

AMENDED AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
October 5, 2021
6:30pm
Burleigh Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the September 7, 2021 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public hearing #1

On item #2021-10-01

Public hearing to hear comment on renewal applications for Automobile Graveyards/Junkyard Permits for 2021-2022. (Admin. Spon.)

Proposed

Order #21-135

Ordered, that the Town Council approve renewal applications for the following Automobile Graveyard/ Junkyard Permits for 2021-2022;

STEVE LUCE	LKQ CORP/GORHAM AUTO	192 NARRAGANSETT STREET
JIM STONE	CASCO FEDERAL CREDIT UNION	375 MAIN STREET
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRAIL
SHAWN MOODY	MOODYS/INSURANCE AUTO AUCTION	200 NARRAGASETT STREET
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL ROAD
JOHN DUMBROOCYO	DUMBO ENTERPRISE	86 LONGFELLOW ROAD

Public hearing #2
On Item #2021-10-02

Public hearing to hear comment on a proposed amendment to adopt the Mosher's Corner Mixed-Use District and the proposed amendment to the Official Zoning Map. (Admin. Spon.)

Proposed
Order #21-136

Ordered, that the Town Council adopt the amendment of the Mosher's Corner Mixed Use District and the amendments to the Official Zoning Map as follows:

SECTION 1-13 - COMMERCIAL/OFFICE MOSHER CORNER MIXED- USE DISTRICT

A. PURPOSE

To provide areas in the Town of Gorham which accommodate a suitable mix of retail commercial businesses and professional offices in a manner which maintains the attractiveness of the major entrances to Gorham, protects the physical environment, maintains the traffic capacity of existing major roads and protects abutting property owners.

B. PERMITTED USES

- 1) Retail Stores
- 2) Business Services establishments
- 3) Personal services
- 4) Business and professional offices and professional out-patient clinics
- ~~5) Shopping centers~~
- 6) Municipal office buildings or uses
- 7) Park or playground
- 8) Rooming house, excluding fraternity housing.
- 9) Funeral home
- 10) Places of public assembly, including indoor theaters **which has less than two thousand (2,000) square feet of floor area.**
- 11) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternal organization or social nature which is not used for

residential purposes, which has less than two thousand (2,000) square feet of floor area and generates less than two hundred (200) vehicles trips during any twenty-four hour period.

- 12) Public and private utility facilities, including substations, **and** pumping station(s) **and treatment facilities**.
- 13) Drive-through service which is accessory to a permitted use
- 14) Accessory buildings and uses
- 15) Residential uses, including one-family dwellings, two-family dwellings, apartment buildings and multi-family housing
- 16) Day Care Homes as Home Occupations
- 17) Bed and Breakfast Establishment
- 18) Bed and Breakfast Establishment with public dining as an accessory use
- 19) Inn
- 20) Offices for executive, administrative, and data processing activities
- 21) Commercial Schools which has less than two thousand (2,000) square feet of floor area.
- 22) Medical or quick care facilities
- ~~23) Office of a contractor or tradesman~~

C. **SPECIAL EXCEPTIONS**

- 1) Day Care Centers
- 2) School, hospital, church or any other institution of educational, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy which has two thousand (2,000) or more square feet of floor area or which generates two hundred (200) or more vehicle trips during any twenty-four hour period.
- 3) **Places of public assembly, including indoor theaters which has more than two thousand (2,000) square feet of floor area.**

4) Commercial Schools which has more than two thousand (2,000) square feet of floor area.

D. SPACE STANDARDS

1) Residential Uses

	<u>Sewered</u>	<u>Unsewered</u>
Minimum Lot Size	20,000 sq.ft	40,000 sq.ft
Minimum area per dwelling unit	20,000 sq.ft	40,000 sq.ft.
Street frontage	100'	150'
Front setbacks		
MDOT numbered routes	80'	80'
Local Roads	25'	25'
Side/ Rear setbacks	15'	15'

2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

Minimum lot size	6 <u>30,000</u> square feet
Minimum street frontage	<u>2</u> 100 feet
Minimum front yard - local or collector street	50 feet or two (2) times the building height, whichever is greater
Minimum front yard - arterial street State Numbered Routes	80 feet or three (3) times the building height, whichever is greater
Minimum side and rear yard	50 feet or two (2) times the building height, whichever is greater
Maximum building height	35 feet
Maximum floor area <u>Impervious Coverage</u> ratio	0.35 <u>60</u>
Minimum landscaped buffer on any side abutting an arterial street State Numbered Routes	50 feet
Minimum landscaped buffer on any side abutting all other streets collector or local street	25 feet

Notwithstanding the provisions of this subsection D, an auxiliary public utility structure is exempt from the minimum lot size, street frontage, and floor area ratio requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

E. PERFORMANCE STANDARDS

1) ~~The following performance standards shall apply in addition to the standards contained in Chapter 2 of this ordinance~~ Code shall be fully observed.

2) The following additional performance standards shall also apply.

a) Lot Layout

1. For lots with frontage on Main Street no parking lots shall be located between any building façade facing Main Street and Main Street.
2. All generators, storage areas, **electrical transformer pads, HVAC ground mounted units, above-ground propane tanks,** and dumpster pads shall be landscaped and located behind the buildings and structures so that they are not visible from any public street or residential properties. The Planning Board ~~may allow~~ may allow generators, storage areas, and dumpster pads to be located so they are not located behind the buildings if the Board finds that the proposed locations are required to provide for a better overall design of the lots/development and that they are sufficiently buffered from public roads and residential properties.

b) Utilities

1. All non-residential uses and subdivisions shall be supplied with public water service meeting the requirements of the Portland Water District.
2. All non-residential uses and subdivisions shall connect to public sewer meeting the requirements of the Portland Water District and the Town of Gorham. ~~which generate a design sewerage flow in accordance with the Maine State Plumbing Code of more than 3,000 gallons per day shall be serviced with public sewer.~~
 - a. The Planning Board may grant a waiver for the requirements of the extension of public sewer main extension if the lot is located greater than 200 feet from the nearest connection to a public sanitary sewer and the costs to connect into the system is greater than 3

times the costs for an onsite sewerage disposal system as identified by the Planning Board.

3. All developments are required to have underground utilities.

c) Buffer yards and landscaping buffering shall conform to the following standards:

1. The required setback between any public road and/or any residential zoning district or property shall be designated as a buffer area unless it's part of a mixed-use project and the residential/ commercial uses are developed as part of an integrated development plan and provides an aesthetically pleasing environment.
2. A landscaped buffer area shall be designed and maintained to minimize the adverse impact on abutting properties and the public and to soften the appearance of the structure(s) and in particular, to minimize the adverse impact on any structures which exist on abutting lots located outside this district. **which structures exist as of the date of enactment of this zoning ordinance amendment on September 17, 1996. Landscaped buffers should include a mix of evergreen and deciduous trees, shrubs, and plants. Hardscape features such as, but not limited to, stonewalls and decorative metal or wooden fences are also encouraged in the buffer area to provide and shape the buffer area and balance the plantings.** No building, parking or service areas shall be located in the buffer area. Access roads may cross the buffer area to provide access to and from a street, but shall be designed to minimize the disruption of the buffer area. No direct access to parking stalls shall be provided from an access road located in a buffer area.
3. The landscaped buffer area shall require a plan to be prepared or reviewed by a registered landscape architect or qualified landscaping firm. The plan shall provide all the required submission requirements outlined under Chapter 3: Subdivision and/or Chapter 4: Site Plan Review. The name of the landscape professional and firm preparing the plan along with their credentials shall be provided with the landscape plan.
4. Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.

d) Building Design Standards:

1. All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design

to be compatible with the predominant scale and character of the existing Gorham Village architecture.

2. The predominate exterior building materials shall be on high quality materials, including but not limited to, wood or vinyl clap board siding, masonry units that replicate shake or clapboard siding, brick, sandstone, wood, native stone and tinted/ textured concrete masonry units and/ or glass products or metal or plastic

roofing that simulates shake or shingle roofing. Simulated material may be substituted for any of the aforementioned building materials.

3. At least three different materials shall be used for the primary front façade for the building facing the primary street the building access and/ or Main Street/ Mosher Road. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural details to sufficiently break up the massing of the building. Glass for use in windows and doors shall not be considered one of the required building materials. All facades that have frontage on street or private way shall be considered a primary façade.

e) Access Management

1. Projects involving more than one building and/ or lot shall provide an internal circulation system to minimize entrances to the project.
2. Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for pedestrian and vehicular access into the lot's driveways, sidewalks, and/ or parking lots from the abutting properties.
3. For lots with frontage on Main Street, Mosher Road, and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.
4. A parcel that does not have frontage on Main Street or Mosher Road shall not be granted vehicular access from the street except in cases where:
 - a. Access will be provided through a combined entrance with another parcel which has frontage on the street.
5. Lots with access on Main Street or Mosher Road must have driveways located so that they are a minimum 400' from another driveway on the same side of the street unless:
 - a. The Planning Board finds that the distance would provide for unsafe circumstances.

- b. The driveway's spacing to abutting properties driveways cannot be spaced to meet the 400' minimum requirement. The Planning Board shall provide for a driveway spacing to the greatest extent practical.
- 6. Lots with frontage on Mosher Road and/ or Main Street are required to install sidewalks for the lot frontage should sidewalks not be located along Mosher Road and/ or Main Street.
- 7. The internal pedestrian access shall connect to the sidewalks located on Mosher Road and/ or Main Street. **The requirement for off-site sidewalk extension shall be modified by the Planning Board or Site Plan Review Committee provided the following conditions are met:**
 - a. For projects under site plan review the costs for off-site sidewalks exceeds a cost of \$1,000 per 2,000 sq.ft. of gross commercial floor area or for projects proceeding under subdivision review the costs for off-site sidewalks exceeds a cost of \$10,000 per lot. Subdivision lots that have been reviewed under this provision are not required to be reviewed again under site plan review.
 - b. In place of a full sidewalk extension, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
 - i. For roads with existing closed drainage systems and curbing, the applicant shall extend the sidewalk 200' for each 5,000 sq.ft. of gross floor area under site plan review or 400' for each lot;
 - ii. For roads without existing closed drainage systems and curbing, the applicant shall extend the sidewalk 100' and close in the drainage system for each 5,000 sq.ft. of gross floor area under site plan review or 250' for each lot;
 - iii. 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.
The lot is also subject to the connection of
pedestrian improvements located off the lot
as required under Chapters 2 and 4 of the
Land Use Code.

- 5) ~~Parking lots shall have internal landscape islands designed to reinforce the desired circulation pattern and to provide a visual break and buffer.~~
- 6) ~~The location of all entrances to a collector or arterial street shall meet the minimum sight distance requirements of the Maine Department of Transportation for the posted speed limit.~~
- 7) ~~All non-residential uses shall be served by underground utilities.~~
- 8) ~~All principal buildings and structures for non-residential purposes shall be of a traditional New England Village design to be compatible with the predominant scale and character of the existing Gorham Village architecture.~~

Public hearing #3
On Order #2021-10-03

Public hearing to hear comment on proposed amendments to the Land Use and Development Code's Home Occupation ordinance, regarding allowed uses and standards. (Admin. Spon.)

Proposed
Order #21-137

Ordered, that the Town Council amend the Land Use and Development Code's Home Occupation Ordinance, regarding allowed uses and standards as follows:

Chapter 1: ZONING REGULATIONS

SECTION 1-5 - Definitions

Business and Professional Offices for the conduct of business and involve no sales of tangible products available on the premises, except as a minor and ancillary use as would be directly related to the conduct of a given profession, or storage of materials or equipment that are used off the premises.

Professional offices include, but are not limited to, the following: office facility of a salesman, sales representative or a manufacturer's representative; office facility of an architect, engineer, broker, dentist, physician, optometrist, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent or accountant; office facility of a minister, rabbi or other religious leader, provided that the office is open to the public or congregation. The following uses are not considered business and professional offices:

1) Distribution facilities

2) Sales offices involving on-premises display and sales of materials, except as a minor and ancillary use as described above

3) Offices of building contractors involving the storage of materials or equipment.

Personal Services

A service based on the intellectual or manual efforts of an individual rather than a salable product. Personal services includes, but are not limited to, the following: barber, hairdresser, beauty parlor, spa, barbershop, shoe repair, shoe shine, photographic studio, and businesses providing similar services of a personal nature.

Repair Services

Businesses providing for the repair **and maintenance** of personal and business property such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; musical instruments; sporting equipment; small engines and equipment; small appliances; bicycles; electric bicycles and similar items but not including the repair of motor vehicles, boats, recreational vehicles or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

Instructional Services

An instructional service is a use in which the practitioner provides the client with special instruction in a specific area of study. Instructional services include, but are not limited to, the following: music, dance, arts and crafts, and tutoring.

Home crafts

The business activities whereby the commodity for sale is completely manufactured by the resident craftsman. Home crafts may include, but are not limited to, the following: artists, jewelers, sculptors, dressmaking, seamstresses and tailors, and include such activities as model making, bakery, rug weaving, lapidary work and furniture making.

Online Retail Sales

The sale of goods and services from the seller to the customer over the internet using a web browser or a mobile app.

SECTION 1- 13 – COMMERCIAL/ OFFICE DISTRICT

B. PERMITTED USES

- 14) Accessory buildings and uses **including home occupations.**

SECTION 1- 16 – NARRAGANSETT MIXED-USE DISTRICT

B. PERMITTED USES

- 3) Residential Uses – as part of a mixed-use development.

c) Accessory uses including home occupations.

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-15 – HOME OCCUPATION STANDARDS

Home occupations shall conform to the following requirements:

1. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

2. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence.

3. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto with the exception of farm/roadside stands which are allowed to be carried on in a separate structure.

4. Not more than two people outside the family shall be employed in the home occupation.

5. There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this chapter), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

6. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, or glare shall be generated. The noise standards shall comply with the standards identified under Chapter 4, Section 4-9, and T. Noise.

7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood or generate more than 10 vehicle trips per day.

8. In addition to the off-street parking provided to shall meet the standards set forth in Section 2-2 of this Chapter. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure but not within the yard setbacks. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences. normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum of users the home occupation may attract during peak operating hours.

9. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers and to items which are accessory and incidental to a service which is provided on the premises.

~~7-10.~~ The home occupation shall not utilize more than 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more, with the exception of day care home facilities which may utilize up to 50% of the dwelling unit in addition to the use of the exterior of the property for State required play areas.

~~8-11.~~ The following uses shall be allowed as home occupations as defined in Chapter 1, Section 1-5 Definitions:

- a. Business and Professional offices
- b. Personal Services
- c. Instructional Services
- d. Repair Services
- e. Day Care Home
- f. Home crafts
- g. Construction Services
- h. Office of a Contractor or Tradesman
- i. Medical marijuana caregiver
- j. Online Retail Sales**

~~A home occupation shall be limited to the following:~~

- ~~a. art studio~~
- ~~b. bed and breakfast~~
- ~~c. day care home~~
- ~~d. dressmaking shop~~
- ~~e. farm/roadside stands~~
- ~~f. hairdressing shop~~
- ~~g. teaching or tutoring facilities~~
- ~~h. office of a physician, dentist, optometrist, lawyer, engineer, architect or accountant~~
- ~~i. office of a real estate broker or agent~~
- ~~j. office of an insurance agent or broker~~
- ~~k. office of construction services~~
- ~~l. uses similar and compatible with the above as determined by the Town's Code Enforcement Officer~~

~~9-12.~~ Permit required. A permit must be obtained from the Code Enforcement Department prior to commencement of the Home Occupation. As part of the permit approval, the Town's Code Enforcement Officer is authorized to limit the proposed use or require on-site improvements to minimize potential negative impacts to the neighborhood and/or roadways.

1013. A home occupation shall not be interpreted to include the following:

- a. facilities for the repair of motor vehicles
- b. day care center

14.14. In addition to the home occupation standards listed above, the home occupation uses listed below shall meet the following requirements:

a. Instructional Services

- 1) Instructional services involving a maximum of four students at a time are permitted. In the case of musical instructions, no more than two students at a time shall be permitted.

b. Day Care Home

- 1) Prior to the permit approval of the use by the Code Enforcement Officer, the applicant must obtain a license from the State of Maine Department of Child and Family Services.

c. Construction Services

- 1) Limited to two of the following: pick-up trucks, vans or box trucks and one trailer parked/stored outside.
- 2) No outside storage of materials.
- 3) Material storage buildings/space limited to 20% of the size of the total area of the dwelling unit.

d. Repair Services

- 1) The repair of any small engines or equipment with any type of gas, diesel, oil, or natural gas engine is not permitted.

e. Medical marijuana caregivers:

- 1) All growing and related growing supplies are required to be stored inside and within the 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more.
- 2) No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence, including but not limited to, any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.
- 3) The odor generated from marijuana cultivation or harvesting shall not be reasonably detectable from any adjacent lot, public right-of-way, or outside of the growers' leased area. The marijuana cultivation shall provide for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation from being dispersed or released outside the building or lease line.
- 4) The medical marijuana caregiver shall obtain a State of Maine conditional license prior to operating in the town of Gorham.

Old Business

Item #2021-9-12

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

Proposed

Order # 21-138

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

New Business _____

Item # 2021-10-04 Action to consider accepting 864 feet of Winding Brook Way as a public roadway. (Councilor Pratt Spon.)

**Proposed
Order # 21-139** Ordered, that the Town Council accepts Winding Brook Way as a public roadway; and

Be It Further Ordered, that Winding Brook Way be classified as a Rural Access Road.

Item# 2021-10-05 Action to consider filling a vacancy on the Gorham Conservation Commission. (Appointments Committee Spon.)

**Proposed
Order #21-140** ORDERED, that the Town Council appoint Jacinda Wilson to the Gorham Conservation Commission.

Item #2021-10-06

Action to setting a date for a Town Council workshop. (Councilor Pratt Spon.)

Proposed

Order #21-141

Ordered, that the Town Council sets a workshop date of October 19, 2021 starting at 6:30pm in Council Chambers to review the ARPA funds program also to have a general discussion on department leads information requested for presentations to the council and discussion on possible zoning improvements within the Town.

Item # 2021-10-07

Action to consider instructing staff to provide written recommendations to the Council to improve waste issues on Gorham trails and properties. (Councilor Philips Spon.)

Proposed

Order #21-142

Ordered, that the Town Council instructs staff to provide written recommendations back to the Town Council on cost effective ways to reduce litter and improve the overall cleanliness of municipal trails and properties.

Item # 2021-10-08

Action to consider adopting a resolution on immunization mandates. (Councilor Hartwell Spon.)

Proposed

Order #21-143

Ordered, that the Town Council adopts the following resolution:

Whereas, the Gorham Town Council believes in promoting the benefits of vaccination through education;

Whereas, COVID-19 vaccinations were developed at an exceptionally fast pace;

Whereas, COVID-19 vaccinations have caused side effects in some patients;

Whereas, COVID-19 vaccinations have not been available long enough to understand the long term effects;

Whereas, the lack of understanding of the long term effects is a justifiable reason to wait on being vaccinated;

Therefore, Be It Resolved, that the Gorham Town Council hereby recognizes that the State of Maine has gone too far by mandating that

certain employees receive COVID-19 vaccinations by threatening them with their loss of employment if they choose to wait to be vaccinated.

Item #2021-10-09

Action to consider authorizing the Town Manager to enter into a License Agreement. (Councilor Pratt Spon.)

Proposed

Order #21-144

Ordered, that the Town Council authorizes the Town Manager to enter into a License Agreement with Patio Park, LLC to resolve property line encroachment issues.

Item # 2021-10-10

Action to consider going into executive session pursuant to 1 M.R.S.A. § 405(6) (A) to discuss personnel matters. (Admin. Spon.)

Proposed

Order #21-145

Ordered, that the Town Council enters executive session pursuant to 1 M.R.S.A. § 405(6) (A) to discuss personnel matters.

Adjourn