

**AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
November 14, 2023
6:30PM
Burleigh Loveitt Council Chambers**

Pledge of Allegiance to the Flag

Roll Call of the 2023 Town Council

Acceptance of the minutes of the October 3, 2023 Regular Town Council Meeting and the October 24, 2023 Special Town Council Meeting.

Swearing in of the new 2024 Town Council Members

Roll call of the 2024 Town Council

Item #2023-11-1 Action regarding the election of a Council Chair for the 2023-2024 year.
(Admin. Spon.)

Proposed
Order #23-158 Ordered, that the Town Council elect _____ as the Chair for the
2023-2024 year.

Item #2023-11-2 Action regarding the election of a Council Vice-Chair for the 2023-2024 year.
(Admin. Spon.)

Proposed
Order #23-159 Ordered, that the Town Council elect _____ as the Vice-Chair
for the 2023-2024 year.

Item #2023-11-3 Action to consider adopting Town Council rules. (Admin. Spon.)

Proposed
Order #23-160 Ordered, that the Town Council adopts the same Council rules as the 2022-2023
Town Council year.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Item #2023-11-4 Action regarding the appointment of members of various Council Committees for the 2023-2024 year. (Admin. Spon.)

Proposed

Order #23-161 Ordered, that the Town Council appoint the following people to the:

1. Council Finance Committee: _____
2. Council Ordinance Committee: _____
3. Council Appointments Committee: _____
4. Council Economic Development / Capital Improvements Committee: _____
5. Representative to Greater Portland Council of Governments: _____
6. Representatives to EcoMaine: _____
7. Representative to Jetport Noise Abatement Committee: _____
8. Representative to GPCOG Metro Regional Coalition: _____
9. Robie Park Master Plan Committee: _____
10. Joint Fiscal Sustainability Committee: _____

Public hearing #1

On Item #2023-11-5 Public hearing for the purpose of receiving public comments on the designation of its proposed Municipal Development and Tax Increment Financing District #13 (the "Battery Storage District") and the adoption of a Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed District would include the 13.20 acre site located at 60 Hutcherson Drive in the Town of Gorham (Tax Map 12, Lot 22-1) to be developed by Cross Town Energy Storage LLC as a 175 MW battery energy storage system with associated substation equipment, gravel drive, and short generation tie-line to the existing 115KV Central Maine Power Mosher's substation. The proposed District would capture 100% of the increased assessed value of the real and personal property of the battery storage facility for a period of up to 30 years. The tax revenue from the increased assessed value of the property in the District would be retained by the Town to be used for various public improvements and facilities as identified in the Development Program for the proposed District.

A copy of the proposed Development Program for the District is on file with the Town Clerk and may be obtained from and reviewed at the offices of the Town Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

**Proposed
Order #23-162**

Ordered, that the Town Council adopts a Municipal Development and Tax Increment Financing District #13 as follows:

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the Town has identified certain property within its Industrial Zoning District that is centrally located, underutilized and in need of redevelopment, and has received a proposal for the development of said property by Crosstown Energy Storage LLC; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the Town and new employment opportunities for residents of the Town and surrounding communities, and will improve and broaden the tax base of the Town and improve the general economy of the Town, the region and the State of Maine; and

WHEREAS, the Town has held a public hearing on the proposed Town of Gorham Municipal Development and Tax Increment Financing District #13 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk's Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. The Town Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public

purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

EXHIBIT I: Record of District Designation and Development Plan Adoption

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the proposed Town of Gorham Municipal Development and Tax Increment Financing District #13, as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District in the form presented to the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Gorham, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the

District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

Public hearing #2
On Item #2023-11-6

Public hearing to hear comment on a proposal to issue a renewal Adult Use Marijuana License to Green Trap LLC, 84 Olde Canal Way. Property owned by Hani LLC. (Admin. Spon.)

Proposed
Order #23-163

Ordered, that the Town Council issue a renewal Adult Use Marijuana License to Green Trap LLC, 84 Olde Canal Way. Property owned by Hani LLC.

Public hearing #3
On Item #2023-11-7

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 23-164

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 #4
On Item #2023-11-8

Public hearing to hear comments on a proposal to amend the Animal Control Ordinance. (Admin. Spon.)

Proposed
Order #23-165

Ordered, that the Town Council amend the Animal Control Ordinance as follows:

TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE

Adopted - April 7, 2009

Effective - May 7, 2009

Amended – March 2, 2010

Amended – _____, 2023

**TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE**

Section 1. Purpose

- 1.1 The purpose of this ordinance is to require that all animals in the Town of Gorham be kept under the control of their owner ~~or keeper~~ at all times so that they will not injure persons or other animals, damage property or create a public health threat.
- 1.2 The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Section 2. Authority.

- 2.1 This ordinance is enacted pursuant to ~~Title 30-A, M.R.S.A., Section~~ Chapter 141 and 7 M.R.S., Chapter 725.

Section 3. Severability Clause.

- 3.1 If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 4. Definitions

4.1 ABANDONED ANIMAL:

An animal that has been deserted by its owner ~~or keeper~~.

4.2 ANIMAL:

Every living, sentient creature not a human being.

4.3 ANIMAL CONTROL:

Control of dogs, cats and other domesticated animals.

4.4 ANIMAL CONTROL OFFICER:

Any person appointed by the Town of Gorham to enforce animal control laws.

~~4.5. ANIMAL SHELTER:~~

~~A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner surrendered animals.~~

~~4.6~~ 5 AT LARGE:

Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

~~4.7-6~~ DOG:

Any of large and varied groups of domesticated animals in the canine family.

4.8 7 DOMESTICATED ANIMAL:

Any animal that is normally dependent on humans for food or shelter, including, but not limited to, horses, swine, fowl, sheep, cattle, goats, dogs, deer, buffalo, wildlife hybrids, and other similar animals.

4.9 8 LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog. A leash must be used if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed.

4.10 9 OWNER:

Any person ~~or persons, firm, association or corporation~~ owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

4.11 RESPONSIBLE PARTY:

~~As used in this ordinance, the term "responsible party" means any person who has possession or custody of a domestic animal.~~

4.10 MUNICIPALLY-OWNED RECREATIONAL FACILITY:

Any municipally-owned athletic field, court, playground, skate park, or similar and like facility used for recreational purposes, but not including any municipally-owned trails.

4.12 1 VOICE CONTROL:

As used in this ordinance, the term "voice control" means that the dog returns immediately to and remains by the side of the responsible party owner in response to the responsible party owner's verbal command. If a dog approaches or remains within 10 feet of any person other than the responsible party owner, that dog is not under voice control and a violation of this ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has clearly communicated to the responsible party owner by spoken word or gesture that such person consents to the presence of the dog.

Section 5. Animal Control Officer

5.1 A qualified person may be employed by the police department ~~who~~ and shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws and ordinances related to dogs, cats, and other domesticated animals. ~~However, all~~ Any qualified law enforcement officers may also enforce this ordinance in place of or in addition to the Animal Control Officer.

Section 6. Disposition of Impounded Animal

6.1 An owner ~~is entitled to resume~~ may regain possession of any impounded animal provided that once all provisions of this ordinance have been met; and ~~that~~ that all impoundment fees due under ~~the provisions of~~ this ordinance have been paid. Any animal not claimed within fourteen (14) days after the owner has been notified may be classified as an abandoned animal, and the

animal's owner ~~may be subjected~~ will remain subject to all ~~civil~~ penalties authorized by this ordinance.

Section 7. Impoundment Fee

7.1 An owner may reclaim an impounded animal by first paying a fee of ~~\$30.00~~ (thirty dollars (\$30.00)) for each animal impounded. All fees will be deposited in the separate account required by ~~Title~~ 7, M.R.S.A. § 3945.

Section 8. Animal Noise

8.1 Except as provided in ~~subparagraph (~~ subsections 8.2) ~~and (~~ through 8.43) below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 10 minutes or more or recur intermittently for one hour or more.

8.2 ~~Section 8~~ It shall not ~~apply~~ be considered a violation of subsection 8.1 if any animal is provoked by trespassing ~~persons~~ ~~people~~ or animals on private property on which the animal is situated or by other legitimate cause for provocation.

8.3 ~~Section~~ Subsection 8.1 shall not apply to farm animals kept on a property located in the Rural or Rural-Manufactured Housing Districts under the Gorham Land Use and Development Code. In all other zoning districts, section 8 shall not apply to farm animals kept on a property, a use of which is, the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Gorham Land Use and Development Code. For purposes of this ~~exception~~ subsection, dogs are not "farm animals". ~~and kennels are not "farms."~~

8.4 Subsection 8.1 also shall not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of dangers to the livestock. For purposes of this subsection, "livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.

Section 9. Control of Animal Waste

9.1 An owner must remove and dispose of any feces left by their animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

Section 10. Dangerous Dogs

10.1 Any person who is assaulted or threatened with bodily injury by a dog ~~or~~, any person witnessing an assault or threatened assault against a person or domesticated animal by a dog, or any person with knowledge of an assault or threatened assault against a minor, ~~within thirty days of the assault by a dog~~, may make a written complaint within thirty (30) days to the Animal Control Officer that the dog is a dangerous or nuisance dog. The Animal Control Officer may issue a civil violation ~~citation~~ summons for keeping a dangerous or nuisance dog pursuant to 7 M.R.S.A. §3952.

10.2 After issuing the ~~citation~~ summons under subsection 10.1 and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or ~~to may~~ have the dog confined at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Section 11. Trespass

11.1 An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer ~~or a law enforcement officer~~ that the animal was found on the property of another.

11.2 The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and ~~control~~ impound the animal if: the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or if the animal is an immediate danger to itself, to persons or to another's property. Any animal so removed shall be subject to impoundment under the provisions of sections 6 and 7.

~~A. — Any animal so removed shall be subject to the provisions of Sections 6 and 7, in the same manner as an at large dog.~~

Section 12. Dogs at Large, Prohibited in Cemeteries and Municipal-Owed Recreation Facility, and Leash Requirement

12.1 It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the ~~civil~~ fees and penalties provided in this ordinance.

12.2 It shall be unlawful for any owner to allow or permit any dog, whether on a leash, under voice control or ~~roaming~~ at large or unrestricted, to enter any cemetery or playing surface of any municipal-owned recreation facility in the Town of Gorham, except that a service animal providing assistance to a person with ~~disabilities~~ disability may enter a cemetery.

12.3 It shall be unlawful for any owner to allow or permit any unleashed dog on any property owned or leased by the Town of Gorham, except for any service animal providing assistance to a person with disabilities disability may enter a Town owned or leased Property.

Section 13. Tags and Stickers Licensed Required

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S. ~~A.~~ §3922-~~B.~~

Section 14. Rabies Tags

14.1 Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training ~~or~~, in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request ~~for~~ by the Animal Control Officer.

Section 15. Public Health Threat

15.1 The owner ~~or keeper~~ of an animal that may have been exposed to a contagious or viral disease may be served with a quarantine notice. The owner ~~or keeper~~ shall confine and control the animal in accordance with the instructions in the notice. Failure to comply with the notice will be considered a violation of this ordinance and may result in a court ordered seizure of the quarantined animal. The owner ~~or keeper~~ may also be subject to the penalties found in section 16.

Section 16. Violation and Penalties

16.1 Except as otherwise provided by State law, anyone ~~found~~ guilty of violating any provisions of sections 8, 10 or 11 of this ordinance shall be subjected to a fine of not less than one hundred and fifty dollars (\$1050) nor more than one thousand dollars (\$1,000). Such fine is due and payable to be recovered for the use of the Town of Gorham and is recoverable through any and all means shall be subjected to such other legal and equitable remedies as may be available to the Town by law. Each day such ~~a~~ violation continues shall be deemed ~~to be~~ a new offense. The fines and fees included in this ordinance are in addition to any other penalties provided by law.

16.2 Except as otherwise provided by State law, anyone guilty of violating any provisions of sections 9 or 12 of this ordinance shall be subject to a fine of not less than one hundred dollars and fifty (\$150) for the first violation and a doubling of the fine for each violation after the first in the same calendar year. Such fine is due and payable to the Town of Gorham and is recoverable through any and all means available to the Town by law. The fines and fees included in this ordinance are in addition to any other penalties provided by law.

Item #2023-11-9

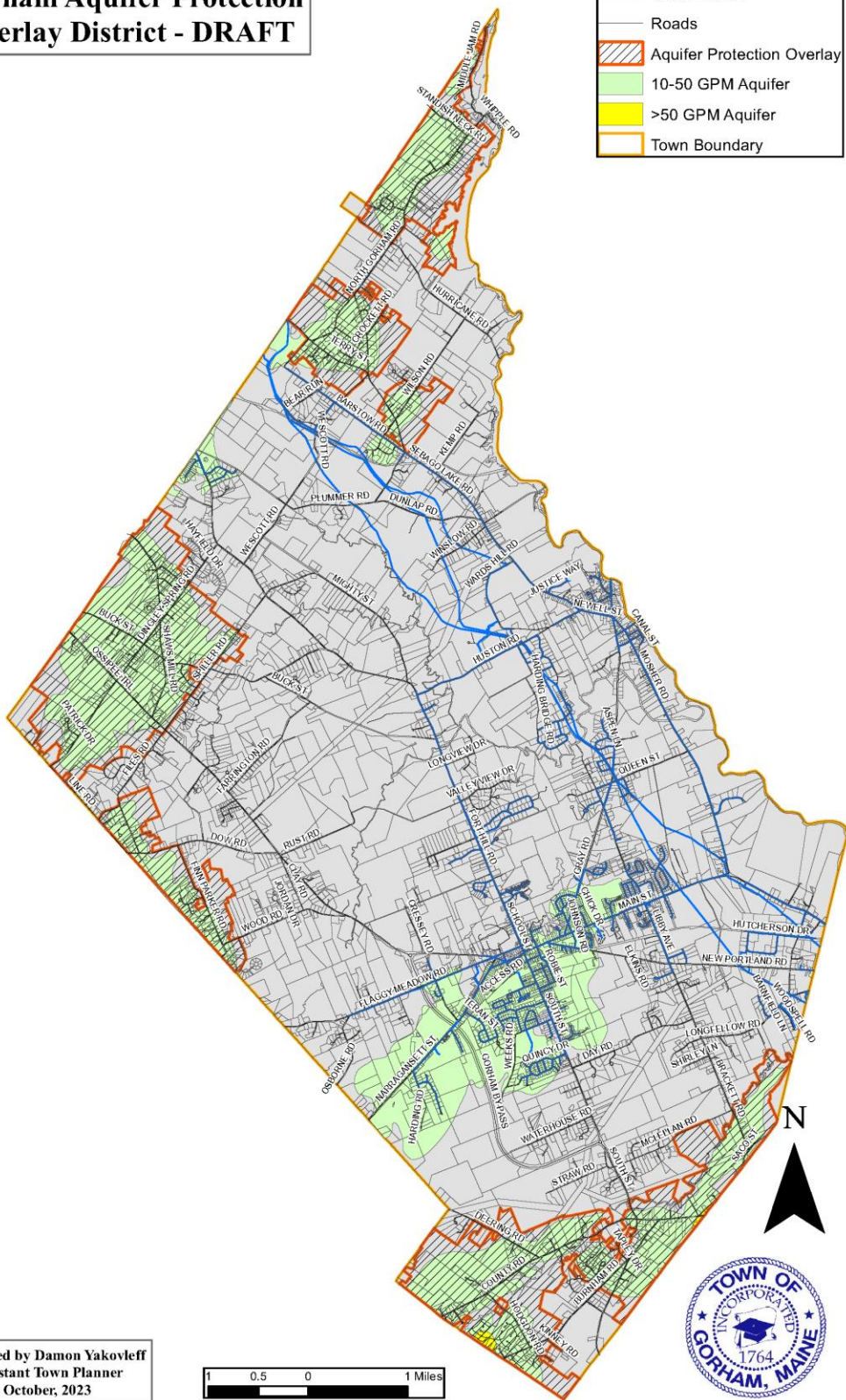
Action to consider forwarding to the Planning Board for public hearing and recommendations, a recommendation to adopt an aquifer protection district. (Admin. Spon.)

**Proposed
Order #23-166**

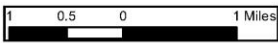
Ordered, that the Town Council forward to the Planning Board for public hearing and recommendations, a recommendation to adopt an aquifer protection district in those areas of Town that are on aquifers without the ability for public water as shown on the following map.

Gorham Aquifer Protection Overlay District - DRAFT

-  Parcel Boundary
-  Water Mains
-  Roads
-  Aquifer Protection Overlay
-  10-50 GPM Aquifer
-  >50 GPM Aquifer
-  Town Boundary



Produced by Damon Yakovleff
Assistant Town Planner
October, 2023



Item #2023-11-10 Action to consider an abatement of taxes pursuant to MRSA 36, section 841, for Map 22, Lot 17-1041. (Admin. Spon.)

**Proposed
Order #23-167** Ordered that the Town Council grant an abatement of taxes pursuant to MRSA 36, section 841 for Map 22, Lot 17-1041 in the amount of \$3,378.84 for the 2020-2021 tax year, a correction due to the property being taken by eminent domain in May 2021 by the Maine Turnpike Authority.

Item #2023-11-11 Action to consider instructing the Ordinance Committee to review the Land Use Code with regard to Accessory Dwelling Units. (Councilor Siegel Spon.)

**Proposed
Order #23-168** Ordered, that the Town Council instructs the Ordinance Committee to review requirements pertaining to Accessory Dwelling Units in the Land Use & Development Code and to provide recommendations for changes to the code that would encourage further utilization of accessory dwelling units where permitted.

Item #2023-11-12 Action to consider instructing the Ordinance Committee to review the possibility of new school impact fees. (Councilor Siegel Spon.)

**Proposed
Order #23-169** Ordered, that the Town Council instructs the Ordinance Committee to review the possibility of new school impact fees and report back to the Town Council with their recommendation.

Item #2023-11-13 Action to consider entering into a purchase and sale agreement for town owned property located off of Main Street. (Admin. Spon.)

**Proposed
Order # 22-44** Ordered, that the Town Council authorizes the Town Manager to enter into a purchase and sale agreement with Bisson Transportation, Inc. for approximately 52.5 acres of land identified as "Lot A" of the Northern Subdivision Plan of the Gorham Industrial Park West Campus, being a portion of the land described in a deed recorded in the Cumberland County Registry of Deeds in Book 36442, at Page 319.

Item #2023-11-14

Action to consider authorizing the Town Manager to award phase I of the Gorham Industrial Park West road construction. (Admin. Spon.)

Proposed

Order # 23-170

Ordered, that the Town Council authorizes the Town Manager to award phase I of road construction for the Gorham Industrial Park West to Shaw Brothers Construction of Gorham as low bidder and recommended by Northland Enterprises, LLC working as consultant to the Town; and

Be It Further Ordered, that the Town Manager is authorized to expend federal grant funding as well as locally approved funding for this phase of construction to begin in 2023.

Item #2023-11-15

Action to consider instructing the Ordinance Committee to review the existing one lot private way standards and research whether to continue with a 1 lot private way standard or move to a backlot provision for single lot splits meeting specific standards. (Councilor Pratt Spon.)

Proposed

Order #23-171

Ordered, that the Town Council instructs the Ordinance Committee to review standards for 1 lot private ways or propose a back lot provision for single lots and provide recommended changes to the Town Council.

Item #2023-11-16

Action to consider setting a Town Council workshop for December 2023. (Councilor Philips Spon.)

Proposed

Order #23-172

Ordered, that the Town Council establish December 12, 2023 as a Town Council workshop to discuss Council goals for the 2024 Town Council session.

Adjourn