

**AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
November 14, 2017
6:30pm
Burleigh H Loveitt Council Chambers**

Pledge of Allegiance to the Flag

Election Report

Swearing in of Newly Elected Town Councilors

Roll Call of the 2017-2018 Town Council

Item # 9282 Action regarding the election of a Council Chair for the 2017-2018 year.
(Admin Spon.)

Proposed
Order # 9282 Ordered, that the Town Council elect _____ as the Chair for the
2017-2018 year.

Item # 9283 Action regarding the election of a Council Vice-Chair for the 2017-2018 year.
(Admin. Spon.)

Proposed
Order # 9283 Ordered, that the Town Council elect _____ as the Vice-Chair for
the 2017-2018 year.

Acceptance of the minutes from the October 3, 2017 Regular Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Item # 9284 Action regarding the appointment of members to various Council Committees for the 2017-2018 year. (Admin. Spon.)

Proposed

Order # 9284 Ordered, that the Town Council appoint the following people to the:

1. Finance Committee_____
2. Ordinance Committee_____
3. Appointments/Personnel Committee_____
4. Economic Development/Capital Improvements Committee_____
5. Representative to Greater Portland Council of Governments_____
6. Representative to Ecomaine_____
7. Representative to Jetport Noise Abatement_____
8. Representative to PACTS Policy Committee_____
9. Representative to METRO Regional Coalition_____
10. Gorham High School Building Committee_____
11. Gorham Athletic Campaign Committee_____
12. Cable Franchise Committee_____

Item # 9285 Action to consider adopting Council Rules for 2017-2018 year. (Admin Spon.)

Proposed

Order # 9285 Ordered, that the Town Council adopt the same rules for 2017-2018 year as for 2016-2017 year.

Public Hearing #1

On Item # 9286 Public hearing regarding the new annual State maximums for the General Assistance Ordinance. (Admin. Spon.)

Proposed

Order # 9286 Ordered, that the Town Council approve the new State annual maximums for the General Assistance Ordinance.

Public Hearing #2

On item # 9287 Public hearing regarding a proposal to amend the Land Use & Development Code definition of Day Care Homes and Day Care Centers, to allow adult day care. (Admin. Spon.)

Proposed

Order # 9287 Ordered, that the Town Council amend the Land Use & Development Code definition of Day Care Homes and Day Care Centers, to allow adult day care.

Public Hearing #3

On item # 9288 Public Hearing on a renewal liquor license for Lucky Thai Restaurant. (Admin. Spon.)

Proposed

Order # 9288 Ordered, that the Town Council approve a renewal liquor license for Lucky Thai Restaurant, 563 Main Street.

Item # 9289 Action to consider a partial abatement of taxes for one property on Jordan Drive because of an overvaluation in assessment. (Admin. Spon.)

Proposed

Order # 9289 Ordered, that the Town Council partially abate taxes in the amount of \$1,125.52 for property at 53 Jordan Drive for the 2015-2016 and 2016-2017 fiscal years to correct an overvaluation error in the assessment.

Item # 9290 Action to consider a proposal to amend the Land Use & Development Code to allow mobile vending units in the Roadside Commercial District, Industrial District, Narragansett Development District and the Agricultural / Industrial District (Ordinance Committee spon.)

Proposed

Order # 9290 Ordered, that the Town Council forward a proposal to amend the Land Use & Development Code Minimum Standards for the allowance of mobile vending units, to the Planning Board for a Public Hearing and their recommendation, as follows:

CHAPTER 1: ZONING REGULATIONS

SECTION 1-11 – ROADSIDE COMMERCIAL DISTRICT

B. PERMITTED USES

12) Mobile Vending Units

C. SPECIAL EXCEPTIONS

~~1) Mobile Vending Units~~

SECTION 1-12 – INDUSTRIAL DISTRICT

B. PERMITTED USES

10) Mobile Vending Units

SECTION 1-16 – NARRAGANSETT DEVELOPMENT DISTRICT

B. PERMITTED USES

1) Commercial/ Light Industrial Uses

1) Mobile Vending Units

SECTION 1-21 – AGRICUTURAL/ INDUSTRIAL DISTRICT

B. PERMITTED USES

15) Mobile Vending Units

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-2 PARKING, LOADING AND TRAFFIC

A. OFF – STREET PARKIGN STANDARDS

2)

Mobile Vending Units: The operator of the mobile vending unit shall have available, and under written agreement, at least three off-street parking spaces. In cases where on-street parking is available immediately in front, the operator must have one off-street parking space for any vehicle belonging to an employee working on a given shift. Mobile vending units are prohibited from locating in parking spaces in the Town's road right-of-ways.

Mobile Vending Units with exterior seating: In addition to the parking spaces required under mobile vending units an additional parking space is required for each 2 seats available for dining.

SECTION 2-16 – MOBILE VENDING UNIT

Mobile vending units shall conform to the following requirements:

1. Mobile Vending Units shall be licensed by the Maine Department of Health and Human Services (DHHS) and operate in compliance with all applicable DHHS regulations relating to eating and lodging places, as may be amended from time to time.
2. Mobile Vending Units shall comply with all applicable provisions of the Town of Gorham Victualer's Ordinance, as may be amended from time to time.

3. The operator of a Mobile Vending Unit shall obtain from the Code Enforcement Officer a mobile vending unit food service permit, which shall be renewed annually, and pay the annual permit fee in such amount as the Town Council may from time to time establish by Council order. In order to issue a mobile vending unit food service permit, the Code Enforcement Officer shall ensure that the Mobile Vending Unit meets the following requirements:
 - a. That the placement of the Mobile Vending Unit:
 - (1) Shall not hinder vehicular traffic or cause traffic congestion on or off the site;
 - (2) Shall not hinder, or interfere with, pedestrian traffic on or off the site;
 - (3) Shall not block or otherwise hinder access to or from any private property; and
 - (4) Shall not create a nuisance for abutting properties due to the generation of noise, odor, fumes, dust, smoke, lights or glare.
 - b. That the hours of operation for the Mobile Vending Unit shall be limited to 7:00 am to 10:00 pm.
 - c. That the operator of the Mobile Vending Unit shall provide written permission from the property owner to locate the Mobile Vending Unit on said property.
 - d. That the Mobile Vending Unit shall comply with Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
 - e. That the Mobile Vending Unit shall be prohibited from locating in the rights-of-way for Town and State streets roads, including on-street parking spaces, or Town sidewalks.
 - f. That the operator of the Mobile Vending Unit shall make adequate provisions for solid waste disposal including, at a minimum:
 - (1) At least one (1) covered trash receptacle, thirty gallons or larger in size, shall be available to hold waste and debris. No paper, food or other wastes shall be allowed to accumulate on site.
 - (2) The waste container shall be emptied at least once per day into an approved commercial dumpster (it being emptied by a licensed waste hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility

of the operator of the Mobile Vending Unit to ensure that all wastes are handled and disposed of properly.

- g. That the operator of the Mobile Vending Unit shall ensure that there is an adequate supply of potable water for the cleaning of equipment and the preparation of foods.
 - h. That the operator of the Mobile Vending Unit shall ensure that there is an adequate and safe source of electrical power meeting all applicable federal, state, and local codes.
 - i. That the operator of the Mobile Vending Unit shall ensure that all food supplies and other business material shall be stored within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
 - j. Mobile vending units shall serve to the sidewalk or road right-of-way when parked adjacent and parallel to a Town sidewalk or road right-of-way.
 - k. That no signs shall be placed on sidewalks or other rights-of-way. ~~No temporary or mobile signs shall be allowed.~~ The placement of 1 sign with a maximum sign area of 8 sq.ft. is allowed when the mobile vending unit is open. The sign must be located within 25' of the mobile vending unit. The sign must be removed when the mobile vending unit is not in use and not located to hinder safe vehicular or pedestrian traffic on or off the site.
 - l. That the Mobile Vending Unit, and any vehicles or trailers used in conjunction therewith, shall be in good upkeep and provide a neat and tidy appearance.
 - m. That if the Mobile Vending Unit will provide exterior seating, it shall meet the requirements of Chapter 2, Section 2-2.A.2 (OFF- STREET PARKING STANDARDS).
 - n. That temporary bathroom facilities, such as portable toilets, are not permitted on site for use by the operator of the Mobile Vending Unit and/or patrons of the Mobile Vending Unit.
4. Unless permanently connected to public utilities and approved by the Planning Board, Mobile Vending Units shall not be left on site or displayed, or left in public view, in the location of the business during non-business hours.
5. A mobile vending unit food service permit may, after seven (7) days' written notice and public hearing, be suspended or revoked by the Code Enforcement Officer for violation of any provision of this Section. The victualer's license may

be revoked or suspended by the municipal officers in accordance with the relevant provisions of the Victualer's Ordinance, as may be amended from time to time.

6. Exemptions: At Town sponsored events and any private property is allowed 1 exemption per year for events in conjunction with a mass gathering permit. The use of Mobile Vending Units at Town-sponsored events shall be exempt from the requirements of this ordinance.
7. Drive through services is prohibited from mobile vending units.

Item # 9291

Action to consider approving the transfer of funds seized in a criminal case.
(Admin. Spon.)

**Proposed
Order #9291**

Ordered that the Town Council approve the transfer of \$1,675 to the Town of Gorham pursuant to Title 15 MRSA Section 15824 (3) and 5826 (6) seized in a criminal case (Docket No. CR-17-3618) and
Be it further ordered that the Town Manager is authorized to sign the approval form on behalf of the Town of Gorham.

Adjourn