

**MINUTES**  
**FINANCE COMMITTEE MEETING**  
**Monday, May 17, 2021 – 6:30 p.m.**  
**Zoom Webinar**

**Present:** Councilor James Hager, Chair; Councilor Janet Kuech and Council Vice Chairperson Suzanne Phillips.

**Also Present:** Council Chairman Lee Pratt; Town Manager, Ephrem Paraschak; Community Development Director, Tom Poirier; Town Clerk Laurie Nordfors, and Finance Director, Sharon Laflamme.

**1. Consideration of the minutes of April 26, 2021 Meeting**

Council Chairman Pratt noted he was not present at the last meeting on April 26, 2021 and the minutes should be amended to reflect that.

A motion was MADE by Councilor Kuech, SECONDED by Councilor Phillips, and VOTED to accept the amended minutes of the April 26, 2021 Finance Committee Meeting. Unanimous vote.

**2. Current Business**

A. Review and discuss recommendations for abatement of real estate taxes.

Finance Director Sharon Laflamme referred to the attachments provided and reviewed the background on abatement requests submitted by three separate residents/property owners.

Regarding the abatement requested by Mr. Norman Martin, Ms. Laflamme said that he had not received a tax bill, because he had a pre-paid account, and another taxpayer's payment was inadvertently applied to his account. Ultimately, Mr. Martin incurred interest.

Town Manager Ephrem Paraschak recommended that the Town abate the interest amount of \$25.01 since it was due to an error on behalf of the Town.

Councilor Hager asked if there was a note on the tax account for Mr. Martin that further explained why the interest was assessed to which Ms. Laflamme said that once the credit was removed, it caused Mr. Martin to incur interest.

Councilor Hager asked that the tax account record note that it was written off due to a Town error to which Ms. Laflamme said that she will note the reasoning in the comments when processing the write off.

A motion was MADE by Councilor Kuech, SECONDED by Councilor Phillips, and VOTED to abate the interest amount of \$25.01 as recommended. Unanimous vote.

Regarding the abatement request from Ms. Jeanette Murch, Ms. Murch asked that the Town waive interest in the amount of \$49.51 that was assessed for late payment of taxes since her payment was lost in the mail. Ms. Laflamme noted that Customer Service Clerk Paula Nystrom contacted Ms. Murch to advise that interest was assessed at which time Ms. Murch expressed frustration as she did not know that her first installment of property taxes for the FY2020-21 was not received by the Town.

Councilor Hager asked Ms. Laflamme what her recommendation was to which Ms. Laflamme said that the Town cannot grant abatements to everyone when their payments are lost in the mail. Although Ms. Murch has a history of timely payments, the onus is on the taxpayer to verify if checks are cleared from their bank account.

Councilor Phillips asked to clarify if the issue happened during the pandemic when payments were accepted in the library book drop to which Ms. Laflamme said – no. Ms. Laflamme said that citizens can also request a receipt for proof of mail-in payment by providing a self-addressed, stamped envelope.

Mr. Paraschak commented that citizens can also call and request confirmation of receipt of property tax payments. He recommended to deny abating the interest owed as it would set a precedent to which Councilor Phillips agreed.

Councilor Kuech commented that she was surprised that a receipt is not usually provided, and agreed with the denial as the onus is on the taxpayer to verify bank statements.

Councilor Hager commented that the resident has been paying property taxes on time for 34 years, equivalent to 68 payments; perhaps there is some room for forgiveness such as noting the account that they were late one time and were forgiven/interest was abated. He asked if there was a contingency account for abatements to which Ms. Laflamme said that there is an account in the annual budget, which normally comes close to being expended each year.

A motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to deny abatement of the interest owed in the amount of \$49.51. Unanimous vote.

Ms. Laflamme reviewed the abatement request from Ms. Claire Losardo in which she asked that the Town refund property taxes paid between fiscal year 2013 and 2021 for property that was determined in 2021 to be owned by Trademaster. Ms. Losardo's mother had a mortgage, and the deed was written for five acres, and the Town had recorded the property in two separate lots. The bank paid property taxes for one lot and Ms. Losardo was paying property taxes for 13 years on the other lot that was still in the mother's name; however, the bank should have been paying for the other lot as well since it was part of the foreclosure. Ms. Laflamme said that the assessor issued a refund for 2021 property taxes, so the Town can abate up to two additional years through 2019 per state statute.

Mr. Paraschak commented that the Town does not establish legal ownership in a court of law. The Town's responsibility is to make a good faith attempt based on the records presented to us

to assess property. The assessor at that time did that based on the information that was provided to them, and it is the obligation of the property owner to know that they actually own the property. He differs from the letter that was presented that it is not the Town's responsibility to 100 percent establish legal ownership as it is done just for assessment purposes. Mr. Paraschak recommends not abating beyond the three years permitted under state statute.

Councilor Hager commented that the Town Council voted to abate up to three years on a similar abatement request in the last few years, so he wants to follow that precedent.

A motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to forward a recommendation to the Town Council to abate taxes paid in FY2020 and FY2019 for a total amount of amount of \$141.17 as allowed under state statute. Unanimous vote.

B. Review and discuss the Community Development Fee Schedule.

Mr. Poirier referred to his revised memo/attachment 2-B that provided answers to the committee's questions from the previous meeting, as well an updated listing of the Code Office fee schedule now reflecting current fees in addition to proposed fees.

Regarding questions from the last meeting, Mr. Poirier said that the Code Officers inspect trailers when they are being located on an existing pad to perform a basic safety check, which may involve looking at GFI outlets.

Regarding third-party inspections of gravel pits, Mr. Poirier noted that the Town Attorney review the current language, which does not allow the Town to require third-party inspections. If the committee wants that requirement moving forward, an amendment to the Land Use and Development Code would need to be proposed.

Regarding after-the-fact permits and fees, Mr. Poirier clarified that the "double the permit fee" is mostly to be used as a deterrent for homeowners and contractors and that the fee is not assessed often; the most it has been assessed is twice in one year to one contractor.

Mr. Poirier noted that public hearing fees are not straight forward. The more public hearings that are included in one notice, the lower the cost. The cost has ranged from \$40 to \$150 for one site plan public hearing notice, and the Town currently collects \$50 for public hearings. Contract Zone public hearings require two public hearing notices for which the cost ranges between \$80 and \$100 depending on how they are posted.

A brief discussion ensued in which Councilor Hager and Mr. Poirier discussed premanufactured homes and the work involved for the Code Office staff to perform an inspection.

Regarding gravel pits, Councilor Hager said he was in support of less government restrictions, and does not support going through a zoning amendment to include the third-party inspection requirement.

Mr. Poirier noted that when he and Ephrem started employment with the Town of Gorham years ago as Compliance Coordinators, the Town required an outside peer review of gravel pit inspections since it is outside the wheelhouse of Code Enforcement Officers, and the process changed to Code Officers being responsible for performing gravel pit inspections in the last 10 years. Staff recommends having an engineer perform the annual inspections to ensure gravel pit operators are operating within approved guidelines and size limits identified in the Land Use and Development Code. Alternatively, the proof of engineering inspection could be required at the time that an applicant applies for site plan approval, which removes the burden from the Town.

Mr. Paraschak recommends increasing fees to allow the Town to hire an engineer to perform the inspections as it would benefit the gravel pit operators, and it would serve as documentation when/if there are any complaints of pit operators being noncompliant.

Councilor Kuech commented that the committee reached a consensus at a previous meeting to increase the fee from \$300 to \$500. She asked if increasing the fee to \$1,000 would cover the engineering inspection on larger gravel pits, or is it better to follow the process of requiring the applicant to provide a certificate of engineering inspection to which Mr. Poirier replied that the proposed fee would not cover the cost on larger gravel pits. Councilor Kuech then expressed her support with recommending a zoning amendment.

Councilor Phillips expressed her support for a zoning amendment to require that the applicant furnish proof of inspection by a third-party engineering consultant at the time of a site plan application as well.

Mr. Poirier commented that the proposed gravel pit fees that the committee previously voted on were accurate and that the proposed language will cover the Town's needs.

Councilor Hager said that the fees will remain the same as they were last voted and the committee will recommend sending the proposed additional gravel pit third-party inspection/zoning amendment language to the Ordinance Committee for review at their next meeting.

Regarding the doubling of after-the-fact building permit fees with homeowners versus contractors, Councilor Phillips asked to clarify if a homeowner is still responsible for paying double the permit fee if they go to pull a permit to add on an additional room 10 years after the fact to which Mr. Poirier said – yes; the Code Officer and Fire Inspector have additional items to inspect and it is based on when the permit is pulled.

Mr. Paraschak asked when the Code Office sees the majority of repeat offenses to which Mr. Poirier said that it usually occurs when a contractor has subcontractors lined up, as well as with the pouring of foundations.

The committee then took the following action:

Recommended Fee Changes to Existing Code Division Fees:

Doubling fee each every occurrence after the 3<sup>rd</sup> and after-the-fact building permits for contractors (in calendar year):

1<sup>st</sup> occurrence: double the permit fee - 3 yeas.

2<sup>nd</sup>: occurrence: trip the permit fee - 3 yeas.

Tripling fee each every occurrence after the 2<sup>nd</sup> – 3 yeas.

The committee briefly discussed the wide ranging cost of public hearing notice fees. Mr. Poirier recommended using an average cost of \$100 to cover the Town's fees since the cost ranges between \$40 to \$150 and it should average out at that rate. He noted that most invoices for public hearing notices are \$80 to \$100, and rarely under \$50.

Regarding contract zones, Mr. Poirier said that the Code Office does not see a lot of contract zone amendments, so there has not been a large need for those public hearing notices. If the committee were to agree on the proposed fee of \$100, it would cover most costs, but not all. To cover all costs, Mr. Poirier recommend increasing the public hearing notice fee to \$150.

A motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to increase the cost of one public hearing notice to \$100 and two postings to \$200. Unanimous vote.

The committee proceeded to review fees listed on attachment 2-B, the Community Development Fee Schedule memo.

Councilor Phillips commented that she recalled having reviewed and agreed on some of the fees at the previous meeting, including the home occupation permit.

Mr. Poirier asked if the committee would consider a new fee that was proposed by Planning staff today. He said that the department approves de minimis changes and they recommend proposing a \$250 fee for applicants to request a de minimis change. Staff receive a lot of requests for de minimis changes when applicants rush through their permit approvals and determine after that they want to make multiple changes, which takes a lot of staff time to review plans and get Planning Board approval to determine if the changes can even take place.

A brief discussion ensued in which Councilor Hager and Mr. Poirier discussed the length of time that it takes staff and the Planning Board to review and consider approving de minimis changes, which can take approximately three hours of time. Councilor Hager supports the recommended fee of \$250 for staff to approve de minimis changes.

Council Chairman Pratt shared that when ODAT built their building, it had a sidewalk with a raised curb and shortly after they realized that by taking out the raised curb it would be easier to plow and look nicer, which required a de minimis change to be filed that should not have taken staff that much time to review. He is more inclined to support a \$125 fee if the committee approves of charging for de minimis changes and look at increasing the fee in the future if

needed. He asked if staff are seeing a lot of de minimis changes to which Mr. Poirier said that staff receive the requests with new commercial construction and in subdivisions.

Mr. Paraschak asked if any other communities charge for de minimis changes to which Mr. Poirier said he is not certain. Mr. Paraschak further said that to Council Chairman Pratt's point, de minimis changes can be very simple and also very complicated. He is sympathetic to the principle of the Town being business-friendly, but also sympathetic to the taxpayer when there is a business that rushed through the approval process and have multiple de minimis changes to make after. He recommends that Mr. Poirier research how other towns manage de minimis changes and bring back clarification at the next meeting.

Mr. Poirier said that staff would agree with the fee of \$125 as the intent is to cover the Town's cost for staff and Planning Board member time involved.

Councilor Phillips is in support of the \$125 fee, and feels it is important to not overburden people with fees, and that the Town remain business-friendly.

Councilor Kuech asked if de minimis change fees could be set as an hourly rate and have staff monitor and bill as necessary to which Mr. Paraschak recommended keeping a flat fee as it is easier to interpret than a bill referencing staff time from his experience.

Mr. Poirier commented that if staff can group de minimis changes together, they will do that.

Councilor Hager commented that it helps for future planning of resources to determine where staff time is devoted.

A motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to approve of the \$125 fee for de minimis. Unanimous vote.

A motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to approve of the following fees as proposed. Unanimous vote.

Recommended Changes to Community Development Fee Changes to Existing Fees:

- Re-inspection fee: \$75
- Accessory Use Building Permit fee: \$50
- Swimming Pools:
  - In ground: \$75
  - Above ground: \$50
- Chimney: \$50
- Electrical: \$100
  - Additions/modifications 1 -10: \$15
  - Additions/modifications 11-over: \$25
  - Minimum fee:
- Signs:

- Permanent: \$50
  - Temporary: \$100
- Home Occupations: \$50
- Demolition:
  - Small structures: \$50.00
  - Residential: \$100
  - Commercial/Industrial: \$150
- Zoning Board of Appeals:
  - Replacement of legally non-conforming structure: \$200
  - All other appeals: \$250
  - Rescheduled Appeals due to applicant failed to attend: \$500
- Building Permit for Residential Solar: \$50

Councilor Phillips said that it will be important to note the old fee and proposed new fee when presenting all fees to the Town Council for review and approval.

Councilor Hager agreed and said that if all departments could use a similar format as was used by Town Clerk Laurie Nordfors that reflects old fees, new fees, and any comments or notes as to when the fees were last reviewed it would be helpful.

Mr. Paraschak wanted to clarify that the gravel pit fees were being left alone to which Councilors Hager and Mr. Poirier said that the committee had reviewed the fees at the previous meeting and agreed on the highlighted fees of \$250 and \$500, and to forward to the Ordinance Committee the request to send proposed gravel pit third-party inspection requirement/zoning amendment language to the Ordinance Committee for review at their next meeting.

Mr. Paraschak asked if we want to change the fee for pit owners, then potentially have to change the process again for pit owners after the zoning amendment is adopted, or approve of the changes once the zoning amendment is approved.

A brief discussion ensued as to when to make the new gravel pit fees effective in which Mr. Paraschak recommended making the new fees applicable when the zoning amendment is approved and effective, and when pit operators have to go through the permit renewal process.

Mr. Poirier said that the Code Office sends letters to all gravel pit owners all at once notifying when yearly registration is due. He said he will check when the letters normally go out.

Councilor Keuch supports proposing the new gravel pit fees now and forwarding the zoning amendment request for review by the Ordinance Committee.

Councilors Hager and Phillips support leaving the current fees at \$200 for under 5 acres and \$300 for over 5 acres since gravel pit owners will need to pay for a third-party engineer inspection, and then forward the zoning amendment request to the Ordinance Committee.

A motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to approve leaving the gravel pit permit fees as they are, and forward a request to the Ordinance Committee to create a zoning amendment requiring third-party engineer inspections. Unanimous vote.

C. Review and discuss the Town Clerk's Office Fee Schedule.

Regarding cemetery fees, Town Clerk Laurie Nordfors said that she increased the fees by \$100; she is also waiting for input regarding labor and overtime from Public Works Director Bob Burns. She recommends eliminating a separate fee for infant burials since there is not really a difference other than the size of the casket – Public Works still has to go out and dig the hole.

Ms. Nordfors recommends the following:

- Full burials on weekdays: increase from current fee of \$550 to \$650
- Full burials on weekends and holidays: from \$625 to \$725
- Cremations on weekdays: from \$250 to \$350
- Cremations on weekends and holidays: from \$325 to \$425

Councilor Hager asked how Ms. Nordfors arrived at the \$100 proposed increase to which she said it was an estimation since she is still waiting for input from Mr. Burns. She further said that not many neighboring communities have comparable fees, because they contract out their burials through funeral homes.

Councilor Hager thanked Ms. Nordfors for reviewing and making recommended adjustments to her fees. He noted that the committee wants to eliminate the infant burial fee entirely.

Regarding the cemetery fees, Councilor Phillips agreed that the infant burial fee should be eliminated. She said that Ms. Nordfors did a good job recommending the \$100 increase on cemetery fees as it is not an unreasonable amount since they were last reviewed and increased in 2008; however, she will defer to the rest of the committee if they want to approve of the recommended fees now, or wait for additional staff input.

Mr. Paraschak recommended waiting for staff input since the Town incurs a cost with paying staff overtime on weekends and holidays, and he agreed with eliminating the separate infant burial fee. He said that the committee may need to define the age at which a standard burial fee would apply, and also consider authorizing staff to waive a burial fee depending on circumstances. He recommended staff, including Mr. Burns and Ms. Nordfors, to also look at the cost of plots as the Town may be selling them significantly cheaper than other municipalities.

Council Chairman Pratt supports eliminating the separate infant burial fee, but recommended that the committee look at the cost based on the number of infant burials in a year that could be built into the other fees. He further said that without the cost of time and materials, he would recommend reviewing burial fees at the next meeting when Mr. Burns can be present.

Ms. Nordfors said that her staff schedule burials, so administrative time will need to be accounted for when discussing recommended fee increases with Mr. Burns.

Councilor Hager said that the intent of the review of all Town fees was to take all Town department's time and involvement into account to make accurate recommendations at one time.

Councilor Hager agreed with Mr. Paraschak on the need to define an age at which a standard burial fee would apply.

The committee then reviewed the remaining list of Clerks Office fees.

Ms. Nordfors said the fees referenced on the bottom of the third page of attachment 2-C are set by the state, as were liquor license fees. She researched and took the average fees from neighboring municipalities.

A brief discussion ensued regarding the cost of the various special amusement liquor license class fees that other towns are charging.

Councilor Phillips expressed hesitation with supporting the proposed fee of \$175 for Class III Victualers Licenses for mobile vending units as it appeared high – she does not want to deter anyone since mobile vending units are already not allowed in the Gorham Village.

Regarding Victualers Licenses, Councilor Phillips asked how many of each class (I,II, III, and IV) does her office give out to which Ms. Nordfors said she did not know the numbers off-hand, but she said there are six mobile vending units in Town. Councilor Phillips noted that she would be more comfortable with a \$50 Victualers License fee for mobile vending units than the proposed \$175 fee.

Councilor Kuech noted that Scarborough's Victualers License fees were static across the board, and recommended the fee being \$100.

Councilor Hager expressed his support of the proposed Victualers License – Class I fee at \$250, the Class II fee at \$200, and feels that Councilor Kuech's recommended fee for Class III being \$100 may be too low.

Ms. Nordfors commented that all mobile vending unit permits have been paid and expire July 31, 2021 to which Councilor Hager said that the proposed fees, once voted, would ideally be effective July 1, 2021 for the following fiscal year, so any licenses that have already been issued for the FY 21-22 would be paid and valid through June 30, 2022.

A further discussion ensued regarding the Victualers License fee – Class III for mobile vending units in which Councilor Hager commented that if increased to \$100, it would have been more than doubled since the license and ordinance's inception in the last three years, which he is not comfortable with. He would be more inclined to increase from \$25 to \$50 as Councilor Phillips recommended.

Ms. Norfors clarified that the mobile vending unit license in question is typically an ice cream truck, and there is a separate mobile vending unit permit that must be obtained from the Code Office for food trucks.

Mr. Poirier commented that the fee Ms. Norfors referred to is the mobile vending unit review fee for an operator to start up at a site that must follow a list of performance standards, which is only done once, so operators can keep going to a site year after year without having to have a Code Office review.

Mr. Paraschak said that staff will need to clarify that the two separate uses were not combined when these items were reviewed and implemented three years ago.

The committee then took the following action:

- Victualers License – Class I – On site consumption of liquor: \$250 – 3 yeas
- Victualers License – Class II – Without on-site consumption of liquor: \$200 – 3 yeas
- Victualers License – Class III – Mobile Vending Units: \$50 – 2 yeas, 1 nay (Kuech)

Mr. Paraschak asked Ms. Nordfors if the Town should explore offering passport services again to which Ms. Nordfors said that the state of Maine mandates that the sale of birth certificates and sale of passports be processed in separate offices, and the Gorham Town Clerk's Office is unable to separate the sales, which is why it passport services are no longer offered. If the Finance Office wants to offer the sale of passports, Ms. Norfors said would be possible to offer both services since each service could be processed in separate offices.

Mr. Paraschak explained that he and Ms. Nordfors looked at offering passport services, not necessarily as a revenue-generating service, but to cover costs and because there are not many locations that offer passport services. Staff will review the possibility of adding this service again and, if feasible, bring back an update at a future meeting.

Mr. Paraschak asked if there outdated services that consume a lot of staff time that the committee should consider eliminating such as laminating. Regarding copies, he said that a fee should still be established, but he would prefer for the public to take photos of documents with a phone or other device, where possible, to reduce staff time involved.

The committee agreed and asked that staff to go back and review fees for outdated or infrequently used services to eliminate the services if possible, or ensure the fees are accurate.

Ms. Nordfors commented that she will eliminate the coin-operated amusement device fee since it was repealed. She also questioned why there was a late fee after June 1 for the trash hauler fees to which Mr. Paraschak said that the trash hauler ordinance will need to be looked at and a further discussion will need to be had at a future meeting.

Mr. Paraschak asked if the committee wanted to forward the voted proposed fees to the Town Council for review and consideration at their June 1, 2021 meeting, or wait until all fees have

been reviewed. He also noted that the committee will still need to review and discuss building permit fees.

Councilor Hager's initial hope was to have reviewed and referred all recommended fee increases/adjustments for consideration by July 1, 2021.

Councilor Phillips recommended that revenue-generating fees in the Clerk's Office, Code, and Planning Office fees be tied in with the fiscal year.

Council Chairman Pratt suggested splitting up the fees that are forwarded, so as to not overload the Town Council.

Councilor Kuech agreed with Council Chairman Pratt with forwarding fees in sections to the Town Council, starting with reviewing fees at the June 1, 2021 meeting that were reviewed and voted on over the past Special Finance Committee meetings. She also recommended holding a workshop on Town fees if the Town Council felt it would be necessary.

Councilor Hager asked Mr. Paraschak to forward to the Town Council all fees that the committee has approved thus far for consideration at the June 1, 2021 meeting with the caveat that what is not being submitted is still under review by the committee.

### **3. Other Business**

Mr. Paraschak shared that the Town's financial auditing firm RKO has dropped a number of other municipal clients due to a departure of some of their staff and the Town of Gorham was fortunate to recently sign another agreement with RKO for FY21-22 annual auditing services.

### **4. Schedule next meeting and discuss agenda items for next meeting**

The committee discussed that the next meeting will be Monday, June 21, 2021 at 6:30pm, the location to be determined.

The committee will discuss normal quarterly financial items and continue the review of Town Clerk fees not discussed, as well as Public Works Department fees as time allows.

### **5. Adjournment**

There being no further business, a motion was MADE by Councilor Phillips, SECONDED by Councilor Kuech, and VOTED to adjourn at 8:24pm. Unanimous vote.

Respectfully,

Jessica Hughes  
Executive Assistant