

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
January 2, 2018

Chairman Hartwell opened the meeting with the Pledge of Allegiance to the Flag. There were 7 members of the public in attendance at the start of the meeting.

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

Moved by Councilor Benner, second by Councilor Shepard and VOTED to accept the minutes of the December 5, 2017 Town Council Meeting. **7 yeas**

Councilor Communications

Councilor Phillips thanked Public Works and Public Safety for their hard work in keeping Gorham safe during the past few weeks of bad weather.

Councilor Benner reported that the Ordinance Committee met last month and discussed the Senior Property Tax Ordinance and the Sandwich Board Signs Ordinance, which both are on the agenda tonight.

Councilor Stelk thanked Jenny Cross and Bruce Roullard for their hard work and planning of the Gorham New Year's Eve Celebration. She also thanked all of the friends and families that came out to celebrate and reminded people to check out the ice sculptures that are on display at the Library.

Chairman Hartwell reported that he and Councilor Hager met with Department Heads last week to get a feel of their wants and needs of their department.

Town Manger Report

Ephrem Paraschak thanked Public Works and other departments for their hard work keeping the roads clear and buses and buildings warm and safe in the recent cold weather. He noted that he will be sending out budget memos to Department Heads in the coming weeks to get the FY19 Budget Process going. Ephrem thanked Chairman Hartwell and Councilor Hager for taking the time to interact with Department Heads and learn about their needs of their departments. He also reported that the Cable Franchise Committed met last month and thanked the members for getting the process started. Ephrem stated that there will be a joint meeting with the Town Council and School Committee on January 17, 2018 to discuss the progress on the High School Building plans and also a Town Council workshop on January 22, 2018 to go over Council goals and any legal issues.

School Committee Report

Chairman Darryl Wright presented the Council with answers to questions from last month's Council meeting. He also thanked Public Works, Maintenance crews and Bus Drivers for helping deal with the recent cold temperatures, including gelling diesel fuel and a frozen pipe at GHS and Village School. He reported the School Committee had its first workshop meeting on December 27, 2017 to consider how to move forward. They created a common set of values and priorities for the discussion which will help narrow options down. A list of a couple of the priorities are; Equality of education opportunities across the three schools, long term planning and efficiencies. They will be meeting again on January 10, 2018 in a workshop. Darryl noted that at the next business meeting, the School Committee will be considering the possibility of moving roughly \$250,000 of CIPS money that was planned for this year for GMS HVAC work over to allow its use in preparing for modular classrooms to begin use in the fall of 2018. Movement of funds would allow the Director of Facilities to get a start in site surveying, permitting, design and other planning needs to make sure site work could be completed this spring and readied for whatever spaces are needed to utilize for Fall of 2018. More will be known after the School Committee decides on the configuration of K-5, but they are looking at worst case scenario right now of 1 modular at Narragansett, 1 at Village and 2 at Great Falls, along with an additional modular at GHS. Darryl also noted that the GHS Building Committee and Athletic Capital Campaign Committee continue to meet jointly as part of the needs assessment phase of the work with Harriman. The committee will not meet in January in order to allow Harriman to meet with various staff and community members to create a through needs assessment. Estimate costs will not be provided until after the needs assessment process is completed. The next School Committee meeting is scheduled for January 10, 2018.

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

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to waive the reading of the order due to length. **7 yeas**

Proposed

Order # 9298

Moved by Councilor Hager, seconded by Councilor Shepard and ORDERED, that the Town Council amend the Land Use & Development Code to add a waiver provision for the extension of sidewalks in the Urban Residential District as follows:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-5 - MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS

F. STREET DESIGN STANDARDS - PUBLIC WAYS

- 11) Sidewalks - Sidewalks shall be provided within all subdivisions in the Village Center, Urban Commercial, Commercial Office, Office Residential, and Urban Residential Districts, and for all subdivisions located within the Development Transfer Overlay District that conform to the overlay district requirements, with connection to the existing sidewalk network provided for the safety and convenience of the residents, per the standards in Table 1 and Figures 1, 2, 3 and 5. The sidewalk location in

figures 1, 2, 3 and 5 is preferred; however, it may, at the discretion of the Planning Board, be positioned at curb line with zero esplanade. Sidewalks may also be required in subdivisions which abut any of the above Districts.

The requirement for off-site sidewalk extension in the Urban Residential District shall be modified by the Planning Board provided the following conditions are met:

- a. The cost for off-site sidewalks exceeds a cost of \$5,000 per dwelling unit. The number of dwelling units used in the calculation shall be based on the maximum number of dwelling units allowed on the parcel as identified under the Urban Residential District space standards.
- b. In place of a full sidewalk extension as required in subsection 11, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
 - (1) For roads with existing closed drainage systems and curbing the applicant shall extend the sidewalk 200' for each proposed dwelling unit in the development.
 - (2) For roads without existing closed drainage systems and curbing the applicant shall extend the sidewalk 100' and close in the drainage system for each proposed dwelling unit in the development.
 - (3) For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange.

Sidewalks may also be required, for the safety and convenience of the public, by the Planning Board or Site Plan Review Committee for major and minor developments located along arterial and collector streets and which are within reasonable distance of the existing sidewalk network.

Sidewalks, when required, shall be a minimum of five (5) feet in width, unless site conditions dictate a different width.

Item #9298 was VOTED 7 yeas

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

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to waive the reading of the order due to length. **7 yeas**

Proposed

Order # 9299 Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council accept the following Property Tax Assistance Ordinance for the Town of Gorham;

TOWN OF GORHAM

PROPERTY TAX ASSISTANCE ORDINANCE

ARTICLE I

Property Tax Assistance

Purpose

The purpose of this article is to establish a program to provide property tax assistance to persons 65 years of age and over who reside in the Town of Gorham. Under this program, the Town of Gorham will provide refund payments to those individuals who maintain a homestead in the Town of Gorham and meet the criteria established by this article.

ARTICLE II

Definitions.

As used in this article, the following terms shall have the meanings indicated:

A. BENEFIT BASE — Property taxes paid by a qualifying applicant during the tax year on the qualifying applicant's homestead or rent constituting property taxes paid by the resident individual during the tax year on a homestead.

B. HOMESTEAD — For purposes of this article, "homestead" shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C). Generally, a homestead is a dwelling owned or rented by the person seeking tax assistance under this article or held in a revocable living trust for the benefit of that person. The person must reside in the homestead at least 9 months of the calendar year.

C. INCOME — Total household income as determined by the total (gross) income reported on the applicant's most recent federal income tax return (line 22 of Form 1040; line 15 of Form 1040A; line four of Form 1040EZ), plus the total (gross)

income reported on the most recent federal income tax return of each additional member of the household if filing separately. If the applicant and/or any member of the household do not file a federal income tax return, income shall be the cumulative amount of all income received by the applicant and each additional member of the household from whatever source derived, including, but not limited to, the following items:

- i. Compensation for services, including wages, salaries, tips, fees, commissions, fringe benefits and similar items;
- ii. Gross income derived from business;
- iii. Gains derived from dealings in property (capital or other);
- iv. Interest;
- v. Rents from real estate;
- vi. Royalties;
- vii. Dividends;
- viii. Alimony and separate maintenance payments received;
- ix. Annuities;
- x. Pensions;
- xi. Income from discharge of indebtedness;
- xii. Distributive share of partnership gross income;
- xiii. Income from an interest in an estate or trust;
- xiv. IRA distributions;
- xv. Unemployment compensation; and
- xvi. Social security benefits.

D. QUALIFYING APPLICANT — A person who is determined by the Town Clerk or her designee, after review of a complete application under Article 2 of this ordinance, to be eligible for a refund payment under the terms of this article.

E. RENT CONSTITUTING PROPERTY TAX — Fifteen percent of the gross rent actually paid in cash or its equivalent during the tax year solely for the right of occupancy of a homestead. For the purposes of this article, "gross rent" means rent paid at arm's length solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as part of the rental agreement, whether or not expressly set out in the rental agreement.

In order to participate in the property tax assistance program, an applicant shall demonstrate all of the following:

- i. The applicant shall be 65 years of age or more at the time of application.
- ii. The applicant shall have a homestead in the Town of Gorham at the time of the application and for the entire year prior to the date of application.
- iii. The applicant has been a resident of the Town of Gorham for at least five years immediately preceding the date of application for participation in the program.

- iv. The applicant shall meet the application and eligibility criteria set forth in Section A and Section B of this article.

ARTICLE III

Application and payment procedures.

Persons seeking to participate in the property tax assistance program shall submit an application to the Town Clerk no later than August 1 of the year for which the refund is requested. Applications are required for every year the applicant seeks to participate in this program. The application form for the program shall be made available upon request in the Town Clerk's office and shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof of household income.

Applicants shall also submit proof of property taxes paid or rent constituting property taxes paid during the tax year on the individual's homestead in the Town of Gorham.

The Town Clerk or a designee shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the program. The Town Clerk or the designee shall notify an applicant if an application is determined to be incomplete within 2 weeks of the application being submitted. The Town Clerk's or the designee's decision on eligibility to participate and benefit base amount in the program shall be final. Appeals to the Town Clerk's or the designee's determinations are to be submitted in writing to the Town Council within 14 days of Town Clerk's or the designee's determinations. The Town Council will then review and make a determination within 30 days of receipt of an appeal.

Determination of eligibility and amount.

A. Eligibility under this article is designed to provide greater benefits proportionally to applicants with lower income in relation to their benefit base. Applicants with income greater than an amount equal to 90% of the current United States Department of Housing and Urban Development metropolitan area median family income shall not be eligible for benefits under this article. Eligible applicants will receive a benefit totaling the amounts set forth in Subsection A(1) and (2) as follows, provided that the cumulative maximum benefit allowed shall be \$500:

The total amount of any increase to the applicant's benefit base from the most recent tax year to the current tax year; and

Benefits based on a calculation of the applicant's benefit base as a percentage of their income [(Benefit/Income) x 100 = Benefit base as percent of income.]

If the benefit base as a percent of income is greater than 10%, the applicant will receive \$500;

If the benefit base as a percent of income is 8% to 10% of income, the applicant will receive \$350;

If the benefit base as a percent of income is 5% to 7% of income, the applicant will receive \$200;

ARTICLE IV

Limitations on payments.

The Town Manager shall report to the Town Council for its approval at its September meeting each year the projected payments and number of eligible applicants requesting assistance from the program fund.

Payments under this article shall be conditioned upon the existence of sufficient monies in the program fund for the year in which participation is sought. If there are not sufficient monies in the program fund to pay all qualifying applicants under this article per the calculations set forth in Section II (E), payments shall be limited to the amounts available in the fund and may be prorated accordingly. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request and/or unpaid balance will not carry over to the next year.

ARTICLE V

Creation of program fund.

The program fund from which payments shall be made under the terms of this article shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program.

Any surplus monies available after all payments have been made shall be carried forward within the fund to the next fiscal year.

ARTICLE VI

Timing of payments.

A person who qualifies for payment under this program shall be mailed a check for the benefit amount for which he/she is eligible under Section II (E) no later than 30 days from the date of Council approval of the applications for the year in which participation is sought.

ARTICLE VII

One applicant per household.

Only one qualifying applicant per household shall be entitled to payment under this program each year. Eligibility shall be determined based on total household income. The right to file an application under this article is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney in fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Assessor shall be disbursed to another member of the household as determined by the Assessor. If the applicant was the only member of a household, then no payment shall be made under this article.

Moved by Councilor Smith, seconded by Councilor Phillips and VOTED to table the item until the next Council meeting. **3 yeas, 4 nays (Shepard, Benner, Stelk, Hager) The motion fails.**

Item # 9299 was VOTED 5 yeas, 2 nays (Phillips, Smith)

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

Proposed

Order 9300

Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council approve a renewal liquor license for Gorham House of Pizza, LLC, 2 State Street. **7 yeas**

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

Proposed

Order 9301

Moved by Councilor Stelk, seconded by Councilor Hager and ORDERED, that the Town Council approve a new liquor license and Special Amusement License for Sebago Brewing Company, 616 Main Street. **7 yeas**

Moved by Councilor Hager, seconded by Councilor Stelk and VOTED to waive the reading of the order due to length. **7 yeas**

Proposed
Order #9302

Moved by Councilor Benner, seconded by Councilor Shepard and ORDERED, that the Town Council forward a proposal to amend the Land Use & Development Code to allow businesses to utilize sandwich board signs, to the Planning Board for a Public Hearing and their recommendation, as follows:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE
SECTION 2-3 – SIGNS

D. PROHIBITED SIGNS, DISPLAYS, AND RELATED MATERIALS

- n) Sandwichboard Signs: Freestanding signs that meet the definition of a sandwichboard sign are prohibited ~~both~~ within street rights-of-way ~~and on private property.~~

E. PERFORMANCE STANDARDS

15. Sandwichboard Signs: In addition to the signs allowed under section G. Permitted Non-Residential Signs each business is allowed one sandwichboard sign with an area not to exceed 8 sq.ft No property is allowed to have more than 3 sandwichboard signs in use at one time. The sandwichboard signs must be taken inside when the business is closed. The signs cannot be located within any street right-of-ways, must be located on the same lot as the use, and cannot hinder or restrict pedestrian or vehicular traffic on or off the site

Proposed
Order # 9303

Moved by Councilor Hager, seconded by Councilor Stelk and ORDERED, that the Town Council authorize the Public Works Department to perform winter maintenance on the Huston Road Extension public sidewalk between Sebago Lake Road (Route 237) and Gray Road (Route 202). **6 yeas, 1 nay (Smith)**

Proposed
Order # 9304

Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council approve amendments to the Animals in the Library Policy, Bulletin Board & Handout Policy, Display Policy, Internet Use Policy, Library Card & Borrowing Rules Policy, Meeting Room Policy and Wireless Access Policy as prepared by staff. **7 yeas**

Proposed
Order # 9305

Moved by Councilor Phillips, seconded by Councilor Benner and ORDERED, that the Town Council approve sending various Town Ordinances to the Ordinance Committee for review and updates.

Moved by Councilor Shepard, seconded by Councilor Benner and VOTED to amend the order to say send only the Victualar's Ordinance to the Ordinance Committee for their review and updates. **7 yeas**

Moved by Councilor Benner, seconded by Councilor Hager and VOTED to amend the order to say send the Victualar's Ordinance and the Special Amusement Ordinance to the Ordinance Committee for their review and updates. **7 yeas**

Moved by Councilor Phillips, seconded by Councilor Shepard and VOTED to amend the order to say send the Victualar's Ordinance and Special Amusement Ordinances to the Ordinance Committee for their review and updates and ask staff to create a list of all other ordinances that need to be reviewed. **7 yeas**

Item # 9305 VOTED as amended. 7 yeas

Moved by Councilor Smith, seconded by Councilor Stelk and VOTED to adjourn. 7 yeas
Time of adjournment; 7:50pm

A True Record of Meeting

ATTEST _____
Laurie Nordfors, Town Clerk