

**AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
November 10, 2020
6:30pm
On-line Zoom Meeting**

The Town of Gorham invites you to view our upcoming Regular Town Council Meeting on November 10, 2020, starting at 6:30PM. This meeting will be held remotely, hosted as a Zoom Webinar and streamed over GoCAM 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, November 10, 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/83140261070>, or join by phone by calling 1-929-205-6099 and entering Webinar ID: 831 4026 1070. 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 of the 2020-2021 Town Councilors

Item #2020-11-01 Action regarding the election of a Council Chair for the 2020-2021 year.
(Admin. Spon.)

**Proposed
Order #20-117** Ordered, that the Town Council appoint Councilor _____
as the Chair for the 2020-2021 year.

Item #2020-11-02 Action regarding the appointment of a Council Vice-Chair for the 2020-
2021 year. (Admin. Spon.)

**Proposed
Order # 20-118** Ordered, that the Town Council appoint Councilor _____ as
The Vice-Chair for the 2020-2021 year.

Acceptance of the minutes of the October 6, 2020 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Election Report

Item #2020-11-03

Action regarding the appointment of members of various Council Committees for the 2020-2021 year. (Admin. Spon.)

Proposed

Order # 20-119

Ordered, that the Town Council appoint the following people to various committees:

1. Council Finance Committee: _____
2. Council Ordinance Committee: _____
3. Council Appointments / Personnel Committee: _____
4. Council Economic Development / Capital Improvements Committee: _____
5. Representative to Greater Portland Council of Governments: _____
6. Representative to Ecomaine: _____
7. Representative to Jetport Noise Abatement Committee: _____
8. Representative to PACTS Policy Committee: _____
9. Representative to GPCOG's METRO Regional Coalition: _____
10. Gorham High School Building Committee: _____
11. Gorham Athletic Campaign Committee: _____
12. Cable Franchise Committee: _____
13. GPCOG Regional Voice Committee: _____
14. Industrial Park Steering Committee: _____
15. Comprehensive Plan Amendment Committee: _____

Public hearing #1

On Item #2020-11-04

Public hearing to hear comments on a proposal to issue a renewal Liquor License to JBN1, LLC DBA as Junction Bowl. (Admin. Spon.)

Proposed

Order #20-120

Ordered, that the Town Council approve a renewal Liquor License for JBN1, LLC, DBA Junction Bowl, 7 Railroad Avenue.

Public hearing #2
On Item #2020-11-05

Public hearing to hear comments on a proposal to issue a renewal Liquor License to Sebago Brewing Company. (Admin. Spon.)

Proposed
Order #20-121

Ordered, that the Town Council approve a renewal Liquor License for Sebago Brewing Company, 29 Elm Street.

Public hearing #3
On Item #2020-11-06

Public hearing to hear comment on a proposal to issue a renewal liquor license to Grand Central Wine Bar. (Admin. Spon.)

Proposed
Order #20-122

Ordered, that the Town Council approve a renewal Liquor License for Grand Central Wine Bar, 7 Railroad Avenue.

Public hearing #4
On Item #2020-6-05

Public hearing to hear comment on a proposal to create an Emergency Management Ordinance. (Admin. Spon)

Proposed
Order #20-123

Ordered, that the Town Council adopt the following Emergency Management Ordinance:

TOWN OF GORHAM
EMERGENCY MANAGEMENT ORDINANCE

Section 1. Purpose.

It is the intent and purpose of this ordinance to establish an emergency management team in compliance and in conformity with the provisions of 37-B M.R.S. §§ 781 et seq. to ensure the complete and efficient utilization of the Town’s facilities and resources to combat disaster as defined herein.

Section 2. Definitions.

The following definitions shall apply in the interpretation of this ordinance:

A. The term “Emergency Management Director” shall mean the director of the Town’s emergency management team, appointed as prescribed in this ordinance.

B. The term “disaster” shall mean the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination

requiring emergency action to avert danger or damage, disease, epidemic, pandemic, air contamination, critical material shortage, infestation, explosion or riot.

C. The term “emergency management team” shall mean the entire group of Town departments working under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, emergency medical services, emergency welfare, rescue, engineering, public warning and communications services, evacuation of persons from stricken areas, allocation of critical materials in short supply, emergency transportation, other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

D. The term “emergency management team forces” shall mean the employees, equipment and facilities of all Town departments, boards, institutions and commissions, and in addition it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Section 3. Team organization.

A. The Town Manager shall be responsible for the emergency management team’s organization, administration and operation. The Town Manager may employ such permanent or temporary employees as he or she deems necessary and prescribe their duties.

B. The Town Council shall review the existing operational organization to ascertain the emergency management team’s ability to cope with its responsibilities and shall approve the Town’s Emergency Operations Plan, as defined below.

Section 4. Emergency Management Director.

The Town Manager shall recommend to the Town Council his or her appointment for Emergency Management Director; this appointment will be subject to Council confirmation as outlined in 37-B M.R.S. § 782. The Emergency Management Director shall coordinate the activities of all Town departments, organizations and agencies for civil emergency preparedness within the Town and maintain a liaison with other emergency management agencies and public safety agencies and have such additional duties as prescribed by the Town Manager.

Section 5. Policies.

The Emergency Management Director shall prepare, under the direction of the Town Manager, such policies as may be deemed necessary for the administration and operational requirements of the team, which policies must be approved by the Town Council prior to becoming effective.

Section 6. Emergency proclamation.

A. The Town Manager shall have the power and authority, upon consultation with the Town Council members to issue a proclamation that an emergency exists whenever a disaster or civil

emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the Town. If the Town Manager is temporarily absent from the Town or otherwise unavailable, the person designated by the Town Manager pursuant to Article III, Section 304 of the Town Charter may issue the proclamation that an emergency exists. If neither the Town Manager nor the person designated to act in the Town Manager's absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Fire Chief, the Police Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the Town Clerk.

B. Notwithstanding the above, when consultation with the Town Council members would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager, or his successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the Town.

C. The Town Manager and/or the Emergency Management Director shall be responsible for submitting a full report to the Town Council of all actions taken as a result of the declared emergency as soon as the Town Council can be convened.

Section 7. Termination of emergency.

A. When the Town Manager, or his or her successor as outlined above, is satisfied that a disaster or civil emergency no longer exists, he or she shall terminate the emergency proclamation by another proclamation affecting the sections of the Town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the Town Clerk.

B. No state of emergency may continue for longer than five (5) days unless renewed by the Town Council.

Section 8. Town Manager's duties and emergency powers.

A. During any period when an emergency proclamation is in effect, the Town Manager may implement rules and/or regulations as he or she deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in areas within or without the Town;
- (2) Regulations facilitating or restricting the movement of persons within the Town;
- (3) Regulations pertaining to the movement of persons from hazardous areas within the Town; and
- (4) Such other regulations necessary to preserve public peace, health, safety and welfare.

B. The Town Manager may suspend the enforcement of any ordinance or rules prescribing the procedures for conduct of Town business if strict compliance with the provisions of the ordinance or rule would in any way prevent, hinder or delay necessary action in coping with the emergency.

C. Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to it by State statute, Town ordinance or the Town Charter.

D. The Town Manager or his designee may order the evacuation of persons from hazardous areas within the Town.

E. The Town Manager, or his or her designee, shall be authorized to request aid or assistance from the State or any political subdivision of the State, utilize any such aid received, and render assistance to other political subdivisions under the provisions of Title 37-B, Chapter 13, of the Maine Revised Statutes.

F. The Town Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

G. The powers of the Town Manager and any regulations promulgated hereunder shall terminate at the end of the declared emergency.

Section 9. Emergency Operations Plan.

A. The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the Town, which shall be submitted to the Town Council for approval. The EOP shall incorporate the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS) and shall include those elements required by 37-B M.R.S. § 783.

B. It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the EOP in a current state of readiness. The EOP shall be reviewed periodically by the Town Manager in conjunction with all the Town department heads and the Emergency Management Director.

Section 10. Immunity from liability.

All emergency management team forces, while engaged in emergency management activities, shall be immune from liability, as set forth in 37-B M.R.S. § 822.

Section 11. Compensation for injuries.

All emergency management team forces appointed to specific functions, whether paid or volunteer, shall be deemed to be employees of the Town when engaged in training or on duty and shall have all of the rights of Town employees and will be covered by the Town's workers' compensation insurance for the duration of the training or incident. All persons responding to assist the Town as part of existing mutual aid agreements will be covered by their employer or by the State of Maine under the Workers' Compensation Act as set forth in 37-B M.R.S. § 823.

Section 12. Violations of regulations.

It shall be unlawful for any person to violate any provision of this ordinance or of the regulations or plans issued pursuant to the authority contained herein or to obstruct, hinder or delay any emergency management team forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

Section 13. Penalties.

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than \$100 and not more than \$500 and the costs of prosecution, including attorney's fees.

Section 14. Severability.

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

Section 15. Conflicting ordinances and regulations superseded during emergency.

At all times when an emergency proclamation is in effect, the orders, rules and regulations made pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

Public hearing #5

On Item #2020-1-10

Public hearing to hear comment on the proposed amendments to the Gorham Municipal Employees Personnel Ordinance. (Admin. Spon)

Proposed

Order #20-124

Ordered, that the Town Council approve the amendments to the Gorham Municipal Employees Personnel Ordinance.

***Note – Due to the length of the document, the amended ordinance is not included in the agenda.**

Public hearing #6

On Item #9415

Public hearing to hear comment on a proposal to adopt an ordinance establishing conditions for the issuance of all licenses, permits, and other approvals from the Town of Gorham. (Admin. Spon.)

Proposed

Order #20-125

Ordered, that the Town Council adopt an ordinance establishing conditions for the issuance of all licenses, permits, and other approvals from the Town of Gorham as follows:

TOWN OF GORHAM
MUNICIPAL LICENSE ORDINANCE

ORDINANCE ESTABLISHING CONDITIONS FOR THE ISSUANCE OF ALL LICENSES, PERMITS AND OTHER APPROVALS FROM THE TOWN OF GORHAM

Section 1 - Prerequisites for Issuance

1.1. No application for an approval shall be accepted, and no approval shall be issued by any Licensing Authority of the Town of Gorham, if the Licensing Authority determines, as of the date of the application for the approval, that:

- A. The owner or lessee of the premises has any outstanding real estate or personal property taxes due to the Town of Gorham;
- B. There are any real estate or personal property taxes due and payable to the Town on the premises for which the approval is requested;
- C. There is an outstanding final judgment against the owner or lessee of the premises for which the approval is requested that is due and payable to the Town; or
- D. There is any other account of the owner or lessee due and payable to the Town of Gorham.
- E. For an application for a site plan or subdivision approval, the applicant is a potential purchaser under a purchase and sale agreement and owes any of the amounts set forth under subsections A-D above.

Section 2 - Definitions

2.1. "Licensing Authority" means that Town body or Town official who is authorized to issue approvals under the particular Ordinance of the Town of Gorham listed in subsection 2.2 below, as may be applicable to a given matter.

2.2. "Approval" means any license, permit, certificate or other approval that an applicant may seek to obtain for any premises under any of the following Ordinances of the Town of Gorham:

- A. Land Use and Development Code, Chapter 1 (Zoning Regulations);
- B. Land Use and Development Code, Chapter 3 (Subdivision);
- C. Land Use and Development Code, Chapter 4 (Site Plan Review);
- D. Massage Establishment and Massage Therapist Regulatory Ordinance;
- E. Mobile Home Park Ordinance;
- F. Marijuana Cultivation or Manufacturing Facility Licensing Ordinance;
- G. Victualer's Ordinance;
- H. Ordinance for Optional Program for Local Building Plan Review;

- I. Historic Preservation Ordinance;
- J. Special Amusement Ordinance and Permits;
- K. Fire Suppression Systems Ordinance;
- L. Ordinance to Regulate Fraternity and Sorority Houses;
- M. Variance Requests on Vacant Property Ordinance; and
- N. Large Outdoor Event Ordinance.

2.3. "Applicant" means a natural person or entity that submits an application for approval to the Licensing Authority.

Section 3 - Exceptions

3.1 Real or personal property taxes or final judgments that are either (i) less than thirty (30) days past due as of the date of the application for approval and are less than \$250.00; or (ii) are determined in the sole discretion of the Town Manager or his or her designee not to be owed by the applicant or owner, shall not be considered due and payable to the Town for purposes of this ordinance.

3.2. The Town Council, upon written request by the applicant, may waive the requirements in Section 1 upon good cause shown by the applicant.

3.3. The Licensing Authority may not refuse to issue an approval because of a tax delinquency that is subject to a pending request for an abatement of, or an appeal of, the tax assessment that is claimed to be delinquent.

3.4. The requirements set forth in Section 1 do not apply to the issuance of any approval necessitated by the disability of the applicant or property owner, including without limitation disability variances issued by the Board of Appeals pursuant to 30-A M.R.S. § 4353(4-A).

Item #2020-11-07

Action to consider designating Saturday, November 28, 2018 as "Small Business Saturday" (Councilor Philips Spon.)

**Proposed
Order #20-126**

Whereas, the Town of Gorham, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years; and

Whereas, small businesses employ 48 percent of the employees in the private sector in the United States; and

Whereas, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

Whereas, 91 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

Whereas, 76 percent of all consumers plan to go to one or more small businesses as part of their holiday shopping; and

Whereas, the Town of Gorham supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

Whereas, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now therefore be it resolved that this Council proclaims, November 28, 2020, as SMALL BUSINESS SATURDAY and urges the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Item #2020-11-08

Action to consider implementing mixed use in the Mosher's Corner area as called for in Gorham's Comprehensive Plan. (Councilor Hartwell Spon.)

**Proposed
Order #20-127**

Ordered, that the Town Council instruct the Ordinance Committee to review Mixed-Use in the area of Mosher's Corner as called for by the Comprehensive Plan and provide recommendations to the Town Council.

Item #2020-11-09

Action to consider expanding the village districts as called for in Gorham's Comprehensive Plan. (Councilor Hartwell Spon.)

**Proposed
Order #20-128**

Ordered, that the Town Council instruct the Ordinance Committee to review expansion of the village areas as called for by the Comprehensive Plan and provide recommendations to the Town Council.

Item #2020-11-10

Action to consider adopting a resolution formally thanking Gorham’s Election Workers. (Councilor Philips Spon.)

**Proposed
Order #20-129**

Whereas, the November 2020 municipal, state and federal elections had an unprecedented turnout; and

Whereas, thousands of absentee ballots were cast before Election Day in Gorham and needed to be processed; and

Whereas, COVID-19 presented unique challenges to the operations of our local elections; and

Whereas, the continued professional handling of our elections are paramount to our democracy;

Now therefore be it resolved that the Gorham Town Council formally recognizes, commends and thanks all staff and volunteers who made the November 2020 elections possible.

Item #2020-11-11

Action to consider authorizing a new snowmobile trail on the Little Falls Recreation Field Property. (Councilor Phillips Spon.)

**Proposed
Order #20-130**

Ordered, that the Town Council authorizes a new trail to be maintained by the Gorham SnoGoers for use on the Little Falls Recreation Field Property to allow for better access to the Little Falls Village area.

Adjourn