

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
November 14, 2023

Chairman Pratt opened the meeting. There were 13 members of the public in attendance.

Roll Call of the 2023 Town Council: 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 Phillips, seconded by Councilor Shepard and VOTED to accept the Minutes of the October 3, 2023 Regular Town Council Meeting and the October 24, 2023 Special Town Council Meeting. **7 yeas**

Councilors Pratt, Phillips, Gagnon, Wilder Cross, Lavoie and Siegel thanked outgoing Councilor Ron Shepard for his many years of service and dedication to the Town. Chairman Pratt presented Councilor Shepard with a plaque.

Town Clerk Laurie Nordfors swore in newly elected Town Councilors Suzanne Phillips and Lou Simms.

Roll call of the 2024 Town Council: Councilors Pratt, Phillips, Lavoie, Siegel, Wilder Cross, Simms and Gagnon.

Item #2023-11-1 Action regarding the election of a Council Chair for the 2023-2024 year.
(Admin. Spon.)

Proposed
Order #23-158 Moved by Councilor Wilder Cross, seconded by Councilor Lavoie and Ordered,
that the Town Council elect Suzanne Phillips as the Chair for the 2023-2024 year.

Order #23-158 was VOTED 7 yeas.

Item #2023-11-2 Action regarding the election of a Council Vice-Chair for the 2023-2024 year.
(Admin. Spon.)

Proposed
Order #23-159 Moved by Councilor Wilder Cross, seconded by Councilor Lavoie and Ordered,
that the Town Council elect Lee Pratt as the Vice-Chair for the 2023-2024 year.

Order #23-159 was VOTED 7 yeas.

Item #2023-11-3 Action to consider adopting Town Council rules. (Admin. Spon.)

Proposed

Order #23-160 Moved by Councilor Pratt, seconded by Councilor Lavoie and Ordered, that the Town Council adopts the same Council rules as the 2022-2023 Town Council year.

Order #23-160 was VOTED 7 yeas.

Open Public Communications

Priscilla Wheatly, Fort Hill Road voiced her opinion on the recent school budgets that were presented to the voters and asked the Council to investigate and come to a resolution using the Town Charter.

Ken Curtis, South Street noted that he would like to hear an approximate amount of taxes that are generated by commercial businesses in Gorham that helps to offset what a homeowner is paying for taxes. He also would like to get an update from the Council on the progress of the expansion of the Industrial Park.

Councilor Communications

Councilor Siegel announced the birth of his first child Vaiva, born October 25th and is very excited to introduce Vaiva to the world and Municipal Government.

Councilor Simms revealed that he is ready to get to work for the Town as the newly elected member of the Town Council. He pointed out that there is a statewide grant program being offered to local businesses to help them grow their domestic trade. The grant is available through December 15th. More information can be found on the Maine Department of Economic & Community Development website.

Councilor Gagnon reported that the Robie Park Steering Committee met and went over the survey results from the Town and had a more public input about the three designs that were offered. He stated that there is still more work to be done to go over additional comments but hopes to wrap up by the end of April. The next meeting will be sometime in December.

Councilor Wilder Cross congratulated Councilor Phillips and Simms for their election to the Council. She also thanked all the other candidates who expressed their desire to make Gorham the best it could be. Councilor Wilder Cross attended the October GPCOG Metro Regional meeting on October 10th where they heard more about the State of Maine Housing Production Needs Study that will set a baseline for state housing production through 2030. The goal is to see 24,000 new homes by 2030, of which 75% of those will be located near where jobs are, and priority will be on mid-low-income housing. They also heard an update regarding the new State of Maine Office of New Americans, which will be helping Municipalities prepare for and welcome immigrants and asylum seekers. She noted that 4 new families will be moving to Gorham soon and will be housed at the 1st Parish Church. Councilor Wilder Cross also attended the October Ordinance Committee meeting and noted that two proposals will be discussed at tonight's meeting. The next meeting will be held on November 20th. She reminded residents that the

Gorham Village Alliance will once again sponsor the annual “Shop the Village” campaign. More information will be available next month.

Councilor Pratt congratulated the Gorham High School girl’s volleyball team for winning the State Championship. He reminded residents who burn wood to please get their chimney cleaned to avoid a possible chimney fire. Councilor Pratt, as always, urged residents to donate blood, if possible, as the blood banks are still extremely low. Blood drives can be found on the American Red Cross website.

Chairperson Phillips thanked everyone who came out and voted and congratulated the newly elected Council and School Committee members.

Town Manager Report

Town Manager Paraschak noted that the Town offices will be closed on Thursday, November 23rd for the Thanksgiving holiday. He reminded residents of the burn off the turkey 5 k race that will be held on Saturday, November 25th as well as the annual light parade and tree lighting on November 26th. He also reminded citizens of the winter parking ban that is in effect from midnight to 6am on all Gorham roads. Town Manager Parashak thanked the Rec. Department and Public Works for getting the town holiday ready and installing lights around town. He also noted that Small Business Saturday is November 25th and urged citizens to shop locally.

School Committee Report

Sarah Perkins, Chair reported the following:

Thank you to the Gorham Police Department:

During the tragic events in Lewiston in October, Gorham PD was actively engaged with the schools to help us to navigate our responses appropriately, even while balancing their own needs and processes. ***We are so thankful for our partners at GPD.*** Your dedication to the safety of our school children, school staff, and to our entire community is so very appreciated.

GHS Volleyball Team are State Champions:

Congratulations to our GHS Volleyball Team for their recent state championship! Our student athletes, and our students in general represented our community so very well this past season and at the championship game itself.

School Configuration Study:

To ensure the most efficient and effective use of our school facilities, the School Committee completed a school configuration study that looked at costs across 7 different usage scenarios, including moving from neighborhood elementary schools to grade level schools,

closing one elementary school and moving specific grades to different schools. The scenarios looked at staffing costs, classrooms required at a mid-level class size, and high-level transportation needs. After discussions at our October 25th and November 8th meetings, the committee determined that ***our current facilities plan is the most cost-efficient and learning effective option***. As next steps in this plan, the DLT will be working to complete the final phase of attendance zone reconfiguration for fall 2024 and apply for state funding for a consolidated elementary school when it becomes available.

FMLA Impact:

The paid family and medical leave law recently passed in the last legislative session will increase expenses as much as 1% of employee costs, or approximately \$300,000.00 in the coming 2024-2025 school budget. We will continue to monitor the implementation of this new law and explore creative means of reducing impacts if we can, but this will impact the budget currently being built.

Town Council & School Committee Collaboration:

All Town Councilors are invited to join the School Committee and District Leadership team at the ***GHS library THIS THURSDAY at 6:30***. This annual Dessert and Discuss 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.

In addition, the School Committee has identified several potential dates for the ***joint SC/TC workshop in December*** to continue our collaboration on the 2024-2025 budget. Among the proposed dates are:

- Monday, Dec. 4 at 6:30 p.m.
- Tuesday, Dec. 5 at 5:30 p.m. (before TC regular meeting)
- Wednesday, Dec. 13 at 6:00 p.m. (before SC meeting)

The end of the year can be hectic, so the sooner a date can be finalized the better. Thank you!!

Fiscal Sustainability Committee:

The Superintendent and Town Manager have identified a potential facilitator for this joint committee and we are looking forward to a February kick off. The School Committee participants will be Sarah Perkins, Chairperson and Stewart McAllister, Finance & Facilities Committee Chairperson.

Any **questions, please feel free to reach** out: [**Sarah.Perkins@gorhamschools.org**](mailto:Sarah.Perkins@gorhamschools.org).

Item #2023-11-4 Action regarding the appointment of members of various Council Committees for the 2023-2024 year. (Admin. Spon.)

Proposed

Order #23-161 Moved by Councilor Lavoie, seconded by Councilor Pratt and Ordered, that the Town Council appoint the following people to the:

1. Council Finance Committee: Rob Lavoie, Chair; Lee Pratt; Ginny Wilder Cross
2. Council Ordinance Committee: Seven Seigel, Chair; Phil Gagnon, Lou Simms
3. Council Appointments Committee: Seven Seigel, Chair; Rob Lavoie; Lee Pratt
4. Council Economic Development / Capital Improvements Committee: Phil Gagnon, Chair; Lou Simms; Ginny Wilder Cross
5. Representative to Greater Portland Council of Governments: Lou Simms, Ephrem Paraschak
6. Representatives to EcoMaine: Terry Deering, Ephrem Paraschak
7. Representative to Jetport Noise Abatement Committee: Lee Pratt
8. Representative to GPCOG Metro Regional Coalition: Ginny Wilder Cross
9. Robie Park Master Plan Committee: Phil Gagnon, Ron Shepard
10. Joint Fiscal Sustainability Committee: Lou Simms, Phil Gagnon

Order #23-161 was VOTED 7 yeas.

Public hearing #1

On Item #2023-11-5 Public hearing for the purpose of receiving public comments on the designation of its proposed Municipal Development and Tax Increment Financing District #13 (the "Battery Storage District") and the adoption of a Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed District would include the 13.20 acre site located at 60 Hutcherson Drive in the Town of Gorham (Tax Map 12, Lot 22-1) to be developed by Cross Town Energy Storage LLC as a 175 MW battery energy storage system with associated substation equipment, gravel drive, and short generation tie-line to the existing 115KV Central Maine Power Mosher's substation. The proposed District would capture 100% of the increased assessed value of the real and personal property of the battery storage facility for a period of up to 30 years. The tax revenue from the increased assessed value of the property in the District would be retained by the Town to be used for various public improvements and facilities as identified in the Development Program for the proposed District.

A copy of the proposed Development Program for the District is on file with the Town Clerk and may be obtained from and reviewed at the offices of the Town Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

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

Proposed

Order #23-162

Moved by Councilor Lavoie, seconded by Councilor Pratt and Ordered, that the Town Council adopts a Municipal Development and Tax Increment Financing District #13 as follows:

Moved by Councilor Wilder Cross, seconded by Councilor Pratt and VOTED to waive the reading of Order #23-162 due to length. 7 years

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the Town has identified certain property within its Industrial Zoning District that is centrally located, underutilized and in need of redevelopment, and has received a proposal for the development of said property by Crosstown Energy Storage LLC; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the Town and new employment opportunities for residents of the Town and surrounding communities, and will improve and broaden the tax base of the Town and improve the general economy of the Town, the region and the State of Maine; and

WHEREAS, the Town has held a public hearing on the proposed Town of Gorham Municipal Development and Tax Increment Financing District #13 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk's Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the district and adoption of the Development Program;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. The Town Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development

Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

EXHIBIT I: Record of District Designation and Development Plan Adoption

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the proposed Town of Gorham Municipal Development and Tax Increment Financing District #13, as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District in the form presented to the Town Council.

Section 4. The foregoing designation of the district and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Gorham, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the

Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

Order #23-162 was VOTED 6 yeas, 1 nay (Gagnon)

Public hearing #2

On Item #2023-11-6

Public hearing to hear comment on a proposal to issue a renewal Adult Use Marijuana License to Green Trap LLC, 84 Olde Canal Way. Property owned by Hani LLC. (Admin. Spon.)

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

Proposed

Order #23-163

Moved by Councilor Lavoie, seconded by Councilor Pratt and Ordered, that the Town Council issue a renewal Adult Use Marijuana License to Green Trap LLC, 84 Olde Canal Way. Property owned by Hani LLC.

Order #23-163 was VOTED 7 yeas.

Public hearing #3

On Item #2023-11-7

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.)

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

Proposed

Order 23-164

Moved by Councilor Wilder Cross, seconded by Councilor Siegel 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 #23-164 was VOTED 7 yeas.

Public hearing #4

On Item #2023-11-8

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

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

Proposed

Order #23-165

Moved by Councilor Seigel, seconded by Councilor Wilder Cross and Ordered, that the Town Council amend the Animal Control Ordinance as follows:

Moved by Councilor Lavoie, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #23-165 due to length. 5 yeas, 2 nays (Gagnon, Seigel)

TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE

Adopted - April 7, 2009
Effective - May 7, 2009
Amended – March 2, 2010
Amended –November 14, 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 ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

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.~~

4.6 5 AT LARGE:

Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

4.7 6 DOG:

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 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.

4.10 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.

4.121 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 party owner in response to the responsible party owner’s verbal command. If a dog approaches or remains within 10 feet of any person other than the responsible party owner, 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 party owner 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 who and 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, all Any qualified law enforcement officers may also 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 resume may regain possession of any impounded animal provided that once 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 8.43) 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 8~~ It shall not ~~apply~~ be considered a violation of subsection 8.1 if any animal is provoked by trespassing ~~persons~~ people or animals on private property on which the animal is situated or by other legitimate cause for provocation.

8.3 ~~Section~~ Subsection 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, section 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 ~~exception~~ subsection, 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 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 ~~citation~~ summons for keeping a dangerous or nuisance dog pursuant to 7 M.R.S.A. §3952.

10.2 After issuing the ~~citation~~ summons 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 ~~to~~ may

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 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 control impound 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 Municipal-Owned Recreation Facility, and Leash Requirement

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 civil fees 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 playing surface of any municipal-owned recreation facility in the Town of Gorham, except that a service animal providing assistance to a person with disabilities disability may enter a cemetery.

12.3 It shall be unlawful for any owner to allow or permit any unleashed dog on any property owned or leased by the Town of Gorham, except for any service animal providing assistance to a person with disabilities disability may enter a Town owned or leased Property.

Section 13. Tags and Stickers Licensed 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 law. 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.

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 owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request ~~for~~ 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 section 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 ordinance shall be subjected to a fine of not less than one hundred and fifty dollars (\$1050) 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 is recoverable through any and all means shall be subjected to such other legal and equitable remedies as may be 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.

Order #23-165 was VOTED 6 yeas, 1 nay (Lavoie)

Item #2023-11-9

Action to consider forwarding to the Planning Board for public hearing and recommendations, a recommendation to adopt an aquifer protection district. (Admin. Spon.)

Proposed

Order #23-166

Moved by Councilor Wilder Cross, seconded by Councilor Gagnon and Ordered, that the Town Council forward to the Planning Board for public hearing and recommendations, a recommendation to adopt an aquifer protection district in those areas of Town that are on aquifers without the ability for public water as follows and as shown on the following map:

Moved by Councilor Gagnon, seconded by Councilor Simms and VOTED to waive the reading of Order #23-166 due to length. 7 yeas

Draft Ordinance:

CHAPTER 2, SECTION 2-19: AQUIFER PROTECTION OVERLAY DISTRICT

A. PURPOSE

The purpose of the Aquifer Protection Overlay District is to protect the quality of the groundwater in significant sand and gravel aquifers by managing land use activities and development that occurs in the areas located above these deposits. The standards focus on minimizing the potential for contamination of the groundwater from:

- improperly functioning subsurface wastewater disposal systems
- leakage or spillage of heating oil and similar products
- leakage or spillage of commercial chemicals and petroleum products
- improper application or use of agricultural chemicals and fertilizers
- the infiltration of “untreated” stormwater runoff from impervious surfaces

B. APPLICABILITY

The requirements of the Aquifer Protection Overlay District apply to all land use and development activities that are located above a “significant sand and gravel aquifer” as identified by the Maine Geological Survey, which do not have provision of a public water supply, and are depicted on the “Official Zoning Map”. Where there is uncertainty about the boundary of the Overlay District, the burden of proof shall be on the owner(s) of the land in question to provide the Code Enforcement Officer with information from a qualified professional geologist, geotechnical engineer, or soil scientist as to the location of the aquifer to assist the Code Enforcement Officer in delineating the boundary of the Overlay District.

The requirements and standards of this overlay district apply in addition to, and supplement the standards of the underlying zoning district in which the land is located as well as any other applicable standards of the Zoning Ordinance. If there is conflict between these standards and requirements and those of other provisions of the Zoning Ordinance or other Town ordinances, the more restrictive provisions apply.

C. PROHIBITED ACTIVITIES

The following uses of land and activities are prohibited within the Aquifer Protection Overlay District even if the use or activity is allowed in the underlying zone:

1. Disposal of solid waste (except brush and stumps), leachable wastes (except subsurface disposal of domestic-like wastewater as defined by the State of Maine), and sludge. This prohibition shall not apply to the land application of sewage sludge in accordance with Best Management Practices established by the Maine Department of Agriculture and/or Department of Environmental Protection.
2. The commercial storage of leachable wastes or solid wastes in an amount greater than typically associated with the principal use of the site.

D. REQUIREMENTS APPLICABLE TO RESIDENTIAL AND NONRESIDENTIAL USES

AND ACTIVITIES

The following requirements apply to all residential and nonresidential uses and activities within the Aquifer Protection Overlay District.

1. Standards for Subsurface Wastewater Disposal Systems

- a. All new or replacement subsurface wastewater disposal systems for residential and nonresidential uses shall conform to the Town of Gorham Waste Water Ordinance and the Maine Subsurface Waste Water Disposal Rules.
- b. Any property owner or applicant proposing to install a subsurface wastewater disposal system for either a residential or non-residential use that uses one or more septic tanks with a combined capacity of more than one thousand two hundred fifty (1250) gallons or a system with a design capacity of more than two thousand (2000) gallons per day must demonstrate that nitrate concentrations in the groundwater will not exceed five (5) mg/L at all property lines of the parcel. No building, plumbing, or other permit, or Planning Board or Code Enforcement Officer approval shall be issued until this requirement is met. The property owner or applicant subject to this requirement shall submit a hydrological analysis demonstrating compliance with this standard as part of any application for a permit or Planning Board approval.

2. Standards for Fuel Tanks and Fuel Supply Lines

- a. Any new or replacement tank for the storage of heating oil, kerosene, or other petroleum-based fuel for use on either a residential or non-residential site must be either a double-walled tank or be equipped with secondary containment meeting the Maine Department of Environmental Protection requirements for use in a “wellhead protection zone”.
- b. Any new or replacement tank for the storage of heating oil, kerosene, or other petroleum-based fuel for use on either a residential or non-residential site that is located outside of a building or structure must be white or a light color and be equipped with a filter protector designed to protect the filter from damage if the filter is not otherwise protected from possible damage by its design or location in the installation.
- c. Any existing unprotected buried fuel line must be replaced by a properly sleeved fuel line in accordance with state requirements prior to: 1) the issuance of any plumbing, building, electrical, or other Town permit, or 2) the sale or transfer of the property to another party.

3. Standards for Floor Drains

- a. Floor drains are not permitted in any area of a residential or non-residential building or site where chemical or petroleum products are used, handled, or stored.
- b. Floor drains in other areas of the building or site must be registered with the State of Maine and a permit obtained if required. Proof of registration must be submitted prior to the issuance of any building or plumbing permit or any approval by the Planning Board or Code Enforcement Officer.
- c. This provision does not apply to foundation drains, discharges of groundwater or stormwater from sump pumps, or similar uncontaminated discharges of groundwater or stormwater.

4. Standards for Stormwater Management

- a. All new or expanded activity that requires site plan review must provide for the treatment of stormwater generated on the site.

b. This requirement for the treatment of stormwater can be met by one of the following:

1) Obtaining a stormwater permit from the Maine Department of Environmental Protection (DEP) in accordance with the Chapter 500 Stormwater Rules, or

2) If a state stormwater permit is not required, and a site is located in the Town's Urbanized MS4 Area, by submitting a stormwater management plan that either:

a) demonstrates compliance with the "basic standards" of Section 4 of Chapter 500 Stormwater Rules including the infiltration standards of Appendix D, and "the other applicable standards" of Section 5 of Chapter 500, or

b) provides for the treatment of 0.5 inches of stormwater runoff from ninety (90) percent of the impervious surfaces on the site and 0.2 inches of runoff from all disturbed pervious areas of the site using Low Impact Development (LID) practices as set forth in Chapter 10 of Volume III of the DEP BMP Technical Design Manual or other practices approved by the Planning Board.

c. The owner or operator of any property that must provide for treatment of stormwater under a. must also provide for the annual inspection and repair/replacement of all stormwater facilities as provided for in the Gorham Stormwater Ordinance.

E. ADDITIONAL REQUIREMENTS FOR NON-RESIDENTIAL USES

Non-residential uses and activities other than commercial agriculture and commercial animal husbandry must conform to the following requirements. These requirements do not apply to home occupations or other non-residential activities conducted in conjunction with an allowed principal residential use.

1. The use, storage, and handling of chemical and petroleum products in quantities greater than normal household use in conjunction with a non-residential use must conform to the following requirements. The storage of not more than six hundred sixty (660) gallons of fuel for heating and/or supply of an emergency generator or not more than twenty-five (25) gallons (or the dry weight equivalent) of other hazardous materials including fuel not for heating or generator supply shall be considered to be normal household use and is not subject to these requirements. Uses and activities in existence at the time of adoption of this provision that do not conform to these requirements may continue but must be brought into conformance with these requirements if:

i) The entire building is renovated, or

ii) The building is cumulatively enlarged by more than twenty (20) percent of the floor area or building volume existing as of April 1, 2011, or

iii) The amount of impervious surface on the parcel is cumulatively increased by more than twenty (20) percent of the impervious area existing as of April 1, 2011, or

iv) The use of property is changed, or

v) Facilities for the handling, use, or storage of chemical or petroleum products are modified, upgraded or expanded. In this case, only the new or modified facilities are required to be brought into conformance unless provisions i, ii, iii, or iv applies.

a. All chemical and petroleum products must be stored under cover and on an impervious surface without floor drains.

b. Secondary containment must be provided for liquid chemical and petroleum products with the capacity to contain 110% of the maximum stored volume. Provisions must be made for the removal of precipitation from the containment structure, unless the containment area is enclosed

within a structure or completely covered by a roof.

c. Tanks for liquid chemical and petroleum products must be equipped with automatic shutoff valves and high level alarms.

d. Above-ground piping must be designed and located to prevent line breakage due to collisions including protection by bollards or similar devices that reduce the potential for the piping being struck.

e. Containers and piping must be constructed of corrosion resistant materials.

f. All containers and tanks for the storage of chemical and petroleum products must be labeled showing the contents.

The owner or operator of a facility that is subject to this section must prepare a Spill Prevention Control and Countermeasures Plan (SPCCP) meeting the requirements of the Maine Department of Environmental Protection and provide both the Code Enforcement Officer and Fire Department with a copy of the Plan. The SPCCP must include information on the procedures the Fire Department can use in the case of a fire to minimize leaching of chemicals to limit groundwater contamination.

2. Commercial vehicles including construction and other heavy equipment that are regularly parked or stored on the site of a non-residential use must be parked on an impervious surface. This requirement does not apply to commercial vehicles that are parked in conjunction with an allowed residential use or to commercial vehicles or equipment on a site during construction for which a permit or approval has been obtained from the Town.

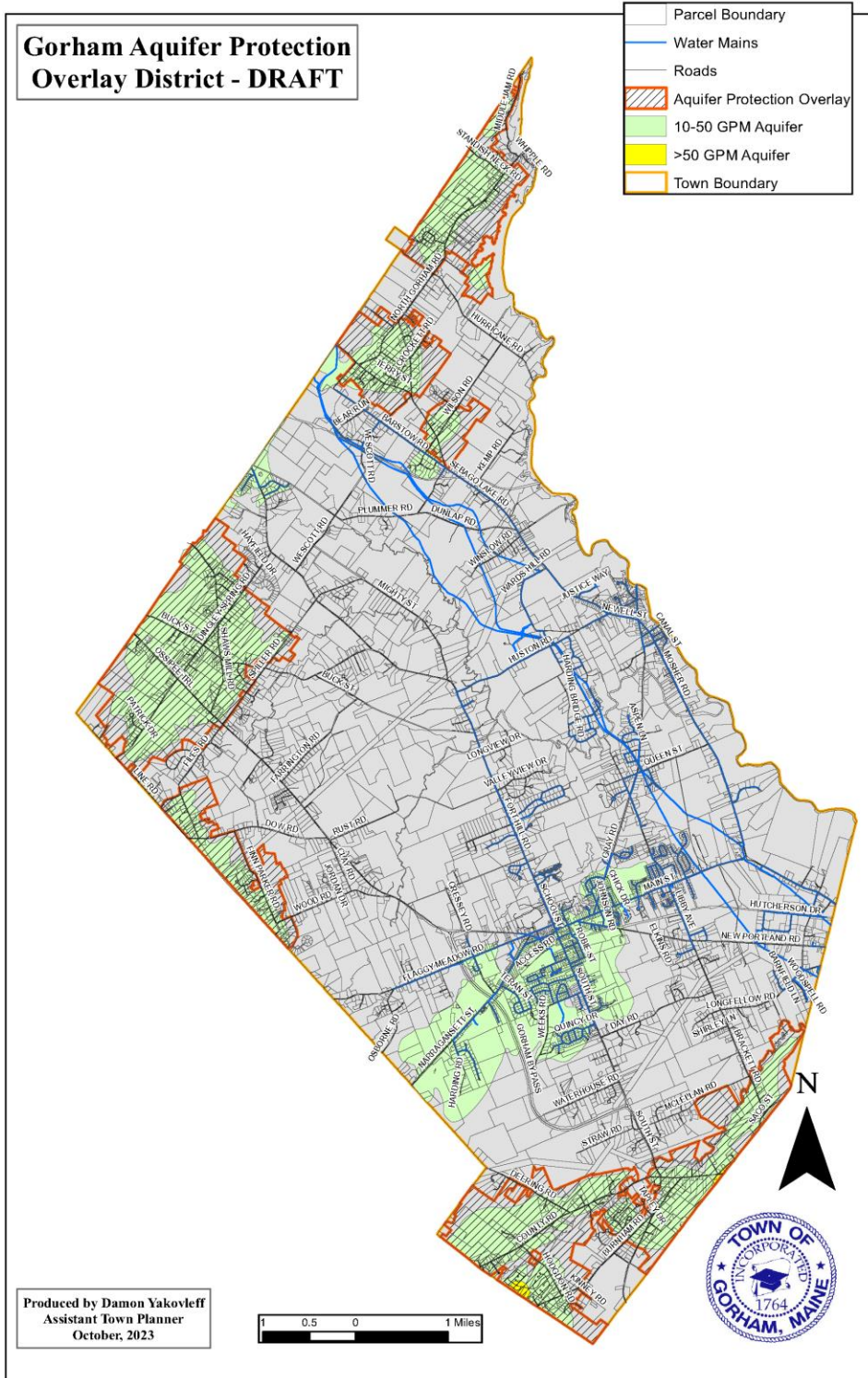
3. All fueling or servicing of commercial vehicles or equipment on the site of a non-residential use must either occur on an impervious surface or with appropriate spill/drip containment including the use of portable drip pans.

F. ADDITIONAL REQUIREMENTS FOR COMMERCIAL AGRICULTURAL OR COMMERCIAL ANIMAL HUSBANDRY USES

1. Any use of manure or agricultural fertilizers in conjunction with a commercial agriculture or commercial animal husbandry use must be done in accordance with Best Management Practices established by the Maine Department of Agriculture.

2. The use of agricultural pesticides and herbicides must conform to the rules and regulations of the Maine Board of Pesticide Control.

3. The use, storage, and handling of chemical and petroleum products in quantities greater than normal household use must be done in accordance with Best Management Practices established by the Maine Department of Agriculture and/or Maine Department of Environmental Protection. The storage of not more than six hundred sixty (660) gallons of fuel for heating and/or supply of an emergency generator or not more than twenty-five (25) gallons (or the dry weight equivalent) of other hazardous materials including fuel not for heating or generator supply shall be considered to be normal household use and is not subject to these requirements.



Order #23-166 was VOTED 7 yeas.

Item #2023-11-10 Action to consider an abatement of taxes pursuant to MRSA 36, section 841, for Map 22, Lot 17-1041. (Admin. Spon.)

**Proposed
Order #23-167** Moved by Councilor Wilder Cross, seconded by Councilor Simms and Ordered that the Town Council grant an abatement of taxes pursuant to MRSA 36, section 841 for Map 22, Lot 17-1041 in the amount of \$3,378.84 for the 2020-2021 tax year, a correction due to the property being taken by eminent domain in May 2021 by the Maine Turnpike Authority.

Order #23-167 was VOTED 7 yeas.

Item #2023-11-11 Action to consider instructing the Ordinance Committee to review the Land Use Code with regard to Accessory Dwelling Units. (Councilor Siegel Spon.)

**Proposed
Order #23-168** Moved by Councilor Siegel, seconded by Councilor Simms and Ordered, that the Town Council instructs the Ordinance Committee to review requirements pertaining to Accessory Dwelling Units in the Land Use & Development Code and to provide recommendations for changes to the code that would encourage further utilization of accessory dwelling units where permitted.

Order #23-168 was VOTED 6 yeas, 1 nay (Gagnon)

Item #2023-11-12 Action to consider instructing the Ordinance Committee to review the possibility of new school impact fees. (Councilor Siegel Spon.)

**Proposed
Order #23-169** Moved by Councilor Siegel, seconded by Councilor Simms and Ordered, that the Town Council instructs the Ordinance Committee to review the possibility of new school impact fees and report back to the Town Council with their recommendation.

Order #23-169 was VOTED 6 yeas, 1 nay (Wilder Cross)

Item #2023-11-13

Action to consider entering into a purchase and sale agreement for town owned property located off of Main Street. (Admin. Spon.)

Proposed

Order # 22-44

Moved by Councilor Lavoie, seconded by Councilor Pratt and Ordered, that the Town Council authorizes the Town Manager to enter into a purchase and sale agreement with Bisson Transportation, Inc. for approximately 52.5 acres of land identified as "Lot A" of the Northern Subdivision Plan of the Gorham Industrial Park West Campus, being a portion of the land described in a deed recorded in the Cumberland County Registry of Deeds in Book 36442, at Page 319.

Order #22-44 was VOTED 7 yeas.

Item #2023-11-14

Action to consider authorizing the Town Manager to award phase I of the Gorham Industrial Park West road construction. (Admin. Spon.)

Councilor Pratt asked to be recused from the discussion and vote of Order #23-170 due to a conflict of interest. Council VOTED 6 yeas, 1 recuse (Pratt)

Proposed

Order # 23-170

Moved by Councilor Wilder Cross, seconded by Councilor Siegel and Ordered, that the Town Council authorizes the Town Manager to award phase I of road construction for the Gorham Industrial Park West to Shaw Brothers Construction of Gorham as low bidder and recommended by Northland Enterprises, LLC working as consultant to the Town; and

Be It Further Ordered, that the Town Manager is authorized to expend federal grant funding as well as locally approved funding for this phase of construction to begin in 2023.

Order #23-170 was VOTED 6 yeas, 1 recuse (Pratt)

Item #2023-11-15

Action to consider instructing the Ordinance Committee to review the existing one lot private way standards and research whether to continue with a 1 lot private way standard or move to a backlot provision for single lot splits meeting specific standards. (Councilor Pratt Spon.)

**Proposed
Order #23-171**

Moved by Councilor Pratt, seconded by Councilor Siegel and Ordered, that the Town Council instructs the Ordinance Committee to review standards for 1 lot private ways or propose a back lot provision for single lots and provide recommended changes to the Town Council.

Order #23-171 was VOTED 6 yeas, 1 nay (Gagnon)

Item #2023-11-16

Action to consider setting a Town Council workshop for December 2023.
(Councilor Philips Spon.)

**Proposed
Order #23-172**

Moved by Councilor Pratt, seconded by Councilor Wilder Cross and Ordered, that the Town Council establish December 12, 2023 as a Town Council workshop to discuss Council goals for the 2024 Town Council session.

Order #23-172 was VOTED 7 yeas.

**Moved by Councilor Simms, seconded by Councilor Pratt and VOTED to adjourn. 7 yeas
Time of adjournment: 8:15pm**

A True Record of Meeting
11-14-2023

ATTEST 

Laurie Nordfors, Town Clerk
11-15-2023

