

AGENDA NOTES
Gorham Town Council Regular Meeting
November 14, 2017 – 6:30pm
Burleigh H. Loveitt Council Chambers

1. Organizational Council Meeting.

This is a reminder that the Town Council will hold its Organizational Meeting at 5:30pm in Conference Room A, which is located next to the Town Manager's Office.

2. Public Hearing # 1 – Item # 9286

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

Every year the Town of Gorham is required to hold a public hearing to adopt new limits for our General Assistance Ordinance. As you know, our General Assistance Program is run through the Town of Windham as a regional effort. Attached are the new recommended maximums and a memo from the Town of Windham.

3. Public Hearing # 2 – 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.)

On July 11, 2017 the Town Council forwarded a request to the Planning Board to amend the Land Use & Development Code to allow for adult daycare. Staff drafted a simple change to the ordinance striking "children" in two places and replacing it with "person(s)". This amendment did not go to the Council's Ordinance Committee first but rather to the Planning Board. As a simple change to the Land Use & Development Code a public hearing is on the agenda to allow for the adoption of this amendment at the meeting, or if the Council wishes it may send the amendment to its Ordinance Committee for further review.

4. Public Hearing # 3 – Item #9288

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

Public hearing on a renewal for a liquor license for Lucky Thai Restaurant. Town departments report no issues with the renewal.

5. Item # 9289

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

The Town of Gorham received an abatement request for taxes on 53 Jordan Drive from Tara Connor and Rich McCoy. Recently the owners discovered that there was an overvaluation as the result of additional square footage attached to their home dating back to its construction. They contacted County Assessing which granted an abatement of \$577.98 for the FY 2017-2018 tax year. The abatement application is attached as well as a memo from the Town's Assessor Renee Lachapelle recommending that no additional abatements be granted as overvaluation does not meet the legal standard of Illegality, Error, or Irregularity in state law. The Assessor only

has the ability to grant an abatement within one year of the commitment date and any abatement for the allow second and third years must be heard by the Council.

6. 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.)

At the July 11, 2017 Town Council Meeting, Councilor Hartwell sponsored an action to consider amending the Land Use & Development Code to allow mobile vending units (food trucks). The Town Council forwarded the concept to its Ordinance Committee for consideration. The Ordinance Committee with the assistance of staff is proposing allowing mobile vending units in the Roadside Commercial District, Industrial District, Narragansett Development District and the Agricultural / Industrial District. The proposed amendment addresses a variety of concerns associated with food trucks including parking, hours, trash collection, signs, seating and allowance of food trucks outside the proposed districts one time per year, per property in conjunction with a mass gathering permit.

Underlines and marked language are changes made by the Ordinance Committee from the original town staff proposed language.

Councilor Hartwell has also provided some interesting and informative information on food trucks which can be found at the following links:

<http://ij.org/report/seven-myths-and-realities-about-food-trucks/>

<http://ij.org/report/food-truck-freedom/>

7. Item # 9291

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

\$1,675 was recently seized in a criminal case and awarded to the Town of Gorham by the Court. The Town Council must formally accept this award and allow the Town Manager to sign for it. The funds are then transferred into a Police Department savings account to be used for future planned police related purchases like patrol cars, vests, etc.

Item # 9286

Town of Windham

Office of the Town Manager
8 School Road
Windham, ME 04062

Phyllis Moss, Asst. Town Manager/H.R. Director
pamoss@windhammaine.us

voice 207.892.1907

fax 207.892.1910

MEMORANDUM

To : Town Council
Tony Plante, Town Manager
From : Phyllis Moss, Assistant Town Manager *P. Moss*
Date : September 14, 2017
Re : Recent Legislative Changes to the General Assistance Ordinance

Changes to the General Assistance Ordinance in the 2017- 2018 budget that require adoption by the Town include:

An increase to the overall maximum level of monthly assistance (based on the number of people in the household) as follows:

Last Year:

(1) \$838 (2) \$975 (3) \$1,220 (4) \$1,638 (5) \$1,717

Updated to:

(1) \$1,002 (2) \$1,131 (3) \$1,431 (4) \$1,931 (5) \$2,097

An increase to the overall monthly housing allowance (based on the number of bedrooms) as follows:

Unheated:

Last Year:

(0) \$674 (1) \$781 (2) \$983 (3) \$1,355 (4) \$1,377

Updated to:

(0) \$844 (1) \$943 (2) \$1,227 (3) \$1,658 (4) \$1,771

Heated:

Last Year:

(0) \$775 (1) \$905 (2) \$1,137 (3) \$1,543 (4) \$1,606

Updated to:

(0) \$942 (1) \$1,064 (2) \$1,354 (3) \$1,841 (4) \$1,994

A **slight decrease** in the overall monthly maximums for food (based upon the number of people in the household) as follows:

Last Year:

(1) \$194	(2) \$357	(3) \$511	(4) \$ 649
(5) \$771	(6) \$925	(7) \$1,022	(8) \$1,169

Updated to:

(2) \$192	(2) \$352	(3) \$504	(4) \$640
(5) \$760	(6) \$913	(7) \$1,009	(8) \$1,153

A **slight increase** in the overall monthly maximums for electricity for households with electric hot water (based upon the number of people in the household) as follows:

Last Year:

(1) \$ 82	(2) \$102	(3) \$119	(4) \$139	(5) \$160	(6) \$176
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Updated to:

(1) \$89	(2) \$102	(4) \$119	(4) \$139	(5) \$167	(6) \$176
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There were no changes to the maximum allowed for fuel, electricity for households without electric hot water, supplements for households for children under five and personal care/household supplies. The reimbursement rate from the State of Maine remains at seventy (70) percent.

I have attached the adoption sheet for Council signature and respectfully request that it be included in the September 26, 2017 agenda.

Attachments:

2016 – 2017 G.A. Maximums Summary Sheet
2017 – 2018 G.A. Maximums Summary Sheet
G.A. Ordinance Appendices A – D
2017 – 2018 Adoption Sheet

Oct 1, 2016 to Sept 30, 2017 (Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth, Buxton, Hollis, Limington, Old Orchard Beach)

OVERALL MAXIMUMS

Persons in Household					
1	2	3	4	5	
838	975	1,220	1,638	1,717	

Household of 6 = 1,792

* Add \$75 for each additional person

FOOD MAXIMUMS

Persons	Weekly	Monthly
1	45.12	194
2	83.02	357
3	118.84	511
4	150.93	649
5	179.30	771
6	215.12	925
7	237.67	1,022
8	271.86	1,169

Add \$146 per month for each + person

HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

Housing Maximums

BEDROOM	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	157	674	180	775
1	182	781	210	905
2	229	983	264	1,137
3	315	1,355	359	1,543
4	320	1,377	373	1,606

PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

1-800-442-6003

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	\$20.00	\$82.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

Revised 10-1-16

Oct 1, 2017 to Sept 30, 2018 (Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth, Buxton, Hollis, Limington, Old Orchard Beach)

OVERALL MAXIMUMS

Persons in Household

1	2	3	4	5
1,002	1,131	1,431	1,931	2,097

Household of 6 = 2,172

* Add \$75 for each additional person

FOOD MAXIMUMS

Persons	Weekly	Monthly
1	44.65	192
2	81.86	352
3	117.21	504
4	148.84	640
5	176.74	760
6	212.33	913
7	234.65	1,009
8	268.14	1,153

Add \$144 per month for each + person

HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
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		May	50

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Housing Maximums

BEDROOM	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	196	844	219	942
1	219	943	247	1,064
2	285	1,227	315	1,354
3	386	1,658	428	1,841
4	412	1,771	464	1,994

PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

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2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

Revised 10-1-17

Appendix A

Effective: 07/01/17-06/30/18

2017-2018 GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	714	788	994	1,242	1,506
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	605	682	847	1,095	1,269
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	641	726	915	1,169	1,397
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,002	1,131	1,431	1,931	2,097
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	982	1,025	1,333	1,714	2,173
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	761	807	1,072	1,561	1,780

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	781	863	999	1,318	1,600
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	745	872	1,079	1,457	1,477

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	618	642	760	965	1,049
Franklin County	646	671	793	985	1,400
Hancock County	693	787	992	1,249	1,367
Kennebec County	722	746	928	1,216	1,297
Knox County	754	755	928	1,186	1,315
Lincoln County	783	834	987	1,234	1,470
Oxford County	630	646	771	1,110	1,343
Piscataquis County	595	672	828	1,090	1,125
Somerset County	675	704	835	1,133	1,146
Waldo County	680	751	887	1,206	1,281
Washington County	630	645	763	985	1,173

* Please Note: Add \$75 for each additional person.

Appendix B
Effective: 10/01/17 to 09/30/18

2017-2018 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	81.86	352
3	117.21	504
4	148.84	640
5	176.74	760
6	212.33	913
7	234.65	1,009
8	268.14	1,153

Note: For each additional person add \$144 per month.

2017-2018 GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	111	476	130	559
1	111	476	134	578
2	130	558	159	684
3	167	718	204	878
4	177	762	221	949
Franklin County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	117	503	137	587
1	117	503	141	607
2	137	591	167	717
3	173	743	209	898
4	258	1,108	302	1,300
Hancock County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	139	599	167	720
2	183	788	213	915
3	227	976	270	1,159
4	242	1,041	294	1,264
Kennebec County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	131	564	154	662
1	131	564	158	679
2	168	724	198	851
3	219	943	262	1,126
4	226	971	278	1,194

Appendix C
Effective: 10/01/17-09/30/18

Non-Metropolitan FMR Areas

Knox County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	139	596	161	694
1	139	596	161	694
2	168	724	198	851
3	212	913	255	1,096
4	230	989	282	1,212
Lincoln County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	150	646	178	767
2	182	783	212	910
3	223	961	266	1,144
4	266	1,144	318	1,367
Oxford County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	110	472	133	570
1	110	472	135	579
2	132	567	161	694
3	195	837	237	1,020
4	237	1,017	288	1,240
Piscataquis County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	106	457	126	540
1	118	508	143	613
2	147	630	177	759
3	198	853	235	1,011
4	198	853	240	1,034
Somerset County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	120	517	143	615
1	121	519	148	637
2	147	631	176	758
3	202	869	243	1,043
4	202	869	243	1,043

Appendix C

Effective: 10/01/17-09/30/18

Non-Metropolitan FMR Areas

Waldo County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		121	522	144	620
1		131	563	159	684
2		159	683	188	810
3		217	933	260	1,116
4		222	955	274	1,178
Washington County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		110	472	133	570
1		110	472	134	578
2		130	559	160	686
3		166	712	208	895
4		208	847	249	1,070

Metropolitan FMR Areas

Bangor HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		129	556	152	654
1		140	600	168	721
2		184	790	213	917
3		225	969	268	1,152
4		275	1,180	326	1,403
Penobscot Cty. HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		104	447	127	545
1		115	494	143	615
2		149	643	179	770
3		191	822	234	1,005
4		219	943	271	1,166
Lewiston/Auburn MSA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		112	483	135	581
1		125	538	153	659
2		165	711	195	838
3		208	896	251	1,079
4		249	1,071	301	1,294

Appendix C

Effective: 10/01/17-09/30/18

Metropolitan FMR Areas

Portland HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		196	844	219	942
1		219	943	247	1,064
2		285	1,227	315	1,354
3		386	1,658	428	1,841
4		412	1,771	464	1,994
York/Kittery/S. Berwick HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		192	824	214	922
1		195	837	223	958
2		263	1,129	292	1,256
3		335	1,441	378	1,624
4		430	1,847	481	2,070
Cumberland Cty. HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		140	603	163	701
1		144	619	172	740
2		202	868	231	995
3		299	1,288	342	1,471
4		338	1,454	390	1,677
Sagadahoc Cty. HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		145	623	168	721
1		157	675	185	796
2		185	795	214	922
3		243	1,045	286	1,228
4		296	1,274	348	1,497
York Cty. HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		136	587	159	685
1		159	684	187	805
2		203	875	233	1,002
3		275	1,184	318	1,367
4		269	1,156	320	1,374

Appendix D

Effective: 10/01/17 to 09/30/18

2017-2018- ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is *not automatically* entitled to the "maximums" established—applicants must demonstrate need.

- 1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

- 2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

GENERAL ASSISTANCE ORDINANCE

APPENDICES A-D

2017-2018

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2017—September 30, 2018. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)



Item # 9287
Town of Gorham Planning Department

David C.M. Galbraith, Zoning Administrator
dgalbraith@gorham.me.us

Thomas M. Poirier, Town Planner
tpoirier@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1620

TO: Ephrem Paraschak, Town Manager

FROM: Thomas M. Poirier, Town Planner *TM*

SUBJECT: Day Care Definition Amendment

DATE: October 12, 2017

On September 18, 2017, the Planning Board held a public hearing for the proposed amendment to the definition of day cares. The revised definition would allow adult day cares to locate any place a day care for children would be allowed to locate. The Planning Board voted (6-0, 1 absent Herrick) to recommend adoption of the proposed ordinance amendment as sent to them by the Town Council.

Proposed Text: No changes are proposed by the Planning Board.

Public Comment: One member of the public, John Bowler, 190 Mosher Road, spoke about the difficulties in dealing with someone with Alzheimer's and the need for an adequate number of care givers.

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council (7 ayes) forwarded the item to the Planning Board for a public hearing and recommendations.	July 11, 2017
Planning Board Public Discussion	The Planning Board discussed the item and sent it to the Board's Ordinance Subcommittee for review.	August 7, 2017
Planning Board Ordinance Committee	The Board's Ordinance Subcommittee reviewed the proposed language and forwarded the item for Public Hearing at the next Board meeting. No changes were proposed.	August 30, 2017
Public Hearing	The Planning Board voted to recommend adoption by the Town Council 6 ayes, 1 absent- Herrick. No changes are proposed to the language as sent from the Town Council.	September 18, 2017

Ordinance Amendment:

Chapter 1: Zoning Regulations,

Section 1-5 Definitions

Day Care Home

A home or other facility used generally to provide day care services or baby-sitting services for twelve (12) or fewer ~~children~~ person(s).

Day Care Center

A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more ~~children~~ person(s).

Item # 4288

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 12-28-2017

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:		Business Name (D/B/A) <u>Lucky Thai Restaurant</u>	
APPLICANT(S) -(Sole Proprietor)		Physical Location:	
<u>Bouasanth Onemiravong</u>		<u>593 Main St. Unit D</u>	
DOB: <u>12-28-78</u>		City/Town	State
		<u>Gorham</u>	<u>ME</u>
			Zip Code
			<u>04038</u>
Address		Mailing Address	
<u>85 Mechanic St. #1</u>		<u>593 Main St Unit D</u>	
City/Town	State	City/Town	State
<u>Westbrook</u>	<u>ME</u>	<u>Gorham</u>	<u>ME</u>
	Zip Code		Zip Code
	<u>04092</u>		<u>04038</u>
Telephone Number	Fax Number	Business Telephone Number	Fax Number
		<u>207-839-6999</u>	<u>207-839-7799</u>
Federal I.D. #		Seller Certificate #:	
<u>47-2150957</u>		or Sales Tax #: <u>1109054</u>	
Email Address:		Website:	
Please Print <u>luckythaigorham@yahoo.com</u>		<u>lucky-thai.com</u>	

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 30,010 LIQUOR \$ 2500
- Is applicant a corporation, limited liability company or limited partnership? YES ☐ NO ☒
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business
Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
6. If manager is to be employed, give name: _____
7. Business records are located at: 593 Main St. Unit D Gorham ME 04038
8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Bouasanith Onemiravong	12-28-1978	Laos
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Westbrook Maine		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____
13. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒
14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Kimco Realty LLC 65 Gray Rd Box 4, Falmouth ME 04105
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) Serving Thai Food
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____
17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.5 mile
Which of the above is nearest? School
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒
- If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Gorham ME on Oct 12, 20 17
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Bouasanth Onemiravong
Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00

CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008.
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises li-

cense that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Town's signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

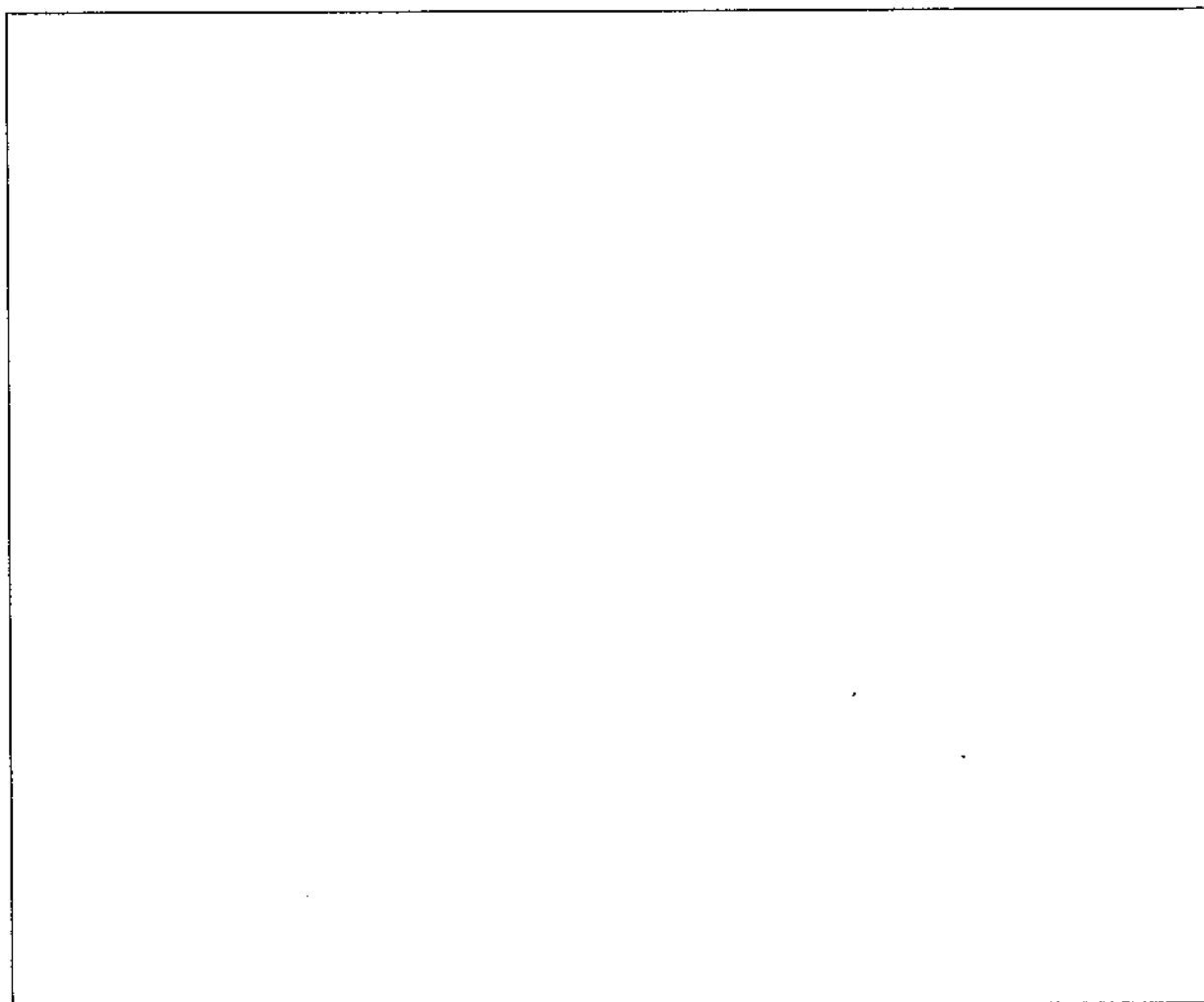
*Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*

DIVISION USE ONLY
<input type="checkbox"/> Approved
<input type="checkbox"/> Not Approved
BY:

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Bouqsanith Onemiravong
2. Doing Business As, if any: Lucky Thai Restaurant
3. Date of filing with Secretary of State: 10-24-2014 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Bouqsanith Onemiravong	Westbrook, ME	12/28/1978	owner	100

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



10.12.17

Signature of Duly Authorized Person

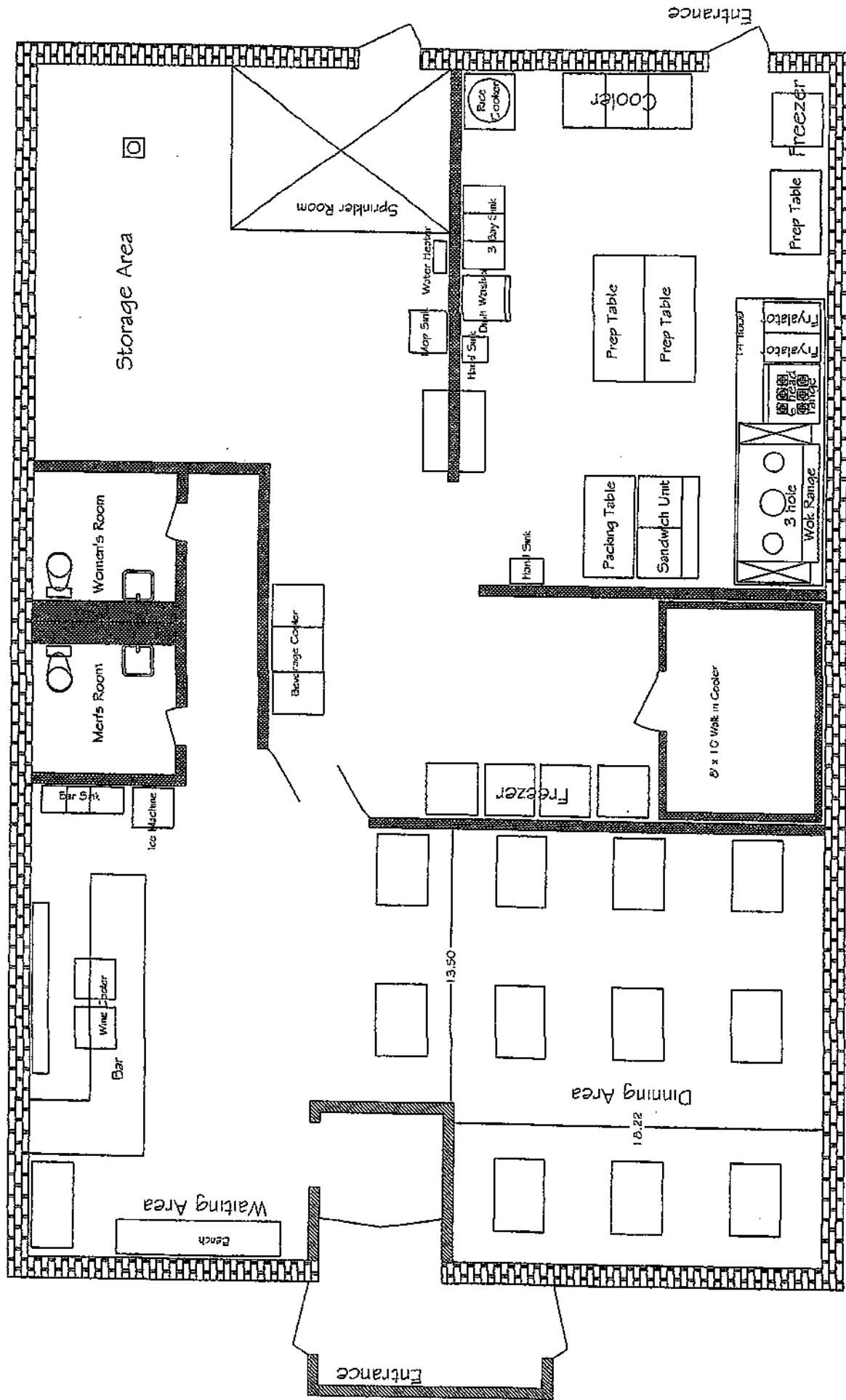
Date

Bouasanih Onemiravong
Print Name of Duly Authorized Person


Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

Lucky Thai
593 Main St unit D
Gorham, ME 04038



From:  Robert Lefebvre

Friday, October 13, 2017 10:05:58 AM 

Subject: Re: Lucky Thai Liquor license renewal

To:  Laurie Nordfors

Cc:  Freeman Abbott  Sharon Laflamme  Dan Jones

fire is all set



GORHAM FIRE DEPARTMENT
270 Main Street, Gorham, Maine 04038

ROBERT LEFEBVRE
Fire Chief

Tel: 207-222-1642


24 hours: 207-839-5581

Fax: 207-839-7753

E-mail: rlefebvre@gorham.mz.us

Gorham
Grow with Us

From:  **Dan Jones**
Subject: Re: Lucky Thai Liquor license renewal
To:  **Laurie Nordfors**

Friday, October 13, 2017 11:24:35 AM 


GPD is all set.

Chief Daniel Jones
Gorham Police Department
270 Main Street
Gorham, ME 04038
(207) 222-1665
djones@gorham.me.us



DISCLAIMER: This e-mail and any file or attachment transmitted with it, is only intended for the use of the person and/or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or otherwise responsible for delivering the message to the intended recipient, be notified that any disclosure, distribution or copying of this information is strictly prohibited. If you received this communication in error, destroy all copies of this message, attachments and/or files in your possession, custody or control and any other copies you may have created, and notify the sender at the above listed telephone number or e-mail address.

From:  Freeman Abbott

Friday, October 13, 2017 11:59:41 AM 

Subject: Re: Lucky Thai Liquor license renewal


To:  Laurie Nordfors

Cc:  Sharon Laflamme  Dan Jones  Robert Lefebvre

Code is all set

Sent from FirstClass with my iPhone

From:  **Sharon Laflamme**

Monday, October 16, 2017 9:57:25 AM 

Subject: Re: Lucky Thai Liquor license renewal

To:  **Laurie Nordfors**

Taxes are current.

Sharon

Laurie Nordfors writes:

Hello,

Lucky Thai has applied for their renewal liquor license. Does anyone have any concerns or problems with them?

Thanks,

Laurie



Laurie K Nordfors, CCM
Town Clerk
Registrar of Voters
Assistant Tax Collector
Motor Vehicle Agent
Town of Gorham
75 South Street
Gorham, ME 04038
207-222-1670
fax- 207-839-5036

Sharon LaFlamme
Finance Director
Town of Gorham
75 South Street, Ste., 1
Gorham, ME 04038
207-222-1611



NOTICE: Under Maine's Freedom of Access ("Right to Know") Law, documents - including emails - in the possession of public officials about Town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

TOWN OF GORHAM
APPLICATION FOR ABATEMENT OF PROPERTY ASSESSMENT



This form must be completed, signed, and filed with the Assessor within 185 days of the commitment date.
A separate application must be filed for each separately assessed parcel of real estate.

Date: 11/6/17

Applicant: Tara Connor & Rich McCoy

Property Owner: Tara Connor & Rich McCoy

Phone: 207 415-0927

Mailing Address: 53 Jordan Drive, Gorham ME 04038

Authorized Representative: _____

Phone: _____

Mailing Address: _____

To the Assessing Department: In accordance with the provisions of Title 36 MSRA §841, I hereby make a written application for abatement of the assessed value of the property noted below.

Real Estate: Property Address: 53 Jordan Drive, Gorham, ME 04038

Assessed Land Value: _____

Tax Year: _____

Assessed Building Value: _____

Map _____ Lot _____

Total Assessed Value: * \$282,600

Owner's Opinion of Value: _____

* Please see attached NOTICE OF ACTION ON REAL ESTATE ABATEMENT

Personal Property: Business/Owner: _____

Personal Property Assessed Value: _____

Tax Year: _____

Owner's Opinion of Value: _____

Account # _____

Reason(s) for Requesting Abatement: _____

PLEASE SEE ATTACHED STATEMENT

TARA B. CONNOR
Printed Name

[Signature]
Signature

Title

Mail Completed Application to:
County of Cumberland Regional Assessing Office
25 Pearl Street
Portland, ME 04101

TOWN OF GORHAM ABATEMENT POLICY

2017 ABATEMENT APPLICATIONS MUST BE RECEIVED AT THE ASSESSOR'S OFFICE BY THE CLOSE OF BUSINESS AT 5:00 PM ON **March 5, 2018**.

1. No abatement will be granted without a completed abatement application. Sufficient documentation is required to be provided with your application to support your abatement request. Please provide a recent unedited real estate appraisal of your property, completed by a licensed appraiser, if available.

2. Application for abatement must be submitted within 185 days from the date of commitment. (The date the Assessor "*commits*" the assessments to the Tax Collector).

3. Burden of proof is upon the taxpayer to show that his/her property is over assessed in relation to other properties in the municipality. The presumption is that the assessment is valid. A person disputing an assessment must prove indisputably.

- a. that he/she was "*over rated*" in the sense of overestimation of the property above its true value or;
- b. that his/her property was taxed on the basis of just value or a certain percentage thereof, while the assessor assessed other similar properties at a lesser percentage of just value;
- c. the taxpayer has received the subject property record card and if information on the said card is incorrect, has brought said errors to the assessor's attention.

4. A property owner's opinion that his/her property assessment is too high is insufficient for granting an abatement. There is a presumption of correctness on the part of the assessor. In order to prevail, the property owner must submit clear and convincing evidence that the property was overvalued by 10%. This may include:

- a. Evidence the assessment is in error due to dimensional errors, incorrect errors, nonexistent features, incorrect material or type of construction.
- b. Unusual change, damage or deterioration of the property or any detracting features unique to the property.

5. You are required to pay your taxes on the tax due dates even though you have filed for an abatement. If an adjustment is made to your valuation you will receive notification and your tax amount will be adjusted accordingly by the tax collector.

- **MRSA Title 36, Section 848-A states: In any proceedings relating to a protested assessment, it shall be sufficient defense of such assessment that it is accurate within reasonable limits, of practicality, except when proven deviation of 10% or more from the relevant assessment ratio of the municipality exists. In other words, if the Town's assessment ratio is 100% (assessments equal market value), then your property's assessment is reasonable if it falls within 10% of its market value.**



Cumberland County Regional Assessing

25 Pearl Street, Portland, ME 04101
207-699-2475 • cumberlandcounty.org

Renee Lachapelle, Director

Maine
Cumberland County

October 19, 2017

Richard McCoy
Tara Connor
53 Jordan Drive
Gorham, ME 04038

2017 NOTICE OF ACTION ON REAL ESTATE ABATEMENT

Location: 53 Jordan Drive Map 54 Lot 16-305

Dear Mr. McCoy and Mrs. Connor,

The Assessor, Renée Lachapelle, has granted a partial abatement of taxes on the above-described property on October 19, 2017.

REASON: Data correction to square footage

Where an abatement has been granted, the change in value is shown below:

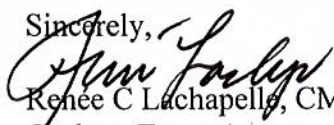
Original Valuation	\$315,800
New Valuation	\$282,000

The abatement has resulted in a total reduction of \$33,800 of assessed value or taxes of \$577.98. The Tax Collector has been notified. I would recommend contacting the Tax Collector with any questions you may have at 207-222-1670.

A REVISED TAX BILL WILL NOT BE ISSUED

If you are dissatisfied with the decision of the Assessor, you may file an appeal to the Board of Assessment Review within 60 days after receiving this notice. The appeal Applications are available at the Assessor's office, on the town's web site under the Assessing Dept. page or they can be forwarded to you electronically at your request.

Sincerely,


Renee C Lachapelle, CMA
Gorham Town Assessor

Tara Connor & Rich McCoy

53 Jordan Drive
Gorham, ME 04038
TC: 207 415-0927
RM: 207 807-7134
tconnor@maine.rr.com

November 6, 2017

Ephrem Paraschak
Town Manager
75 South Street
Gorham, ME 04038

Dear Mr. Paraschak,

In the spring of 2005, construction began on our home at 53 Jordan Drive in Gorham. We moved into our house over Labor Day weekend of that same year and soon after, upon reviewing documents relating to the purchase of our house from the builder who constructed it, we realized that the square footage listed in the Town of Gorham's records was incorrect. We inquired with the town assessor's office at the time, and were shown the assessor's sketch of the property which was clearly incorrect. We provided our builder's plans reflecting the accurate square footage and exterior measurements and were told the correction would be made.

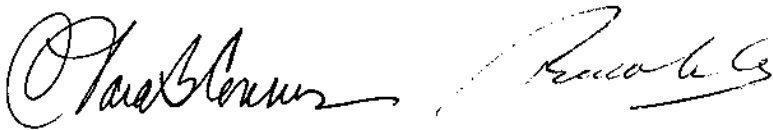
We recently made the upsetting discovery that the correction had, in fact, never been made and consequently we have been overcharged on our property taxes for the last twelve years. We contacted the county assessor who sent a representative out for a site visit. As a result of this visit, we were granted an abatement, lowering our current valuation from \$315,800 to \$282,000, and reducing our property tax by \$577.98.

For the last twelve years we have been members of the Gorham community. We have donated countless hours coaching youth sports with Gorham Rec and volunteering in the elementary school libraries and the town's public library. We have devoted time to clearing trails in Gorham with Presumpscot Regional Land Trust. We have supported the Gorham elementary schools holiday outreach programs over many years, donating money and gifts for the town's neediest families. We have donated books to the schools and the public library and donated generously to Baxter Library's Youth Services Department for a number years, making new programs and acquisitions possible. We've raised our two children in this town with a focus on fostering in them a commitment to community involvement. We feel we have contributed a great deal to the well-being of our town and its citizens.

So you can imagine that it stings to be told that the roughly \$575 dollars per year that we have been overpaying to the town of Gorham, due to an error made by the Assessor's office that we, in good faith, tried to correct is largely lost to us. We have been told that the most we can expect to be refunded is three years worth of overpayment, and that the current year that we have yet to pay counts as one of those years. We have over paid something on the order of \$7000 in property taxes since moving here in 2005. Hearing that we cannot expect to recoup more that two years worth of overpayment, approximately \$1100, is very distressing, particularly when we look back at our history of commitment to the people and institutions that make this town so special.

We are asking that the Town Council consider our request for a full refund of the funds we have overpaid. We have tried to live as contributing, responsible citizens of Gorham and we would ask that the town in return take responsibility for the Assessors's mistake twelve years ago and make things right. We were not responsible for the original error, we made a good faith effort to correct it, and we should not be penalized for it financially.

Sincerely yours,

Two handwritten signatures in black ink. The first signature on the left is 'Tara Connor' and the second signature on the right is 'Rich McCoy'.

Tara Connor & Rich McCoy



Cumberland County Regional Assessing

25 Pearl Street, Portland, ME 04101
207-699-2475 • cumberlandcounty.org

Renee Lachapelle, Director

Maine
Cumberland County

November 8, 2017

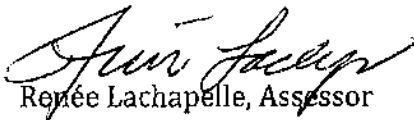
Town of Gorham
Council Memo

Dear Council Members,

Title 36 M.R.S.A. §841 (1) authorizes the municipal officers to grant an abatement on their own initiative or on a written application at any time after one year but within three years from the commitment of the tax where necessary to correct an illegality, error or irregularity in the assessment. Overvaluation ("Error in Valuation") – The municipal officers have no legal authority to grant an abatement based on a claim of overvaluation. The assessor has the authority to grant an abatement within one year only from the date of commitment, September 1, 2017 for an error in valuation. I have included for your review some of the pages of the Maine Municipal Manual that explains Illegality, Error, or Irregularity.

It was discovered that the property located at 53 Jordan Avenue, owned by Rich and Tara McCoy, was being assessed for an incorrect building size. The assessor's office issued an abatement to correct the data error and the valuation on the property after a physical inspection of the property was completed. This resulted in an abatement of \$33,800 or \$577.98 in taxes for tax year 2017.

It is the on the property owner's responsibility to review their assessments and notify the assessor if the data is incorrect on their property. While every effort is made to accurately list a property sometimes errors can occur. When these errors are brought to the assessor's attention they are corrected through the abatement process within the year of that assessment.


Renee Lachapelle, Assessor

Abatement and Appeal

Taxpayers may challenge their property tax assessments through the abatement process. Local abatement decisions may be appealed to local, county and State boards and to the courts. A number of different rules and procedures that govern the abatement and appeals processes are discussed in this chapter.

Types of Abatement Requests

It is important to categorize properly an abatement request at the outset in order to know who has authority to grant it and under what conditions. The following are the various types of abatement requests that can be filed under Maine law.

Overvaluation ("Error in Valuation"). Overvaluation is the most common type of request for abatement of property taxes. If a taxpayer believes that the valuation of his or her property is too high, the taxpayer's only remedy is to submit a written application for abatement, stating the grounds for the abatement. 36 M.R.S.A. § 841(1). The assessors also may grant such an abatement on their own initiative. The municipal officers have no legal authority to grant an abatement based on a claim of overvaluation.

- > **Deadlines.** An application for abatement based on overvaluation must be filed by the taxpayer within 185 days of the commitment of the tax. Assessors may grant an abatement for overvaluation on their own initiative, but it must be done within one year of the commitment date. If no abatement action is initiated on an overvaluation within the 185-day or one-year deadlines in 36 M.R.S.A. § 841(1), that value must stand for that tax year, even if everyone agrees later that it was too high. These deadlines are critical since they are jurisdictional and may not be waived by the assessors or by an appeal body. *Inhabitants of Town of Monmouth v. County Commissioners of County of Kennebec*, CV-90-573 (Me. Super. Ct., Kenn. Cty., Aug. 23, 1991); *Salvation Army v. City of Lewiston*, CV-93-393 (Me. Super. Ct., Andro. Cty., June 27, 1994).
- > **Scope of overvaluation remedy.** An abatement based on "overvaluation" is the proper (and only) remedy if a person believes that the assessed value of his or her property is too high, or where questions exist regarding the just value of the property based on the amount of acreage assessed, the actual description and conditions of the property on April 1st, and the assessment techniques used. *Berry v. Daigle*, 322 A.2d 320 (Me. 1974); *Depositors Trust Co. v. City of Belfast*, 295 A.2d 28 (Me. 1972). An abatement based on "overvaluation" also is the proper remedy if a person who is properly assessed for certain property in one town also is assessed for certain other property alleged to be taxable in that town but which in fact is: (1) taxable in an adjoining town; (2) exempt from taxation; or (3) not

owned by him. *Berry v. Daigle*, 322 A.2d 320 (Me. 1974); *Depositors Trust Co. v. City of Belfast*, 295 A.2d 28 (Me. 1972); *City of Lewiston v. All Maine Fair Assoc.*, 138 Me. 39 (1941); *Portland Terminal Co. v. City of Portland*, 129 Me. 264, 267 (1930); *City of Rockland v. Rockland Water Co.*, 82 Me. 188 (1887); *Inhabitants of Town of Georgetown v. Reid*, 132 Me. 414 (1934); *City of Bath v. Whitmore*, 79 Me. 182 (1887); *Gilpatrick v. Inhabitants of Saco*, 57 Me. 277 (1869). *Contra*, *Holbrook Island Sanctuary v. Inhabitants of Town of Brooksville*, 161 Me. 476 (1965). In addition, an abatement for overvaluation is the proper remedy to correct a misclassification of property. *Goldstein v. Town of Georgetown*, 1998 ME 261, 721 A.2d 180 (erroneous assessment of property as waterfront property when it actually was separated from water by a strip of land was a valuation error, not "illegality, error or irregularity in assessment"). However, where an assessment is wholly void, as for example, where a person not legally liable to be taxed for any of the property assessed to that person nevertheless is assessed for it, an application for abatement based on overvaluation is not appropriate. *City of Rockland v. Rockland Water Co.*, 82 Me. 188, 192, 19 A.163 (1889); *Herriman v. Stowers*, 43 Me. 497 (1857); *Talbot v. Inhabitants of Wesley*, 116 Me. 208, 100 A.937 (1917). The proper abatement request for a void assessment is based on "illegality, error, or irregularity" in the assessment. (See the next section of this chapter.)

Illegality, Error, or Irregularity. Title 36 M.R.S.A. § 841(1) authorizes the municipal officers (selectpersons or councilors) to grant an abatement on their own initiative or on written application at any time after one year but within three years from the commitment of the tax where necessary to correct an illegality, error or irregularity in the assessment. As noted above, these deadlines may not be waived. The assessors may grant an abatement on these grounds within the deadlines for assessors outlined above for an error in valuation.

- > **Scope of illegality, error or irregularity abatement.** As was noted above and in Chapter 4, the reference in § 841(1) to "illegality, error or irregularity" envisions a tax assessment that is void, not just imperfect. A real estate assessment is not void simply because it is not accompanied by any description of the property being assessed or is accompanied by a defective description; it is an assessment which cannot provide a legal basis upon which a tax collector can use a tax lien or tax deed as a method for collecting the tax which is due. *City of Rockland v. Farnsworth*, 111 Me. 315, 318-319 (1913). The tax in such a case must be collected through court action. On the other hand, if a person does not own any land in a town but is taxed for a parcel anyway, that tax is illegal and void. A tax also probably would be void if there is a significant error in the name of the person or business being assessed. For example, if the property were owned by Joe Smith who used it for a business that he owned called "The Handy Man, Inc." and the property were assessed to "The Handy Man, Inc." the assessment probably would

be void. Or, if it were assessed to "Joleen A. Jones" when the taxpayer's real name was "Joellen A. Jones" or "Joleen S. Jones," then the error in the spelling of the name or the use of the wrong middle initial probably would make the assessment void. Likewise, if the real property of a deceased person were assessed to "The Estate of Helen Hunt" rather than to the heirs, or devisees or personal representative (depending on which was legally correct in that situation), the assessment probably would be void. (See Chapters 5, 6 and 8 for additional discussion of this issue.)

An abatement on the grounds of error, illegality or irregularity is justified where the person assessed does not own any of the property, where all of the property is taxable in another town, or where all of it is exempt. *Credit Counseling Centers, Inc. v. City of South Portland*, 2003 ME 2 (case citation from April 2003 Supplement); *Town of East Millinocket v. Town of Medway*, 486 A.2d 739 (Me. 1985); *Berry v. Daigle*, *supra*; *Depositors Trust Co. v. City of Belfast*, *supra*; *City of Lewiston v. All Maine Fair Association*, 138 Me. 39 (1941); *Portland Terminal Co. v. City of Portland*, 129 Me. 264, 267 (1930); *City of Rockland v. Rockland Water Co.*, 82 Me. 188 (1889); *Inhabitants of Town of Georgetown v. Reid*, 132 Me. 414 (1934); *City of Bath v. Whitmore*, 79 Me. 182 (1887); *Gilpatrick v. Inhabitants of Saco*, 57 Me. 277 (1869); *contra*, *Holbrook Island Sanctuary v. Inhabitants of Town of Brooksville*, 161 Me. 476 (1965). In addition to the examples provided above, other "illegalities" or "errors" might include: (1) an assessment in which an amount not legally raised at town meeting was included (36 M.R.S.A. § 503); (2) an assessment based on a tax rate in which too much overlay was included (36 M.R.S.A. § 710); (3) an assessment based on a computation error in preparing the commitment which results in too much tax being assessed (*Eastport Water Co. v. City of Eastport*, 288 A.2d 718 (Me. 1972)); (4) an assessment that is too high because too little State revenue sharing was deducted from the commitment; or (5) an assessment that is based on an *unconstitutional assessment* methodology that does not value all property in the same class in a like manner (*Farrelly v. Inhabitants of Town of Deer Isle*, 407 A.2d 302 (Me. 1979)) (e.g., adjustments made in value only for those properties which were recently sold), as opposed to using the wrong assessment methodology or classification for a piece of property (e.g., using the replacement cost less depreciation approach where the income approach more closely determines a property's just value, or where property was valued as "waterfront property" but was separated from the water by land of another. *Goldstein v. Georgetown*, *supra*).

For a discussion of declaratory judgment actions in court as an alternative to a tax abatement in the case of exempt property, see "Declaratory Judgment Action-Exemption Claims" appearing at the end of this chapter. (new paragraph from April 2003 Supplement)

From: Ben Hartwell <bhartwell@gorham.me.us> Wed, Oct 18, 2017 7:47:58 AM

Subject: Food Trucks

To: Ephrem Paraschak

Cc: sbenner@gorham.me.us rwshepard@gorham.me.us
mphinney@gorham.me.us mstelk@gorham.me.us
jhager@gorham.me.us psmith@gorham.me.us tpoirier@gorham.me.us
dgalbraith@gorham.me.us

Attachments: 7-myths-and-realities.pdf / Uploaded File (784K)
foodtruckfreedom.pdf / Uploaded File (3.9M)

Everyone,
I wanted to share some information I obtained after the ordinance committee meeting yesterday. I spoke with an attorney in Arlington, VA, who works for The Institute for Justice, Rob Frommer. He has worked with street vendors (food trucks) all over the country and has been involved with litigation, typically using the equal protection clause of the US Constitution, to defend the rights of food trucks. After talking to him yesterday afternoon he told me about two policy papers he co-wrote, which he sent to me, on point with the ordinance we have drafted. I'm sending these to everyone so they can read through them before we discuss the item at a council meeting. I have attached the reports to this email.

Ephrem, I would like to include these reports in the agenda notes; it would be ok with me to do it as a memo and provide urls, which I will provide here.

<http://ij.org/report/seven-myths-and-realities-about-food-trucks/>

and
<http://ij.org/report/food-truck-freedom/>

Sincerely,

Ben Hartwell
Gorham Town Council
443 Sebago Lake Road
Gorham, ME 04038
(207) 892-2586
bhartwell@gorham.me.us



Item # 9291



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine 04101
147 New Meadows Road, West Bath, Maine 04530

Portland
(207) 871-8384

October 27, 2017

Bath
(207) 443-5104

Chief Daniel Jones
Gorham Police Department
270 Main Street
Gorham, ME 04038

RE: State v. Jason Figueroa, CR-17-3618
Town of Gorham Approval

Dear Chief:

Enclosed please find a Town of Gorham Approval form for the forfeiture of a portion of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer a portion of the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL

State of Maine

By: *Lea Anne Sutton*

Lea-Anne Sutton

Assistant Attorney General

#8786

STATE OF MAINE
Cumberland, SS

State of Maine

v.

Jason Figueroa,
Defendant

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-17-3618

}
}
}
} City/Town Of Gorham
} Approval Of Transfer
} 15 M.R.S.A. §5824(3)
} and §5826(6)
}
}

AND
\$752.00 US CURRENCY
DEFENDANT IN REM #1
\$3,350.00 US CURRENCY
DEFENDANT IN REM #2

NOW COMES the City/Town of Gorham, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the Defendant in Rem #1, namely \$752,00 US Currency, and to the transfer of any portion of the above captioned Defendant(s) *In Rem* #2, **namely \$1,675.00 US Currency**, on grounds that the City/Town of Gorham Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City/Town of Gorham Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of Gorham, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)