

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
November 13, 2018

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 10 Members of the public in attendance at the start of the meeting.

Roll Call of the 2017-2018 Town Councilors: Chairman Hartwell, Councilors Shepard, Hager, Smith, Benner and Phillips. Also in attendance were Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Shepard, seconded by Councilor Benner and VOTED to accept the minutes of the October 2, 2018 Regular Town Council Meeting. **6 yeas**

Chairman Hartwell presented a plaque to Councilor Benner and thanked her for her 6 years on the Gorham Town Council. Councilor Benner expressed her appreciation and thanked all for the opportunity to serve the Town of Gorham.

Town Clerk, Laurie Nordfors administered the oath of office to the newly elected Town Council members, Virginia Wilder Cross and Lee Pratt.

Roll Call of the 2018-2019 Town Councilors: Chairman Hartwell, Councilors Shepard, Hager, Phillips, Smith, Wilder Cross and Pratt.

Item #9388 Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council elect Ben Hartwell as the Chair for the 2018-2019 year. **7 yeas**

Item #9389 Moved by Councilor Shepard, seconded by Councilor Smith and ORDERED, that the Town Council elect Suzanne Phillips as the Vice-Chair for the 2018-2019 year. **7 yeas**

Councilor Communications

Councilor Pratt thanked the Gorham Voters for their support and looks forward to serving the community.

Councilor Shepard thanked GoCat and Baxter Memorial Library for their outstanding job with the Veterans Day Ceremony. He also noted that the Ordinance Committee met on October 16th and discussed two items on the agenda. The next Ordinance Committee meeting will be November 20th.

Councilor Phillips thanked the Clerk's Office and all of the Election workers for their excellent job with the election. She also thanked Sherrie Benner and Marla Stelk for their many years of service on the Town Council.

Councilor Wilder Cross thanked the voters for electing her and looks forward to serving on the Town Council. She recognized Councilor Shepard for his excellent job as the Master of Ceremony at the Veterans Day Ceremony. She also reported that the Burn off the Turkey race will be held on Saturday, November 24th and the Tree Lighting and light parade will be held on Sunday, November 25th.

Councilor Hager reported that the finance committees next meeting will be held on November 20th.

Chairman Hartwell thanked Sherrie Benner and Marla Stelk for their time and service to the Town of Gorham and congratulated the newly elected Councilors.

Town Manager Report

Town Manager Ephrem Paraschak reminded residents that the Municipal Offices will be closed for the Thanksgiving holiday on November 22 and 23. He also noted that Saturday, November 24th is Small Business Saturday and urged everyone to support local businesses. Ephrem thanked everyone involved with the past election and noted the excellent job everyone did. He reminded residents that sand is now available from Public Works, limited to two 5 gallon buckets per snow event. Ephrem reported that there is now a vacancy on the Planning Board and anyone who is interested in applying for that position can apply to the Town Clerk through November 30th.

School Committee Report

Stewart McCallister, Vice Chairman congratulated the newly elected school committee members, Darryl Wright and Anne Schools. He reported that the School Committee is continuing to work on the development of a long range K-5 facility vision. At the last workshop meeting, the School Committee made a commitment to stick with the K-5 "neighborhood" schools configuration after it was demonstrated clearly by a recent NESCEC study that there would be no cost savings in moving to a different grade configuration. The School committee will now focus on deciding where to focus the growth in our K-5 schools so that we can look to conduct a redistricting process that would steer growth towards the locations deemed most able to handle it. The School Committee also continues its study of the school day. They are considering the possibility of lengthening the school day across all schools by between 10-20 minutes each day. They will not make a decision until later in the year. Gorham residents recently approved membership in the Greater Sebago education Alliance (GSEA). The GSEA is comprised of 9 schools working together on joint purchasing of school nutrition supplies, professional development and working to recruit substitutes together. Approval of membership in the GSEA will allow us to gain \$72,000 in subsidy from the state in FY 19 and an additional \$140,000 in subsidy in FY 20 on top of efficiencies that we can work towards in this new partnership. Fall athletic seasons have ended and Stewart congratulated all of the teams who had a great fall season. The GHS drama production of Sherlock will be this coming weekend. The next school committee regular meeting is scheduled for November 14th.

Election Report

Town Clerk Laurie Nordfors reported that the November 6, 2018 Election had a high voter turn-out of 63%, which included 9009 voters, 6100 at the polls and 2909 absentee. There were 698 new voter registrations done at the polls and as of 11/6/18, the registered voters in Gorham has reached 14352. Laurie thanked her Town Clerk's Office Staff for all of their hard work over the last couple of months. She also thanked her Election Workers who worked during absentee voting and at the polls on Election Day. Everyone's hard work and dedication to the Town of Gorham is much appreciated. Laurie also thanked the Gorham Public Works, Gorham Police Department, Gorham Fire Department and Gorham Rec for all of their help in making sure the Election ran smoothly and for their help in keeping everyone safe on Election Day. The results of the Election are as follows:

TOWN COUNCIL – 3 YEAR TERM

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Daigle III, Claude F.	570	651	926	1242	3389
Pratt, Lee R.	732	512	1207	1303	3754
Wilder Cross, Virginia L.	761	561	1243	1464	4029
Blanks	1317	1052	2552	1746	6667

SCHOOL BOARD – 3 YEAR TERM

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Schools, Anne E.	1093	860	1761	2012	5726
Wright, Darryl B.	873	707	1402	1691	4673
Blanks	1409	1206	2767	2031	7413

LOCAL REFERENDUM QUESTION

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
YES	1230	989	2084	2188	6491
NO	292	280	591	500	1663
BLANK	177	130	312	197	816

GOVERNOR

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Hayes Teresa M.	66	71	155	98	390
Mills, Janet T.	760	572	1308	1399	4039
Moody, Shawn H	862	740	1471	1351	4424
Capron, Kenneth A	0	0	0	0	0
Jenkins, John T.	0	0	0	0	0
Tracy, Malon A.	0	0	0	0	0
Vachon, Martin J.	0	0	0	0	0
Blanks	13	16	51	61	141

US SENATE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Brakey, Eric L	561	533	991	884	2969
King, Angus S. Jr.	937	710	1579	1304	4530
Ringelstein, Zak	188	146	387	260	981
Riley, James N. Jr.	3	0	0	0	3
Blanks	13	10	31	61	115

**REPRESENTATIVE TO CONGRESS
DISTRICT 1**

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Grohman, Martin J.	190	163	302	203	858
Holbrook, Mark I.	580	529	1064	953	3126
Pingree, Chellie	901	687	1565	1673	4826
Blanks	31	21	58	80	190

**STATE SENATOR
DISTRICT 30**

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Sanborn, Linda F...	849	681	1613	1627	4770
Volk, Amy Fern	821	696	1311	1212	4040
Blanks	32	23	64	70	189

**REPRESENTATIVE TO LEGISLATURE
DISTRICT 26**

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Terry, Maureen Fitzgerald	X	X	2259	1037	3296
Blanks	X	X	728	316	1044

**REPRESENTATIVE TO LEGISLATURE
DISTRICT 27**

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Densmore, Roger E. III	627	617	X	530	1774
McLean, Andrew J.	1026	745	X	1487	3258
Blanks	49	38	X	70	157

JUDGE OF PROBATE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Aranson, Paul	1335	1045	2210	2212	6802
Blanks	367	355	776	697	2195

SHERIFF

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Joyce, Kevin J.	1367	1100	2305	2291	7063
Blanks	335	300	683	618	1936

**DISTRICT ATTORNEY
DISTRICT 2**

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
Bates, Randall J.	596	483	1044	877	3000
Gale, Jon C.	603	497	1097	1171	3368
Sahrbeck, Jonathan	374	297	581	615	1867
Blanks	129	123	267	246	765

QUESTION 1: CITIZEN INITIATIVE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
YES	501	384	936	965	2786
NO	1168	999	2006	1884	6057
BLANKS	30	16	44	54	144

QUESTION 2: BOND ISSUE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
YES	920	717	1554	1548	4739
NO	740	660	1358	1282	4040
BLANKS	39	22	74	73	208

QUESTION 3: BOND ISSUE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
YES	1134	914	1923	1965	5936
NO	524	457	995	865	2841
BLANKS	41	28	68	73	210

QUESTION 4: BOND ISSUE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
YES	931	727	1641	1512	4811
NO	717	639	1272	1316	3944
BLANKS	51	33	73	75	232

QUESTION 5: BOND ISSUE

	WARD 1-1	WARD 1-2	WARD 2	CENTRAL	TOTAL
YES	1110	909	1930	1883	5832
NO	551	467	1001	964	2983
BLANKS	38	23	55	56	172

Item #9390 Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council appoints the following people to the:

1. Finance Committee: Jim Hager, Chair, Lee Pratt, Suzie Phillips
2. Ordinance Committee: Ron Shepard, Chair, Paul Smith, Ginny Wilder Cross
3. Appointments/Personnel Committee: Ginny Wilder Cross, Chair, Jim Hager, Paul Smith
4. Economic Development/Capital Improvements Committee: Suzie Phillips, Chair, Lee Pratt, Ron Shepard
5. Representative to Greater Portland Council of Governments: Ephrem Paraschak
6. Representative to Ecomaine: Bob Burns, Paul Smith
7. Representative to Jetport Noise Abatement: Lee Pratt
8. Representative to PACTS Policy Committee: Ephrem Paraschak
9. Representative to METRO Regional Coalition: Ginny Wilder Cross
10. Gorham High School Building Committee: Lee Pratt, Suzie Phillips, Paul Smith
11. Gorham Athletic Campaign Committee: Jim Hager
12. Cable Franchise Committee: Ginny Wilder Cross, Jim Hager

Item #9390 was VOTED 7 years

Item #9391 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council adopt the same rules for the 2018-2019 year as for the 2017-2018 year.

Moved by Councilor Hager, seconded by Councilor Smith to table item #9391 until Staff can review and make recommendations, and then return to the Council at the next meeting. **7 yeas**

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

Item # 9392 Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council approve a renewal liquor license for Lucky Thai Restaurant, 593 Main Street. **7 yeas**

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

Item # 9393 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council approve a new liquor license for School Street Pub & Grill, 29 School Street. **7 yeas**

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

Item # 9394 Moved by Councilor Phillips, seconded by Councilor Smith and ORDERED, that the Town Council approve a new Special Amusement license for School Street Pub & Grill, 29 School Street. **7 yeas**

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

Item #9395 Moved by Councilor Phillips, seconded by Councilor Pratt and ORDERED, that the Town Council approve the new State annual maximums for the General Assistance Ordinance. **7 yeas**

Chairman Hartwell opened public hearing #5. There were now comments from the public and the hearing was closed.

Moved by Councilor Hager, seconded by Councilor Phillips and VOTED to waive the reading of Item #9305 due to the length. **7 yeas**

Old Business
Item #9305

Moved by Councilor Shepard, seconded by Councilor Phillips and ORDERED, that the Town Council amends the Victualar's Ordinance as follows:

VICTUALER'S ORDINANCE

SECTION 1 PURPOSE

- A. The purpose of this Ordinance is to regulate the sale of prepared food in the Town of Gorham. The regulations are those which the Town Council in a public meeting ~~have~~ has clearly found to be necessary in order to protect the general welfare, public safety and health of the Town of Gorham and its citizens.
- B. The Town hereby adopts the most recent version of the State of Maine Food Code (hereinafter, "Food Code") as adopted by the Maine Department of Health and Human Services and the Maine Department of Agriculture, Conservation and Forestry, as may be amended from time to time.

SECTION 2 – DEFINITIONS

- A. "Catering establishment" shall mean an establishment providing catered meals to eat at planned functions off premises, but which does not provide meals to the general public on a walk-in basis at the premises.
- B. "Food establishment" shall mean any place where food or drink is prepared and served, or served to the public for consumption on or off the premises, which includes, but is not limited to, restaurants, coffee shops, cafeterias, luncheonettes, sandwich shops, soda fountains, farm stands selling prepared foods, catering establishments, and mobile vending units. This term shall not include a public or private school, any non-profit organization, or any booster group selling food or drink to raise money for a charitable cause on a temporary basis and not from a fixed structure or booth; grocery stores, except those selling food items prepared on the premises; educational activities or public agency programs; farm stands selling only home or farm grown produce; or vending machines.
- C. "Mobile vending unit" shall mean any vehicle used for the sale of any prepared food, sandwiches, drinks, ice cream or similar dairy products, and shall include pushcarts, motorized conveyances licensed by the state as motor vehicles, trailers, mobile stands, food trucks, or other units that are capable of being driven, hauled, pushed or otherwise moved from place to place and from which food sales are made.
- D. "Victualar" shall mean any person who serves food or drink prepared for consumption by the public and operates any food establishment within the Town of Gorham.

SECTION 2 3 LICENSE

- ~~A. Any place where food or drink is prepared or served to the public for consumption on or off the premises shall be licensed annually as a Victualer, in order to operate within the Town of Gorham.~~

- A. No person may operate any food establishment where food or drink is prepared or served to the public for consumption on or off the premises without first obtaining from the Town Clerk a Victualar's License in order to operate within the Town of Gorham.
- B. ~~Establishments must be in compliance with all local ordinances and property taxes and local fees must be paid in full prior to the issuance or renewal of a Victualar's License.~~ Food establishments must be in compliance with all local ordinances, and property taxes and local fees related to the premises must be paid in full prior to the issuance or renewal of a Victualar's License.
- C. Victualar's License are valid for one year and must be renewed annually. A license shall be specific to the premises and entity which is requesting the license. For example, a facility which is owned or operated at more than one location, or in the same location and is operated by different parties or personnel or which are physically separated shall require separate permits.
- D. Victualar's Licenses issued under this Ordinance shall be displayed in a public, conspicuous place at the licensed premises.

SECTION-3 4 EXCEPTIONS

- A. This ordinance shall not apply to the following uses: a public or private school, any non-profit organization, Police or Fire Department, or any booster group selling food or drink to raise money for a charitable cause on a temporary basis; grocery stores, except those selling food items prepared on the premises; educational activities or public agency programs; and vending machines selling food and drink. The Town Clerk may request an organization to provide proof of non-profit status as part of a complete application. The Town reserves the right to require health and safety inspections at any of the above mentioned locations / entities and order corrective actions if needed.
- B. Businesses offering food or beverages, such as coffee and donuts, free of charge to clients are exempt from this ordinance.

~~A public or private school, any non-profit organization, selling food or drink; grocery stores, except those selling food items prepared on the premises; educational activities or public agency programs and food and drink sold only through vending machines shall be exempt from the provisions of this ordinance.~~

SECTION-4 5 APPLICATION PROCESS

- A. ~~New Application: New applicants may apply at any time during the year. Applications for a license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief and the Tax Collector.~~ New License. New applicants may apply for a Victualar's License at any time during the year. Applications for a Victualar's License shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk. If the Town Clerk is not satisfied that the application is complete, he or she may reject the application. Upon receipt of a

complete application, the Town Clerk shall forward the application to the Code Enforcement Officer, Police Chief, Fire Chief and Finance Director for review. If all of the above mentioned individuals recommend approval of the application the Victualar's License shall be granted. A Victualar's License shall be granted by the Town if the property in question complies with all federal, state and local laws, the applicant possesses an applicable state license, the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham, and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner in accordance with the Food Code so as not to jeopardize the public health, safety and welfare. A new Victualar's License, when granted, shall be valid until June 30th, immediately following said granting of license. An applicant may appeal the denial of a license to the Town Council in writing within 30 days of the date of denial. The Town Council will then, after public hearing, consider the appeal on a de novo basis.

~~A license shall be granted by the Town Clerk if the property in question complies with all Federal, State and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner in accordance with the Food Code so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham. A new license, when granted, shall be valid until June 30th, immediately following said granting of license. If the clerk is not satisfied that the application meets all the requirements of this ordinance, the clerk shall submit the application to the Town Council which, after public hearing, shall consider the application.~~

- B. Renewal License: An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before June 30th. If the holder applies for renewal on or before June 30th, the existing license shall remain in effect until final action of the renewal application. Otherwise, the existing license shall expire on June 30th and an application for a new license must be filed. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which after public hearing, shall process the application in the same manner as an application for a new license.

- C. Renewal Procedure: The Fire Chief, Police Chief, Zoning Administrator, Town Clerk, Code Enforcement Officer and Finance Director or any of their authorized designees shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to all applicable ordinances and codes, including this ordinance and at such time the Town Clerk shall make a decision as to (1) approve the renewal request, (2) table the renewal request, setting a date for the applicant to come before the municipal departments to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Clerk at least 30 days prior to the expiration date. It situations where corrective actions are required by the Fire Chief, Police Chief, Zoning Administrator, Town Clerk, Finance Director or Code Enforcement Officer a license *may* be renewed providing that a written plan of corrective actions has been established. Failure to make the required corrective actions by the agreed upon date/s may be sent to the Town Council for a suspension / revocation hearing at the next scheduled Town Council meeting.

SECTION ~~5~~ 6 ADVERTISEMENT AND PUBLIC HEARING

- A. For new or renewal licenses requiring Town Council action the Council shall hold a public hearing.
- B. Prior to any public hearing held in accordance with this Ordinance, the application shall be advertised by posting notice in 2 or more public places and advertising in a local newspaper, at least 7 days prior to the public hearing.

~~The Town Council shall hold a public hearing prior to considering any application for a Victualar's License applications. Prior to the public hearing applications shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the meeting.~~

SECTION ~~6~~ 7 SECURING, SUBMITTING OF APPLICATION FOR LICENSE

- A. Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.
- B. Inspection: An establishment requesting a license for the first time shall be inspected by the Codes Enforcement Officer and the Fire Chief / Fire Inspector prior to any action being taken on the license application. Any alterations or changes to an establishment will require additional inspections.
- C. A Victualar's License shall be granted if the property in question complies with all federal, State and local laws and the applicant demonstrates that the Victualar's premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, provided that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham.
- D. The Town may grant new applications or renewal license requests subject to conditions of approval as deemed necessary by the Town Council based on recommendations from the Fire Chief, Police Chief, Zoning Administrator, Finance Director and Code Enforcement Officer.

SECTION 8 – HEALTH AND SAFETY REQUIREMENTS

All establishments must comply with all federal, state and local ordinances, laws and regulations as to the premises, including all building codes, fire and life safety codes. In addition, all establishments must fully comply with the following items related to health and safety:

- A. All rooms in which food and drink are prepared or in which utensils are washed shall be well lighted and ventilated.
- B. All walls, floors and ceilings shall be kept clean and in good repair.
- C. All windows, doors and other openings into the outside air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entry of flies.
- D. There shall be at least one toilet and sink with hand soap, and with a self-closing door, on the premises of all establishments that provide facilities to consume food or alcoholic beverages on the premises or when 8 or more persons are employed at any one time on the premises. All toilet rooms shall be kept in clean condition, in good repair, well lighted and ventilated.
- E. All equipment and utensils, including display cases, windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks shall be clean and free from dust, dirt, insects and other contaminating material.
- F. All multi-use utensils used in the preparation or serving of food or drink shall be thoroughly cleaned and subjected to an adequate bactericidal process after each usage and shall be stored in a clean, dry place protected from flies, dust and other contamination as far as reasonably practicable.
- G. All garbage and trash shall be kept in suitable covered receptacles until properly disposed.
- H. All food and drink shall be clean, free from spoilage and prepared so as to be safe for human consumption and shall be stored as to be protected from dust, appropriate to good food handling practices.
- I. Adequate and convenient hand washing facilities shall be provided, including hot and cold water, soap and clean towels where any food is prepared. No employee shall resume work after using the toilet room without first washing his/her hands.
- J. All employees shall wear clean garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.
- K. The premises shall be kept clean and free from litter and rubbish.
- L. No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in any licensed premises or be employed by any licensee. If the licensee or manager suspects that any employee is infected with any such disease or is a carrier thereof, he/she shall immediately notify the Health Officer.

- M. When the Health Officer has cause to believe that the possibility of transmission of infection from any such employee exists, the Health Officer is authorized to require any or all of the following:
1. The immediate exclusion of the employee from all restaurants;
 2. The immediate closing of the premises concerned until no further danger of disease outbreak exists; or
 3. Adequate medical examinations of the employee and his/her associates with such laboratory examinations as may be required by the Health Officer after consultation.

SECTION 9 – LICENSE FEES

- A. The Town Council shall establish a Schedule of Application and License Fees, which may be amended from time to time.
- B. In order to obtain a new or renewal Victualar’s License, an applicant must pay the applicable fee at the time of the application.

~~SECTION 7 — CLASSES OF LICENSE/FEES~~

~~———— The Town Council shall establish a Schedule of Application and License Fees.~~

SECTION 8 10 SUSPENSION, REVOCATION OF LICENSE

- ~~A. ——— A Victualar’s license may, after notice and public hearing, be suspended or revoked by the municipal officers for non-compliance with the ordinances, statutes, and regulations of the Town of Gorham and the State of Maine. Revocations and suspension hearings may be recommended to the Town Council by Town Staff. All appeals and revocation hearings shall be conducted by the Town Council. A Victualar’s License may, after notice and public hearing, be suspended or revoked by the Town Council upon a finding that the licensee is unfit to hold a license based on non-compliance with any applicable federal, state or local ordinances, statutes, and/or regulations, including this Ordinance.~~
- B. At the hearing, the licensee must be given an opportunity to hear the evidence in support of the charge against the licensee, to be heard in the licensee’s own defense, and to cross-examine, alone or through counsel, the witnesses.
- C. If the Town Council is satisfied that the licensee has violated any applicable federal, state or local ordinances, statutes, and/or regulations, including this Ordinance, the Town Council may revoke the license or issue a suspension for any period of time that it considers proper.
- D. Revocation Establishment: A license, when revoked by the Town Council, shall become void immediately following said cancelation of the license and all activities related to the license shall cease immediately.

- E. A Victualar's License may be immediately suspended if the property / business in question is found by the Fire Chief, Code Enforcement Officer, State Health Inspector or local Health Officer to be operating in an extremely unhealthful, unsanitary or unsafe manner so as to create a serious healthy or unsafe situation which jeopardize the public health, safety and welfare of patrons.
- F. If an establishment's Victualar's License is revoked or suspended by the Town Council the property shall be posted with a Cease and Desist Order / Stop Work Order by the Town's Code Enforcement Officer.

SECTION 9 11 REINSTATEMENT OF LICENSE

- A. A licensed Victualer may, at any time after the suspension of the license, make an application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the municipal officers. An establishment may, at any time after the suspension of a Victualar's license, make an application in writing for the reinstatement of the license to the Town Clerk. The Town Clerk shall forward applications to the Code Enforcement Officer, Police Chief, Fire Chief and Finance Director, who shall have a reasonable opportunity to inspect the property (if necessary) and offer input on the application. The Town Clerk shall submit reinstatement applications to the Town Council.
- B. If, after notice and public hearing, the Town Council finds that licensee has corrected the condition(s) that resulted in the license suspension, and that said licensee is in compliance with all terms of this Ordinance, the Town Council may approve the reinstatement of the Victualar's License.
- C. An applicant for a reinstated license shall allow the Code Enforcement Officer, Police Chief, Fire Chief and/or Tax Collector to enter the property at reasonable hours in order to inspect the property for compliance with this Ordinance.

SECTION 10 12 PENALTY

- A. Any violation of this ordinance shall be punishable by a fine of not less than three hundred (\$300) dollars for the first offense and not less than five hundred (\$500) dollars for the second and subsequent violation which shall be recovered for the use of the Town of Gorham. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the Town may seek recovery of costs and any other legal and equitable remedies as may be available to the Town.
- B. In addition to civil penalties, the Town may seek recovery of costs related to the enforcement of this Ordinance, including attorney's fees, and any other legal and equitable remedies as may be available to the Town.

SECTION 11 13 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 14 – APPEALS

An appeal from any final decision of the Town Council may be taken by any aggrieved party to the Superior Court within 30 days from the date of the decision in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

***Additions: Underlined.**

***Deletions: Struck Through**

Steven Bibula, Orchard Ridge Farm voiced his disapproval of the ordinance and asked the Council to vote against the update.

Moved by Chairman Hartwell, seconded by Councilor Hager and VOTED to amend Section 5A to say:
A Victualar’s License shall be granted by the Town if the property in question complies with all federal, state and local laws, **which have a nexus with the purpose of this ordinance.**
5 yeas, 2 nays (Shepard,Pratt)

Item # 9305 was VOTED as amended, 5 yeas, 2 nays (Shepard, Pratt)

Moved by Councilor Phillips, seconded by Councilor Hager and VOTED to waive the reading of Item #9387 due to length. **7 yeas**

Old Business

Item #9387

Moved by Councilor Hager, seconded by Councilor Wilder Cross and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code allowing one farm (1) animal, under 50 pounds, may be kept on a lot with a lot area of under 40,000 square feet., to the Planning Board for a Public Hearing and their recommendation, as follows:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-12 – KEEPING OF URBAN FARM ANIMALS

The purpose of this section is to provide for the keeping of domestic farm animals and livestock in the Suburban and Urban Residential Zoning Districts. This use may be allowed as a permitted use in the Urban Residential (UR) and Suburban Residential (SR) Districts, provided that the following standards are met:

- 1) Number of Farm Animals allowed:
 - a. Chickens
 - (1) Six (6) chickens may be kept on a lot with a lot area less than 20,000 square feet.

- (2) Up to ten (10) chickens may be kept on a lot with a lot area between 20,000 square feet and 40,000 square feet.
 - (3) Twenty-five (25) chickens may be kept on a lot with a lot area greater than 40,000 square feet.
 - (4) On lots with a lot area less than 6 acres no roosters shall be kept.
 - (5) On lots with a lot area less than 40,000 square feet, all chickens must be kept in an enclosure or fenced area at all times. This requirement can be met through the use of a mobile enclosure.
- b. Small animals and fowl (such as sheep, goats, pot-belly pigs, ducks, that typically weigh not more than 100 pounds at maturity, geese and turkeys, other than domestic pets and chickens).
- (1) **One (1) animal, under 50 pounds, may be kept on a lot with a lot area of under 40,000 square feet.**
 - (2) Up to two (2) animals may be kept on a lot with a lot area of a minimum of 40,000 square feet.
 - (3) For each additional 20,000 square feet in addition to 40,000 square feet, one (1) additional small animal may be kept.
- c. Large Animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity).
- (1) Up to two (2) animals may be kept on a lot with a lot area of 100,000 square feet.
 - (2) For each additional 50,000 square feet in addition to 100,000 square feet, one (1) additional large animal may be kept.

When calculating the number of permitted animals on a given lot, the lot area utilized to determine the number of animals allowed for one animal category may not be utilized when calculating the number of permitted animals allowed for a different animal category. Structures and pen or pasture fencing erected for the housing of farm animals other than domestic pets must meet the following requirements:

- a. Structures shall meet the setback requirements for the zone in which it is located.
 - b. Structures and pens shall not be located in the front yard.
 - c. The types of roofing and siding must take into account existing conditions in the neighborhood.
 - d. Fencing shall be erected to confine the animals to an established area of the property.
 - e. Structures and pen or pasture fencing shall be constructed and maintained as to prevent the escape of the animals and provide appropriate protection from the elements.
 - f. All structures and pen or pasture fencing shall be of sufficient size to provide adequate and proper housing for those animals kept therein.
- 3) Keeping of animals: Each animal shall be maintained in a good healthy condition in a manner not causing injury to the health of any animal or the health and safety of any person.

- 4) Waste storage and removal: All animal wastes shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create detrimental effect of the environment or on neighboring properties and must meet the following requirements:
- a. All manure and other waste must be stored in a fully enclosed structure or in covered airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material. No more than three (3) cubic yards of manure or waste shall be stored on site.
 - b. Structures, pens, and pastures shall be kept clean and dry, and waste shall be treated and handled in such a manner to control flies, odor, and rodents.
 - c. Odors from the keeping of farm animals, including but not limited to waste storage, shall not be perceptible at the property boundaries.

***Additions Underlined.**

Moved by Councilor Hartwell, seconded by Councilor Hager and VOTED to amend the Item and add Sub Section 5 to say: **Feed Storage- all animal concentrated feed such as grain shall be stored in a container or room designed to prevent access by rodents. 7 years**

Item # 9387 VOTED as amended. 5 years, 2 nays (Shepard, Phillips)

Item # 9396 Moved by Councilor Phillips, seconded by Councilor Smith and ORDERED, that the Town Council instruct the Economic Development & Capital Improvements Committee to work with staff on a review of the five year capital program and bring back recommendations to the Town Council for adoption. **7 years**

Item # 9397 Moved by Councilor Phillips, Seconded by Councilor Shepard and ORDERED, that the Town Council appropriate \$245,000 from Account # 621-71-40630-71 for the purposes of constructing a Recreation Field House & Storage Facility at the Little Falls Recreation Area according to the Little Falls Recreation Area Master Plan adopted by the Town Council on August 6, 2013. **6 years, 1 nay (Smith)**

Item # 9398 Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council instruct the Ordinance Committee to review and provide recommendations on improvements to the Cemetery Ordinance and bring their recommendations back to the Town Council for consideration. **7 years**

Item # 9399 Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council instruct staff to prepare an analysis of properties eligible to provide payments in lieu of taxes (PILOTS) and provide recommendations to how to encourage the use of PILOTS. **7 years**

Item # 9400 Moved by Councilor Phillips, seconded by Councilor Pratt and ORDERED, that the Town Council instruct the Ordinance Committee to review home cultivation of marijuana for personal adult use and prepare an ordinance regarding the same for adoption by the Town Council. **7 yeas**

Item # 9401 Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council accept the resignation of Lee Pratt from the Gorham Planning Board, having been in effect since November 7, 2018, and
Be It Further Ordered, that the Town Council expresses its appreciation for his service on the Planning Board and to the Gorham Community.
6 yeas, 1 abstention (Pratt)

Item # 9402 Moved by Councilor Phillips, seconded by Councilor Wilder Cross and ORDERED, that the Town Council instruct the Appointments Committee to recommend a replacement to the Planning Board to fill a vacancy, and
Be It Further Ordered, that Appointments Committee advertise through staff any other upcoming and planned vacancies on other committees. **7 yeas**

Item # 9403 Moved by Councilor Hager, seconded by Councilor Phillips and ORDERED, that the Town Council go into Executive Session, pursuant to Title 36, MRSA Section 841 to discuss one application for an abatement of taxes based on poverty.
7 yeas

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to come out of Executive Session. **7 yeas**

Moved by Councilor Pratt, seconded by Councilor Phillips and VOTED to grant the abatement of taxes based on poverty. **7 yeas**

Moved by Councilor Smith, seconded by Councilor Shepard and VOTED to adjourn. **7 yeas**

Time of adjournment; 8:50 pm

A True Record of Meeting
11/14/2018

ATTEST _____
Laurie Nordfors, Town Clerk