed the many legislature updates for municipalities.

Chairman Pratt reminded residents to donate blood if possible and to get out and vote on November 7th.

Town Manager Report

Town Manager Paraschak noted that the pedestrian and traffic improvements on Main and South Streets will begin within the next couple of weeks which should bring much needed improvements to the Village. He also reminded residents of the fall brush drop off dates at Public Works which are October 7 and October 21 from 8-12. Town Manager Paraschak reported that Economic Development Business grants are now available for eligible businesses in Town and the Gorham Police Department will again hold their Citizens Police Academy on Wednesday evenings. You can contact the Police Department for more information. He also recognized Angela Fall, Administrative Assistant for Code for her many years of service to the Town as she retires this month.

School Committee Report

Sarah Perkins, Chair reported the following:

Bus Drivers:

For the first time in several years we have begun the year with a full cadre of bus drivers, which has been a huge relief. However, we are aware of some folks that will be leaving us this fall/winter so we are still recruiting bus drivers. We would like to get another 3-4 drivers fully trained during the course of this school year.

Substitute Teachers:

The Gorham Schools also continues to seek Substitutes for all grade levels and programs in our schools. Substitutes only need to have a high school diploma and be willing to complete their CHRC approval process (Fingerprinting). Those who participate in our substitute training program will be paid \$115.00 per day. Those with teaching certificates would be paid \$120.00 per day. Those without training or certificates will be paid \$105.00 per day. Check out our website to apply or see our social media for more information on how!

A.L.I.C.E. Training:

THANK YOU to the Gorham Police Department who has worked closely with the Gorham School Department over the course of the past few months to review our A.L.I.C.E. safety protocols and to re-train all staff in these safety protocols. It had been about 5 years since our last whole district training. This involved many hours of preparation and several hours of direct training with all district staff.

SMCC Light on the Point Award Winner

The Southern Maine Community College Foundation is happy to announce the 2023 Light on the Point Award winners:

Outstanding Business Award: Given to a business or organization that has supported the College and/or made a significant impact within the business community.

Awarded to: Heather Perry, Superintendent of the Gorham, Maine School District
Heather was the catalyst for building the partnership that led to the Educator Apprenticeship Program. The program has the goal of helping people earn a living as they learn, eventually becoming certified Education Technicians II, filling jobs that are in critical need right now. Heather has been a fantastic leader, helping aspiring educators take that next step into a true career.

Dessert and Discuss invitation

This annual event provides an opportunity to hear directly from the District Leadership Team about their opportunities and challenges over the next few years and how these may translate into the 2024-2025 school budget.

All Town Councilors are invited to join us at the GHS library on November 16th at 6:30

Public hearing #1

On Item #2023-10-1

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

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

Proposed

Order #23-144

Moved by Councilor Phillips, seconded by Councilor Lavoie and Ordered, that the Town Council issue a renewal Medical Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McNerny. The granting of this License is subject to the following conditions of approval:
Licensee's full compliance with all requirements contained in the Administrative Consent Agreement by and between the Licensee and the Town, dated June 9, 2021, which administrative Consent Agreement is incorporated into this License by reference.

Order #23-144 was VOTED 6 yeas

Public hearing #2

On Item #2023-10-2

Public hearing to hear comment on a proposal to issue a renewal Liquor License to MakeDough LLC, DBA Otto Pizza. (Admin. Spon.)

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

Proposed

Order #23-145

Moved by Councilor Gagnon, seconded by Councilor Phillips and Ordered, that the Town Council issue a renewal Liquor License to MakeDough LLC, DBA Otto Pizza, 109 Main Street, Unit C.

Order #23-145 was VOTED 6 yeas_____

Public hearing #3

On Item #2023-10-3

Public hearing to hear comment on a proposal to issue a Large Outdoor Event License to Daniel Walker for an event at Raceway Drive on October 28, 2023. (Admin. Spon.)

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

Proposed

Order #23-146

Moved by Councilor Phillips, seconded by Councilor Siegel and Ordered, that the Town Council issue a Large Outdoor Event License to Daniel Walker for an event at Raceway Drive on October 28, 2023.

Order #23-146 was VOTED 6 yeas

Public hearing #4

On item #2023-10-4

Public hearing to hear comment on renewal applications for Automobile Graveyards/Junkyard Permits for 2023-2024. (Admin. Spon.)

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

Proposed

Order #23-147

Moved by Councilor Phillips, seconded by Councilor Shepard and Ordered, that the Town Council issue renewal Automobile Graveyards/Junkyard Permits for 2023-2024 to the following:

Steve Luce, LKQ Corp/Gorham Auto, 192 Narragansett Street

Casco Federal Credit Union, 375 Main Street

Gary Nelson, Chet's Auto Sales, 475 Ossipee Trail

Gordon Reichert, Reichert's Auto Body, 112 Shaws Mill Road

Shawn Moody, Moody's Coworker Owned, 200 Narragansett Street

John Dumbrocyo, Dumbo Enterprises, 86 Longfellow Road

Order #23-147 was VOTED 6 yeas

Public hearing #6

On Item #2023-10-5

Public hearing to hear comment on a proposal to amend the Fire Suppression Systems Ordinance. (Ordinance Com. Spon.)

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

Proposed

Order #23-148

Moved by Councilor Lavoie, seconded by Councilor Siegel and Ordered, that the Town Council amend the Fire Suppression Systems Ordinance as follows:

ARTICLE II. Definitions and Requirements:
Section 5.

9. An "Accessory Apartment" shall mean a separate dwelling unit that has been added on, or created within, a lot with a single family dwelling unit for the purpose of providing separate living accommodations.

ARTICLE VII. SPRINKLER/SUPPRESSION SYSTEMS FOR ONE AND TWO FAMILY HOMES:

Section 1.

B. Exemptions

2. An Accessory Apartment that is 800 square feet or less shall be exempt from the requirements of the Fire Suppression System Ordinance.

Additions: Underlined

Order #23-148 was VOTED 2 yeas, 4 nays (Shepard, Pratt, Phillips, Gagnon)

Item fails

Public hearing #7

On Item #2023-10-6

Public hearing to hear comment on a proposal to amend the Animal Control Ordinance. (Ordinance Com. Spon.)

Chairman Pratt opened public hearing #7.

Craig Stirling, Canal Street spoke in favor of the ordinance and urged Council to vote yes.

Paulette Tateishi, Brookfield Court commented that she has been going to the school fields for years with her dog and doesn't agree with the ordinance prohibiting dogs from being allowed on the fields if they are well behaved and owners pick up after them.

Brandy Waters, Kemp Road is not in favor of the changes in the ordinance and suggests other ways to rectify the problems.

The hearing was closed.

**Proposed
Order #23-149**

Moved by Councilor Phillips, seconded by Councilor Gagnon and Ordered, that the Town Council amend the Animal Control Ordinance as follows:

Moved by Councilor Lavoie, seconded by Councilor Shepard and VOTED to waive the reading or Order #23-149 due to length. 6 yeas 1 nay (Gagnon)

Town of Gorham
Animal Control Ordinance
Adopted – April 7, 2009
Effective – May 7, 2009
Amended – March 2, 2010
Amended October 3, 2023

TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE

Section 1. Purpose

1.1 The purpose of this ordinance is to require that all animals in the Town of Gorham be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

1.2 The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Section 2. Authority.

2.1 This ordinance is enacted pursuant to Title 30-A, M.R.S.A., Section ., Chapter 141 and 7 M.R.S., Chapter 725.

Section 3. Severability Clause.

3.1 If any part of this Ordinanceordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinanceordinance.

Section 4. Definitions

4.1 . ABANDONED ANIMAL:

An animal that has been deserted by its owner or keeper.

4.2 . ANIMAL:

Every living, sentient creature not a human being.

4.3 . ANIMAL CONTROL:

Control of dogs, cats and other domesticated animals.

4.4 . ANIMAL CONTROL OFFICER:

Any person appointed by the Town of Gorham to enforce animal control laws.

4.5 . ANIMAL SHELTER:

A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner surrendered animals

Any of large and varied groups of domesticated animals in the canine family.

4.8.7 DOMESTICATED ANIMAL:

Any animal that is normally dependent on humans for food or shelter, including, but not limited to, horses, swine, fowl, sheep, cattle, goats, dogs, deer, buffalo, wildlife hybrids, and other similar animals.

4.9. 8 LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog. A leash must be used if the dog fails to respond to voice commands or, if the owner or responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog, and at all times when this Ordinance requires dogs to be leashed.

4.10. 9 OWNER:

Any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

4.11. RESPONSIBLE PARTY:

As used in this ordinance, the term “responsible party” means any person who has possession or custody of a domestic animal.

4.12.

4.10 MUNICIPALLY-OWNED RECREATIONAL FACILITY:

Any municipally-owned athletic field, court, playground, skate park, or similar and like facility used for recreational purposes, but not including any municipally-owned trails.

4.11 VOICE CONTROL:

As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the responsible partyowner in response to the responsible party’sowner’s verbal command. If a dog approaches or remains within 10 feet of any person other than the responsible partyowner, that dog is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has clearly communicated to the responsible partyowner by spoken word or gesture that such person consents to the presence of the dog.

Section 5. Animal Control Officer

5.1 A qualified person may be employed by the police department whoand shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws and ordinances related to dogs, cats, and other domesticated animals. However, allAny qualified law enforcement officersofficer may also perform any duty of the Animal Control Officer or take other action to enforce this ordinance in place of or in addition to the Animal Control Officer.

Section 6. Disposition of Impounded Animal

6.1 An owner is entitled to resumemay regain possession of any impounded animal provided thatonce all provisions of this ordinance have been met, and that all impoundment fees due under

the provisions of this ordinance have been paid. Any animal not claimed within fourteen (14) days after the owner has been notified may be classified as an abandoned animal, and the animal's owner may be subjected will remain subject to all civil penalties authorized by this ordinance.

Section 7. Impoundment Fee

7.1 An owner may reclaim an impounded animal by first paying a fee of \$30.00 (thirty dollars (\$30.00) for each animal impounded. All fees will be deposited in the separate account required by Title 7, M.R.S.A. § 3945.

Section 8. Animal Noise

8.1 Except as provided in subparagraph (subsections 8.2) and (through 8.3)4 below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 10 minutes or more, or recur intermittently for one hour or more.

8.2 Section 8It shall not apply be considered a violation of subsection 8.1 if anyan animal is provoked by trespassing peoplepersons or animals on private property on which the animal is situated, or by other legitimate cause for provocation.

8.3 SectionSubsection 8.1 shall not apply to farm animals kept on a property located in the Rural or Rural-Manufactured Housing Districts under the Gorham Land Use and Development Code. In all other zoning districts, Sectionsection 8 shall not apply to farm animals kept on a property, a use of which is, the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Gorham Land Use and Development Code. For purposes of this exceptionssubsection, dogs are not "farm animals" and kennels are not "farms."

8.4 Subsection 8.1 also shall not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of dangers to the livestock. For purposes of this subsection, "livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.

Section 9. Control of Animal Waste

9.1 An owner must remove and dispose of any feces left by their animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

Section 10. Dangerous or Nuisance Dogs

10.1 Any person who is assaulted or threatened with bodily injury by a dog or, any person witnessing an assault or threatened assault against a person or domesticated animal by a dog, or any person with knowledge of an assault or threatened assault against a minor, within thirty days of the assault by a dog, may make a written complaint within thirty (30) days to the Animal Control Officer that the dog is a dangerous or nuisance dog. The Animal Control Officer may issue a civil violation citationsummons for keeping a dangerous or nuisance dog pursuant to 7 M.R.S.A. § § 3952. -A.

10.2 After issuing the citationsummons under subsection 10.1 and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises, or tomay have the dog confined at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. § § 3952-A for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Section 11. Trespass

11.1 An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.

11.2 The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and controlimpound the animal if: the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing;, or if the animal is an immediate danger to itself, to persons or to another's property. Any animal so removed shall be subject to impoundment under the provisions of sections 6 and 7.

A. Any animal so removed shall be subject to the provisions of Sections 6 and 7, in the same manner as an at large dog.

Section 12. Dogs at Large, Prohibited in Cemeteries and Athletic Fields

12.1 It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civilfees and penalties provided in this ordinance.

12.2 It shall be unlawful for any owner to allow or permit any dog, whether on a leash, under voice control or roaming at large or unrestricted, to enter any cemetery or municipally-owned athletic fieldrecreational facility in the Town of Gorham, except that a service animal providing assistance to a person with disabilitiiesa disability may enter a cemetery or athletic field.municipally-owned recreational facility.

Section 13. Tags and StickersLicense Required

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine [Lawlaw](#). The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. § § 3922-B.¹

Section 14. Rabies Tags

14.1 Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training [or](#), in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner¹ [Amended March 2, 2010 shall produce proof of licensure and proof of rabies immunization within twenty four \(24\) hours upon request by the Animal Control Officer.](#)

Section 15. Public Health Threat

15.1 The owner [or keeper](#) of an animal that may have been exposed to a contagious or viral disease may be served with a quarantine notice. The owner [or keeper](#) shall confine and control the animal in accordance with the instructions in the notice. Failure to comply with the notice will be considered a violation of this ordinance and may result in a court ordered seizure of the quarantined animal. The owner [or keeper](#) may also be subject to the penalties found in [Sectionsection](#) 16.

Section 16. Violation and Penalties

16.1 Except as otherwise provided by State law, anyone [found](#) guilty of violating any provisions of [sections 8, 10 or 11 of this Ordinanceordinance](#) shall be [subjectedsubject](#) to a fine of not less than one hundred [and fifty](#) dollars ([\\$100150](#)) nor more than one thousand dollars (\$1,000)). [Such fine is due and payable to be recovered for the use of the Town of Gorham and shall be subjected to such other legal and equitable remedies as may beis recoverable through any and all means](#) available to the Town [by law](#). Each day such a violation continues shall be deemed [to be](#) a new offense. [The fines and fees included in this ordinance are in addition to any other penalties provided by law.](#)

16.2 Except as otherwise provided by State law, anyone guilty of violating any provisions of sections 9 or 12 of this ordinance shall be subject to a fine of not less than one hundred dollars and fifty (\$150) for the first violation and a doubling of the fine for each violation after the first in the same calendar year. Such fine is due and payable to the Town of Gorham and is recoverable through any and all means available to the Town by law. The fines and fees included in this ordinance are in addition to any other penalties provided by law.

Moved by Councilor Lavoie, seconded by Councilor Shepard and VOTED to table the item until next meeting after sending back to the Ordinance Committee. 6 yeas

Item #2023-10-7

Action to consider authorizing the sale of a tax acquired property on Dow Road. (Councilor Philips Spon.)

Proposed

Order #23-150

Moved by Councilor Philips, seconded by Councilor Shepard and Ordered, that the Town Council authorizes the Town Manager to list 2.25 acres of tax acquired property at 155 Dow Road with a realtor; and Be It Further Ordered, that the Town Council approves the final sale of the property.

Order #23-150 was VOTED 6 yeas

Item #2023-10-8

Action to consider instructing staff to review the possibility of creating additional Town Committees. (Councilor Siegel Spon.)

Proposed

Order #23-151

Moved by Councilor Siegel, seconded by Councilor Lavoie and Ordered, that the Town Council instructs staff to review and bring back recommendations to the Town Council on creating new appointed committees to assist with current and future community needs.

Order #23-151 was VOTED 6 yeas

Item #2023-10-9

Action to consider authorizing the placement of a bench in recognition of the Gorham Lions Club at Fort Hill Park. (Councilor Siegel Spon.)

Proposed

Order #23-152

Moved by Councilor Siegel, seconded by Councilor Phillips and Ordered, that the Town Council authorizes staff to work with the Gorham Lions Club to place a bench at Fort Hill Park; and

Be It Further Ordered, that the Town Council thanks the members of the Gorham Lions Club past and present for their volunteerism in the community.

Order #23-152 was VOTED 6 yeas

Item #2023-10-10

Action to consider establishing a Fiscal Sustainability Committee with the Gorham School Department. (Councilor Pratt Spon.)

Proposed

Order #23-153

Moved by Councilor Pratt, seconded by Councilor Lavoie and Ordered, that the Town Council authorizes the Town Manager to work with the School Superintendent on establishing a joint Fiscal Sustainability Committee that will evaluate the future financial landscape, and to use this knowledge to make recommendations for how to maintain sustainable taxes while continuing to manage the present and future growth of our community over the next 5-10 years.

Order #23-153 was VOTED 6 yeas

Item #2023-10-11

Action to consider instructing the Ordinance Committee to evaluate public utility impact fees for water and sewer extension in the Town of Gorham. (Councilor Pratt Spon.)

Proposed

Order #23-154

Moved by Councilor Lavoie, seconded by Councilor Shepard and Ordered, that the Town Council instructs the Ordinance Committee to work with staff to review and propose public utility impact fee(s) for the purposes of expanding sewer and water availability in the Town of Gorham where extensions are possible.

Order #23-154 was VOTED 6 yeas

Item #2023-10-12

Action to consider entering into an executive session pursuant to 1 MRSA §405(6) (C).

Proposed

Order #23-155


Moved by Councilor Siegel, seconded by Councilor Lavoie and Ordered, that the Town Council enter into executive session pursuant to 1 MRSA §405(6) (C) for discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

Moved by Councilor Gagnon, seconded by Councilor Phillips and VOTED to come out of Executive Session. 6 yeas.

Moved by Councilor Shepard, seconded by Councilor Lavoie and VOTED to adjourn. 6 yeas

Time of adjournment: 8:32pm

A True Record of Meeting
10-03-2023


ATTEST

Laurie Nordfors, Town Clerk
10-04-2023

