

**AMENDED AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
September 1, 2020
6:30pm
On-line Zoom Meeting**

The Town of Gorham invites you to view our upcoming Regular Town Council Meeting on September 1, 2020, starting at 6:30PM. This meeting will be held remotely, hosted as a Zoom Webinar and streamed over GoCAT and Facebook Live for anyone who wishes to view. Staff strongly recommends those who would like to make public comment regarding agenda items to email written comments by 4pm on Tuesday, September 1, 2020 to the following email address: TC_Mtg_Public_Comment@gorham.me.us.

To join the meeting, follow this link on your computer or mobile device:

<https://us02web.zoom.us/j/87509646273>, or join by phone by calling 1-929-205-6099 and entering Webinar ID: 875 0964 6273. To make a public comment during the meeting, we ask that you raise your hand using the button in Zoom, or for those joining by phone, you may type *9.

Please be advised that any comments made during the meeting on Facebook Live or GoCAT will not be reviewed and are not considered public comment for purposes of the public record.

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the August 4, 2020 Regular Town Council Meeting and the August 13, 2020 Emergency Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public

Hearing #1

On Item #2020-9-01

Public hearing to hear comments on a proposal to issue a new Massage License to Jill Kristin Hayden. (Admin Spon.)

Proposed

Order #20-93

Ordered, that the Town Council approve a new massage license for Jill Kristine Hayden.

Public hearing #2
On Item #2020-9-02

Public hearing to hear comments on the proposed amendments to the Gorham Savings Bank Contract Zone. (Admin. Spon.)

Proposed
Order #20-94

Ordered, that the Town Council amend the Gorham Savings Bank Contract Zone as follows:

PROPOSED SECOND AMENDMENT TO CONTRACT ZONING AGREEMENT BETWEEN THE TOWN OF GORHAM AND GORHAM SAVINGS BANK

This Second Amendment to the Contract Zoning Agreement made as of the ____ day of ____, 2020 by and between the Town of Gorham, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter the “Town”), and Gorham Savings Bank, a mutual savings bank chartered under Maine with an office at 64 Main Street, Gorham, Maine (hereinafter “the “Bank”), amends the Contract Zoning Agreement between the Town and the Bank made as of December 10, 1996 (hereinafter “the Original Agreement,” recorded in the Cumberland County Registry of Deeds at Book 12897, Page 190 and further amended on February 23, 1999 (hereinafter “the First Amendment,” recorded in said Registry at Book 14640, Page 110) (collectively “the Agreement”).

WHEREAS, the Bank has proposed to build a ground-mounted solar array and associated equipment with an approximate yield of 1.1 million kilowatt-hours annually, on Lot 2 as shown on the “Plan of Lots for Gorham Savings Bank by Sebago Technics, dated 8-24-98, revised 3-24-99, attached to the First Amendment as Exhibit A, to offset the Bank’s electric costs for the Banks’s adjacent operations center on Lot 1 and more than 16 locations across Maine; and

WHEREAS, the Bank intends to combine Lots 1 & 2 into a single lot; and

WHEREAS, while the Agreement allows as a permitted use “uses accessory to permitted uses,” it does not specifically include roof- and ground-mounted solar arrays on the list of permitted uses; and

WHEREAS, while the proposed ground-mounted solar array is accessory to the Bank’s existing operations center in that it will provide electricity to support the bank’s operations and will not to be sold to the grid, the parties wish to clarify the Agreement to add ground-mounted solar arrays to the list of permitted uses since any use not specifically mentioned in the Agreement is a prohibited use; and;

WHEREAS, the layout and configuration of the ground-mounted solar array requires certain amendments to the Agreement with respect to buffering, yard, and setbacks to allow the ground-mounted solar arrays to operate effectively and generate sufficient electricity to support the Bank’s operations; and

WHEREAS, this amendment to the Agreement is consistent with the Town's Comprehensive Plan by supporting the sustainability of the environment and natural resources through new technologies and ideas that enhance the community's sustainability, is consistent with the existing and permitted uses within the underlying and existing zoning districts, only includes restrictions which related to the physical development or operation of the property, and is otherwise permitted pursuant to Section 1.1(G) of the Zoning Regulations and 30-A M.R.S. § 4352(8); and

WHEREAS, the Bank and the Town wish to further amend the Agreement to reflect these changes in the use of the Property.

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. Section 4(d) of the Original Agreement is amended as follows:

Development proposals shall include a program of buffers including, but not limited to, an identification of their location, composition, maintenance and ability to remain compatible with large expanses of impervious surface or parking areas. All areas dedicated for mechanical appurtenances or waste disposal shall be screened from view. Buffering and screening be of a dense and continuance nature and shall incorporate trees, shrubs, fencing, berms and related elements deemed necessary by the Planning Board. No buildings, structures, parking areas or other improvements (other than fences, walls, ground-mounted solar arrays and associated equipment, or necessary roadway and utility crossings) shall be located in buffers. Along the exterior boundaries of the subdivision other than Route 202, buffers shall be at least 100 feet deep (150 feet on Lot 1 and Lot 2, first 100 feet to be trees) except in locations where ground-mounted solar arrays, associated solar equipment, and associated clearing of vegetation to prevent shade on solar panels are located, and where existing topography or the other requirements of this Contract Zoning Agreement would make that depth impractical or ineffective.

2. Section 4(h) of the Original Agreement is amended by adding the following sentence: "Notwithstanding the provisions in this subsection, roof-and ground-mounted solar arrays and associated equipment comprised of industry-standard components and materials are specifically permitted."
3. Section 5(a) of the Original Agreement is amended by adding a new subsection (9) as follows: "Roof- and ground-mounted solar photovoltaic arrays and associated equipment."
4. Section 5(e) of the Original Agreement is amended as follows:
 - a. Amend the minimum front, side, and rear yard to 40 feet.
 - b. Add a new provision as follows: "The minimum setback of structures (other than buildings) from exterior boundaries of the Revised Plan other than Route 202 is 40 feet on Lot 1 and Lot 2. There is no minimum setback for a ground-mounted solar array from an interior property lot line when a solar project spans across abutting parcels of land with a common interior boundary lot line."

5. The Bank shall provide public access to the Tannery Brook trail system between the upland edge of Tannery Brook and the solar project fence line.
6. The Bank shall record this Second Amendment to the Contract Zoning Agreement in the Cumberland County Registry of Deeds and shall submit proof of recording to the Town Planner before any site work is undertaken.
7. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

WITNESS:

TOWN OF GORHAM

By: _____
 Ephrem Paraschak, Its Town Manager
 (Duly authorized by vote of the Gorham Town Council on _____, 2020)

GORHAM SAVINGS BANK

By: _____
 Steve deCastro
 Its President and Chief Executive Officer

STATE OF MAINE
 CUMBERLAND, ss.

_____, 2020

Personally appeared the above-named Ephrem Paraschak, Town Manager of the Town of Scarborough, and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized, and the free act and deed of said Town of Gorham.

Before Me,

 Notary Public

STATE OF MAINE
 CUMBERLAND, ss.

_____, 2020

Personally appeared the above-named Steve deCastro, President and CEO of Gorham Savings Bank, and acknowledged the foregoing to be his free act and deed in his said capacity, as duly authorized, and the free act and deed of Gorham Savings Bank.

Before Me

 Notary Public

OLD BUSINESS

Item # 2020-08-03

Action to consider adopting a resolution to assist with ending systemic racism. (Councilor Wilder Cross Spon.)

Proposed

Order # 20-95

Ordered, that the Town Council adopt the following resolution:

Resolution to end systemic racism, the oppression/misrepresentation of minority groups, and to continue to ensure that law enforcement honors equal justice for all in Gorham.

WHEREAS, the killings of George Floyd, Breonna Taylor, Ahmaud Aubrey, and other victims of police brutality and misconduct have ignited universal support of the Black Lives Matter movement; and

WHEREAS, Gorham residents have joined together in marches, vigils, and other forms of demonstrations to peacefully support the fact that black lives matter; and

WHEREAS, Gorham is a predominantly white community with a growing population representing diversity of color, culture, language, sexual preference; and

WHEREAS, Minority groups in Gorham have experienced discrimination in various forms; and

WHEREAS, the Town of Gorham is committed to educating all Gorham citizens about ending discrimination in any form; and

WHEREAS, Gorham's citizens have historically maintained a close and respectable relationship with our local law enforcement; and

WHEREAS, the Gorham Police Department strives to use precautionary measures in times of distress.

Now, THEREFORE, be it Resolved that

The Gorham Town Council

1. Supports all town departments and members of the public to ensure equal justice for all, prevent any form of police misconduct, provide educational opportunities to accept and celebrate diversity and address racial discrimination; and
2. Affirms and acknowledges the fact that black lives matter; and

3. Recognizes that the Gorham Police Department has ensured the safety of local protests and has been supportive of the informational sessions on systemic racism; and
4. Supports the Gorham Police Department in its efforts to organize and create a law enforcement atmosphere conducive to welcoming people of color; and
5. Commits to providing the necessary resources to ensure that all town staff receive anti-bias training and that police officers continue to receive training on de-escalation; and
6. Encourages the Gorham Police Department to continue its comprehensive training of its officers in de-escalation, use of force and comprehensive reporting to state and national standards, and;
7. Encourages Gorham PD to make available on its website information on general department policies so that they can be more accessible to the public, excluding information that is statutorily confidential; and
8. Condemns any form of hatred or bigotry in the community against any person or group; and
9. Supports opportunities for the voices and stories of people of color and other minority groups in this community to be heard; and
10. Commits to addressing any members of its organizations or departments who are affiliated with any hate groups to the extent legally possible; and
11. Affirms it will stand against racism and other forms of discriminations while doing everything in its power to make certain the Town of Gorham is welcoming to people of color and other minority groups.

NEW BUSINESS

Item #2020-9-03

Action to consider adopting a resolution welcoming all people into the Gorham Community. (Councilor Hartwell Spon.)

**Proposed
Order # 20-96**

Ordered, that the Town Council adopt the following resolution:

RESOLUTION WELCOMING ALL PEOPLE INTO OUR COMMUNITY

WHEREAS, native and foreign-born residents of many faiths and cultures have richly contributed to the quality of life in Gorham;

WHEREAS, Gorham prides itself on being a community fostering neither fear nor division, but instead respect and tolerance of difference;

WHEREAS, we, the elected officials of Gorham, have an important leadership role in representing our Town's collective values against racism, bias, discrimination, violence, and hate;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town of Gorham:

1. Welcomes residents of all cultures, celebrates the benefits of a pluralistic society, and respects the right of every person or group to live and practice their self-determined identity, culture, and faith without fear;
2. Condemns actions of hate, violence, or discrimination directed against any citizen or group, including but not limited to immigrants, refugees, asylum seekers, and any persons unjustly or unfairly treated due to their religion, ethnicity, race, class, nationality, country of origin, age, ability, sexuality, or gender;
3. Affirms that anyone targeted on the basis of such differences should be able to turn to the Town's officials and fellow citizens without fear of discrimination;
4. Encourages forums and other opportunities where civil and respectful dialogue may take place to promote better understanding and mutual appreciation among our residents;
5. Commits to substantive action to combat racism, bias, discrimination, violence, and hate.

Item #2020-9-04

Action regarding the November 3, 2020 Annual Municipal Election.
(Admin. Spon.)

**Proposed
Order #20-97**

Ordered, that the Town Council authorize the Town Clerk to issue the warrant for the November 3, 2020 Annual Municipal Election; and

Be It Further Ordered, that the polls be open from 7:00am until 8:00pm;
and

Be It Further Ordered, that the Town Council appoints the following persons for the designated voting districts and if any of the following should fail to serve, the Town Council hereby authorizes the Town Clerk to appoint substitutes:

District 1-1 – Susan Emerson, Warden and Laurel Smith, Ward Clerk
District 1-2 – Katherine Corbett, Warden and Cornelia Loughran, Ward Clerk
District 2 – Martha Towle, Warden and Nancy Kenty, Ward Clerk
Central – Paula Nystrom, Warden and Nanette Belanger, Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:00am and 4:00pm on Tuesday, October 27, 2020 and Wednesday, October 28, 2020; between the hours of 8:00am and 6:30pm on Thursday October 29,2020 between the hours of 8:00am and 1:00pm on Friday October 30, 2020 and between the hours of 8:00am and 4:00pm on Monday November 2, 2020, and

Be it Further Ordered, that the Town Clerk be authorized to process absentee ballots on Tuesday, October 27th thru Tuesday, November 3rd starting at 10:00am each day.

Item #2020-9-05

Action to consider approving applications from the Senior Property Tax Relief Program. (Admin. Spon.)

**Proposed
Order #20-98**

Ordered, that the Town Council approve all qualifying applications from the Senior Property Tax Relief Program as reviewed and recommended by staff.

Item #2020-9-06

Action to consider a new designation for a municipal facility. (Councilor Hager Spon.)

**Proposed
Order #20-99**

Ordered, that the Town Council adopts the following resolution:

To be amended at meeting.

Item #2020-9-07

Action to consider a bond referendum for the Gorham School Department. (Councilor Pratt Spon.)

Proposed

Order # 20-100

Ordered, that the Town Council authorizes a bond referendum question for the November 3, 2020 election in the amount of \$5,689,000 for capital projects, and;

Be It Further Ordered, that the Town Council schedules a public hearing for October 6, 2020.

Item #2020-9-08

Action to consider authorizing a referendum on an amendment to the Town Charter that would clarify the qualifications for Town Council members. (Councilor Philips Spon.)

Proposed

Order #20-101

Ordered, that the Town Council authorize a referendum for November 3, 2020, on amending Section 202 of the Town's Charter to clarify the qualifications of office for a Town Council member as follows:

Sec. 202. Qualifications. ~~Councilmen~~ Council members shall be qualified electors of the Town and shall reside in the Town during their term of office. ~~They~~ A Council member shall hold no other paid office or position of employment with the Town or the Department of Education (Gorham School District) during the term for which the Council member was elected to the Council ~~of emolument or profit under the Town Charter or Ordinances~~. If a ~~Councilman~~ Council member shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his/her office shall immediately become vacant.

Be It Further Ordered that the Town Council schedules a public hearing for October 6, 2020.

NOTE – Additions Underlined and Deletions ~~Struck~~.

Item # 2020-9-09

Action to consider authorizing a referendum question asking the voters to form a Charter Commission for the purpose of revising the Gorham Town Charter. (Councilor Hartwell Spon.)

**Proposed
Order #20-102**

Ordered, that the Town Council authorizes a referendum question for the November 3, 2020 election asking voters if they approve establishing a Charter Commission for the purpose of revising the Gorham Town Charter pursuant to M.R.S.A. 30-A Chapter III and;

Be It Further Ordered, that the Town Council schedules a public hearing on October 6, 2020.

Item #2020-9-10

Action to consider amending side and rear setbacks and adding personal services to the Narragansett Mixed-Use District. (Councilor Philips Spon.)

**Proposed
Order #20-103**

Ordered, that the Town Council forwards to the Ordinance Committee, for their review and recommendation, amending the Narragansett Mixed-Use District to allow for personal services and to address side and rear setbacks.

Item #2020-9-11

Action to consider a new fee schedule for trash bags / tags and to set a date for the discontinuance of trash bag sales. (Finance Committee Spon.)

**Proposed
Order #20-104**

Ordered, that the Town Council designates the following fee schedule for trash bags and waste collection tags, and;

Be It Further Ordered, that the Town Council authorizes the discontinuance of trash bags sales starting January 1, 2021 with the waste collection program transitioning to tag sales.

New Sale Prices Effective Next Distribution / Order of Bags & Tags
Small Trash Bags: \$2.15
Large Trash Bags: \$4.30
Small Bag Tag: \$1.50
Large Bag Tag: \$3.00

*Note: This order authorizes new fees for trash bags until their discontinuance on or about January 1, 2021 where they will no longer be sold in stores or at municipal facilities. Existing bags purchased by residents will continue to be honored until their supply is exhausted.

Starting January 1, 2021 only waste collection tags will be sold for curbside collection. These tags will continue to be available at local stores and municipal facilities and are adhered to a trash bag signifying to the Town's waste collection contractor that the resident has paid for collection.

Item #2020-9-12 Action to consider adopting a member resolution for the MMA Worker's Compensation Safety Incentive Program. (Admin. Spon.)

**Proposed
Order #20-105**

Ordered, that the Town Council authorizes the following resolution joining the new MMA WCSIP program as follows:

WHEREAS, Maine Municipal Association (hereinafter "MMA") provides risk management services and workers' compensation coverage; and

WHEREAS, MMA developed the Workers' Compensation Safety Incentive Program (hereinafter "the Program") to help reduce the incidents and impact of workplace injuries by implementing WC claim best practices; and

WHEREAS, MMA will provide necessary written program information, and offer assistance to participants; and

WHEREAS, WC Fund members that participate in the Program and complete the required activities, will have the opportunity to earn a credit to their annual contribution; and

WHEREAS, the Town of Gorham is committed to providing a safe environment for its employees, citizens, and visiting public; and

WHEREAS, the Program will help enhance such an environment and promote a self-sustaining culture of safety with participating members,

Now Be It Resolved by
the GorhamTownCouncil to elect to participate in the MMA Workers' Compensation Safety Incentive Program.

Adjourn