

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
September 7, 2021
6:30pm
Burleigh Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the August 3, 2021 Regular Town Council Meeting and August 24, 2021 Special Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public Hearing #1

Public hearing to hear comment on a referendum question for the November 2, 2021 Municipal Election, to authorize the Town to expend not more than \$575,000 from the school capital reserve fund and not more than \$244,900 from undesignated fund balance in addition to the \$2,265,000 in funding from bonds approved by referendum in 2020, for the Gorham Middle School HVAC Heat Pump Upgrade and Repair Project. (Admin Spon.)

**Public hearing #2
On Item #2021-9-01**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McInerney. (Admin. Spon.)

**Proposed
Order #21-123**

Ordered, that the Town Council issue a Medical Use Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McInerney.

Public Hearing #3
On Item #2021-9-02

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Robert Derrey, Alternative Relief, 17 Industrial Parkway, Unit A. Property owned by Dave Cowan. (Admin. Spon.)

Proposed
Order #21-124

Ordered, that the Town Council issue a Medical Use Marijuana License to Robert Derrey, Alternative Relief, 17 Industrial Parkway, Unit A. Property owned by Dave Cowan.

Public Hearing #4
On Item #2021-9-03

Public Hearing to hear comment on a proposal to amend the Town's General Assistance Ordinance by updating the maximum levels of assistance as required by the State. (Admin. Spon.)

Proposed
Order #21-125

Ordered, that the Town Council amend the Town's General Assistance Ordinance by updating the maximum levels of assistance as required by the State.

Public Hearing #5
On Item #2021-9-04

Public hearing to hear comment on a proposal to waive the impact fees for a single-family dwelling, pursuant to the provisions under Chapter 7: Impact Fees, Section 7-1 G: Waiver of Impact fees in the Land Use & Development Code. (Admin. Spon.)

Proposed
Order #21-126

Ordered, that the Town Council waive the impact fees for a single-family dwelling, Map 83, Lot 8-1, pursuant to the provisions under Chapter 7: Impact Fees, Section 7-1 G: Waiver of Impact Fees in the Land Use & Development Code.

Item #2021-9-05

Action regarding the November 2, 2021 Annual Municipal Election. (Admin. Spon.)

Proposed
Order #21-127

Ordered, that the Town Council authorize the Town Clerk to issue the warrant for the November 2, 2021 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 26, 2021 and Wednesday, October 27, 2021; between the hours of 8:00am and 7:00pm on Thursday October 28, 2021 between the hours of 8:00am and 1:00pm on Friday October 29, 2021 and between the hours of 8:00am and 4:00pm on Monday November 1, 2021, and

Be it Further Ordered, that the Town Clerk be authorized to process absentee ballots on Tuesday, October 26th thru Tuesday, November 2nd starting at 10:00am each day.

Item #2021-9-06

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

**Proposed
Order #21-128**

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

Item #2021-9-07

Action to consider a resignation from the Conservation Commission. (Admin. Spon.)

**Proposed
Order #21-129**

ORDERED, that the Town Council accept the resignation of Jodie Keene from the Conservation Commission; and

Be It Further Ordered, that the Council thanks Jodie Keene for her years of service on the Board.

Item # 2021-9-08 Action to consider amending the Land Use & Development Code to allow for an application fee refund for overturned rulings of the Gorham Code Enforcement Officer. (Councilor Hartwell Spon.)

**Proposed
Order #21-130** Ordered, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use and Development Code to allow for a refund of Zoning Board of Appeals application fees when a determination of the Code Enforcement Officer is overturned by the ZBA.

Item # 2021-9-09 Action to consider authorizing staff to search out funding sources and solutions that benefit local agricultural businesses. (Councilor Hartwell Spon.)

**Proposed
Order # 21-131** Ordered, that the Town Council authorizes staff to research and apply for funding that would benefit local agricultural businesses through the advancement and/or construction of a facility that could be used for local farmers markets and other local events.

Item # 2021-9-10 Action to consider amending the Land Use and Development Code to move forward with the adoption of the South Gorham Crossroads District. (Councilor Hartwell Spon.)

**Proposed
Order # 21-132** Ordered, that the Town Council forward to the Ordinance Committee, for review and recommendation, amending the Land Use and Development Code to adopt the South Gorham Crossroads District as identified by the Town's Comprehensive Plan.

Item # 2021-9-11 Action to consider amending the Land Use and Development Code with regards to performance standards for multi-family housing. (Councilor Hartwell Spon.)

**Proposed
Order # 21-133** Ordered, that the Town Council forward to the Ordinance Committee, for review and recommendation, examining performance standards for multi-family housing to promote effective multi-family development in the Town of Gorham.

Item #2021-9-12

Action to consider adopting a remote and hybrid meeting policy.
(Councilor Pratt Spon.)

Proposed

Order #21-134

Ordered, that the Town Council adopts the following remote and hybrid meeting policy pursuant to 1 M.R.S § 403-B as follows:

TOWN OF GORHAM TOWN COUNCIL

REMOTE AND HYBRID MEETING POLICY

Pursuant to 1 M.R.S § 403-B

- I. **Purpose:** The Town of Gorham strives to provide an open and transparent government that maximizes the ability of its residents to participate in the public process. This Policy sets forth the conditions upon which the Gorham Town Council may conduct a remote meeting, as that term is defined in this Policy. In addition, this Policy sets forth the conditions upon which the Gorham Town Council may conduct a hybrid meeting, as that term is defined in this Policy.
- II. **Definitions:**
- a. “Hybrid meeting” means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.
 - b. “Public meeting” means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.
 - c. “Remote means” means “remote methods” as that term is defined in 1 M.R.S. § 403-B(1), as may be amended. For purposes of this Policy, “remote means” may include, but is not necessarily limited to: Zoom, Go-To-Meeting, Skype, Google Meet, or other comparable internet-based telephonic or videoconferencing platform. Remote means does not include text-only means such as e-mail, text messages, or chat functions.
 - d. “Remote meeting” means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted *solely* by remote means.
- III. **Remote Meetings of the Town Council:** The Town Council shall conduct its meetings in person unless the Chair (or in his/her absence, the Vice Chair), in consultation with the Town Manager, makes a determination that an emergency or urgent issue exists that requires the Town Council to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. § 406, as may be amended, and this Policy.

IV. **Hybrid Meetings with Remote Participation by Individual Town Councilors:** Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Town Council are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable are limited to:

- a. Illness or other physical condition, or temporary absence from the Town of Gorham, that causes the member to face significant difficulties travelling to and attending the public meeting in person; or
- b. To provide a reasonable accommodation to a member with a disability.

A Town Councilor who believes it is not practicable, as set forth above, for him/her to attend a meeting in person shall notify the Chair (or in his/her absence, the Vice Chair), as well as the Town Manager, of the existence of such circumstances as far in advance as is possible. The Chair (or in his/her absence, the Vice Chair), shall, in consultation with the Councilor, then make a determination whether being physically present is not practicable for that Councilor and, if such a determination of impracticability is made, so notify the Town Manager that a hybrid meeting will be conducted. If the agenda has already been posted at the time the determination is made to authorize a hybrid meeting with the Town Councilor's remote participation, an amended meeting agenda containing the information set forth in Section VI(a) of this Policy shall be posted on the Town's website and be distributed to all Town Councilors, relevant Town staff, and local representatives of the media by the same or faster means used to notify Town Councilors at least four (4) hours prior to the originally noticed meeting start time.

V. **Hybrid Meetings with No Remote Participation by Individual Town Councilors:** The Town Council is not required by law to offer this type of meeting format and will only conduct a hybrid meeting with no remote participation by individual Town Councilors when it is determined by the Town Manager, in consultation with the Chair (or in his/her absence, the Vice Chair), that such a hybrid meeting is necessary for some special reason, such as the need for the Town Council to communicate with an outside attorney, professional or consultant without incurring the costs associated with that person's travel to/from Gorham.

VI. **Public Notice of Remote Meetings or Hybrid Meetings:** When the Town Council conducts a remote meeting or a hybrid meeting, the following shall occur:

- a. Notice of the public meeting shall be provided in a manner that provides ample time to allow public attendance. Such notice shall be disseminated in a manner that is reasonably calculated to notify the general public of the time, date, location, and method to be used to conduct the meeting. Such notice shall provide information regarding how members of the public may attend the public meeting remotely and shall provide the physical location where members of the public may participate in person, if applicable.
- b. Members of the public shall be provided with a reasonable opportunity to participate in the public meeting by remote means, which shall at a minimum include an effective means of communication between such members of the public and the Town Council. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

- c. Unless the entire Town Council is conducting a remote meeting as provided in Section III of this Policy, members of the public must be provided the option to attend the meeting in person or by remote means.
 - d. Unless the entire Town Council is conducting a remote meeting as provided in Section III of this Policy, the Chair (or in his/her absence, the Vice Chair), at the start of the meeting, shall announce the name of any Town Councilor(s) participating by remote means and state the reason therefor, which reason must be consistent with Section IV.
 - e. All public documents and other materials considered by the Town Council shall be made available to members of the public by the same or more efficient means as they are provided to individual Town Councilors. This requirement may be met by: (i) posting all public documents and materials to be considered by the Town Council on the Town's website at least one (1) business day prior to the meeting; (ii) making physical copies of all documents and materials to be considered by the Town Council available for in person pick-up at the Town Office at least one (1) business day prior to the meeting; or (iii) enabling the "screen-sharing" function of the remote means utilized for the meeting in such a way that members of the public are able to view all relevant documents and materials while the Town Council is reviewing and discussing the same.
- VII. **Quorum**: A Town Councilor who participates in a remote meeting or a hybrid meeting is considered present for purposes of determining the presence of a quorum and voting.
- VIII. **Roll Call Vote Required**: All votes taken during a remote meeting or a hybrid meeting must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by all Town Councilors and the public.
- IX. **Zoom Preferred**: The preferred remote means for all Town boards and committees shall be Zoom Webinar. The platform shall be set up and hosted by a Town official and a digital recording shall be preserved. The use of private accounts to host a remote meeting or a hybrid meeting is prohibited.
- X. **Disruptions and Adjournment**: If during the conduct of a remote meeting or a hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of Town Councilors. If the interruption cannot be resolved within 15 minutes, and the Town Council has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Town Councilors and a remote connection to the public location identified in the Town Council's notice pursuant to Section VI(a) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
- XI. **Executive Sessions**: To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair should confirm with each attendee that no unauthorized person is

present or has access to any executive session being conducted via remote means. There shall be no audio or visual recording of an executive session.

- XII. **Other Town Boards and Committees:** Any public body organized under the auspices of the Town may adopt this Policy in order to comply with 1 M.R.S. § 403-B. Any public body adopting such a remote and hybrid meeting policy under this section must, after hearing on the same, file written notice of the vote with the Town Clerk upon adoption. Any such public body may also choose to set more stringent regulations for use of remote means, provided that said policy is at least as stringent as this Policy and complies with 1 M.R.S. § 403-B. Such enhanced policy must also, after hearing on the same, be approved by a vote of a majority of the members of said body, and a copy of said enhanced policy must be filed with the Town Clerk upon adoption.
- XIII. **Amendment; Severability; Effective Date:** This Policy may be amended as needed by a majority vote of the Town Council. The provisions of this Policy are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect. This Policy shall take effect immediately upon adoption by the Town Council.

Date Adopted: _____, 2021

Adjourn