

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
July 7, 2015
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the Minutes of the June 2, 2015 Town Council Regular Meeting

Acceptance of the Minutes of the June 23 & 25, 2015 Special Town Council Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

New Business

Public Hearing # 1
on Item # 8842

A Public Hearing to consider a proposal to amend the Land Use and Development Code to allow larger accessory apartments. (Admin. Spon.)

Proposed
Order # 8842

Whereas, the Town's current Land Use and Development Code allows accessory apartments up to a maximum of 660 square feet, and
Whereas, the Town Council believes that increasing the maximum amount of allowed square footage to 1000 square feet would benefit the community,
Now Therefore, Be It Further Ordered, that the Town Council approves the following amendment:

Amend Chapter II, Section IV, (C) (3) to the Land Use and Development Code, by allowing Accessory Apartments to contain up to a maximum of 1,000 square feet instead of a maximum of 660 square feet as is currently allowed, and
Amend Chapter II, Section IV (C) (4) as follows:

Zoning Amendment

Chapter II, Section IV – Accessory Apartments, C, (4)

4. The Septic system on the property in question shall be functioning properly at the time of application ~~for site plan use permit approval. In addition, the applicant must submit a new HHE – 200 Form as documentation that another area of suitable soils exists on the property to be used for septic system repair in the event of failure of the original system and is sufficiently designed to meet the new anticipated capacity required under all State and Local regulations for septic systems. If expansion of the septic system is required to meet the increased flow, the applicant shall submit an HHE-220 form to the Code Enforcement Officer for review and approval prior to the installation of the system. Any septic system expansions will need to be completed prior to the certificate of occupancy being issued for the accessory apartment.~~

10. ~~The HHE 220 form, after review and approval by the Code Enforcement Officer, shall be recorded at the Cumberland County Registry of Deeds.~~

Public Hearing #2

On Item # 8843

A Public Hearing to consider a proposal to amend the Land Use and Development Code by allowing a residential garage as a principle use. (Admin. Spon.)

Proposed

Order # 8843

Whereas, the Town's current Land Use and Development Code only allows residential garages as an auxiliary use to a permitted use, like a home, and Whereas, the Town Council believes that allowing residential garages, as a principle use, provides substantial benefit to the community, Now, Therefore Be It Ordered, that the Town Council approve the following amendment to Chapter I, Section V and Section VIII of the Land Use and Development Code:

Ordinance Amendment Language discussed at Planning Board's Public Hearing on June 1, 2015

Chapter I, Section V – Definitions,

Personal Storage Garage – A structure in which to park or keep the lot owner's motor vehicle(s) or other accessory residential tools, equipment, and supplies. No outside storage of materials is permitted. The following items cannot be stored in the building or on the site:

- Vehicles or other residential items not owned by the lot owner.
- Commercial vehicles, equipment, tools, supplies, or material.

Chapter I, Section VII – Rural District

B. Permitted Uses

22) Personal Storage Garage with less than 600 sq. ft. of total floor area

Public Hearing #3
On item # 8844

A Public Hearing to approve a BYOB Permit for Terri Caldwell, to host a GHS Class Reunion at the Harmony Masonic Hall, 33 Cressey Road. (Admin. Spon.)

Proposed
Order # 8844

Ordered, that the Town Council approve an application for a BYOB Permit for Terri Caldwell, to host a GHS Class Reunion at the Harmony Masonic Hall, 33 Cressey Road.

Item # 8845

Action to consider authorizing a referendum on an amendment to the Town Charter that would allow the Town to accept and expend a third party grant or gift when the grant or gift is fully covering the expenditures or the Town's share does not exceed \$250,000. (Councilor Moulton Spon.)

Proposed
Order # 8845

Ordered, that the Town Council authorize a referendum for November 3, 2015, on amending Section 901 of the Town's Charter to allow the Town to accept and expend a third party grant or gift when the grant or gift is fully covering the expenditure or the Town's share does not exceed \$250,000 with the following language:

PROPOSED TOWN CHARTER AMENDMENT

EXEMPTION OF GRANT-FUNDED EXPENSITURES FROM REFERENDUM APPROVAL

Shall Sec. 901 of the Gorham Town Charter be amended as follows:

Sec. 901. Capital Expenditures over \$250,000. Any proposed capital expenditure over \$250,000 except emergency ordinances ~~ad-~~ as previously defined in Article II, Section 213.1, shall be submitted to a referendum vote on the proposed expenditure. The Council shall fix the time and place for such referendum. A majority of the electors present and voting at the referendum shall determine the result.

Notwithstanding the above, no referendum vote shall be required for any expenditure where (A) it is fully paid for by a third party grant award or gift fully covering the expenditure or where (B) the Town's share of the expenditure does not exceed \$250,000, as long as, in either instance, the Town Council, after a public hearing on the same, determines there will be no directly related costs accompanying such expenditure. The Council's determination on that issue shall be conclusive unless challenged by an action filed in Superior Court within thirty (30) days of such Council determination.

[Note: Additions are underlined and deletions are ~~struck out.~~]

[Explanation: The purpose of this proposed amendment is to eliminate the need for a referendum vote to approve large expenditures if they are to be fully funded by a third party, such as a government grant or private gift, or where the Town's share will not exceed \$250,000.], and

Be It Further Ordered, that the Town Council schedules a Public Hearing for October 6, 2015.

Item # 8846 Action to consider a referendum to authorize the Town to borrow and expend up to \$600,000 for its share of a project to reconstruct Main Street, with Town funds being combined with funding from the M.D.O.T and Portland Water District. (Admin. Spon.)

Proposed
Order # 8846 Ordered, that the Town Council authorize a referendum on November 3, 2015 to borrow and expend up to \$600,000 for its share of a project to reconstruct Main Street in Gorham Village with Town funds to be combined with funding from the Maine Department of Transportation and the Portland Water District for a combined project estimated at \$2.2 million, and
Be It Further Ordered, that the Town Council schedule a Public Hearing for October 6, 2015.

Item # 8847 Action to consider a referendum to authorize the Town to borrow and expend \$1,085,500 to combine with \$440,000 for major roofing and security projects at Gorham Schools. (Admin. Spon.)

Proposed
Item # 8847 Ordered, that the Town Council authorize a referendum on November 3, 2015 to borrow and expend \$1,085,500 that would be combined with \$440,000 for major roof and security projects at Gorham Schools, and
Be It Further Ordered, that the Town Council schedules a Public Hearing for October 6, 2015.

Item # 8848 Action to consider a referendum to borrow up to \$850,000 to replace the Town's 27 year old Ladder 1 Fire Engine. (Admin. Spon.)

Proposed
Item # 8848 Ordered, that the Town Council authorize a referendum for November 3, 2015, to borrow up to \$850,000 to purchase a new Ladder Fire Engine to replace the Town's 27 year old Ladder 1 Fire Engine, and
Be It Further Ordered, that the Town Council schedules a Public Hearing on October 6, 2015.

Item # 8849 Action to consider selling a small parcel of land on Tow Path Road to Rocky Achroyd (Finance Com. Spon. 3-0)

Proposed
Order # 8849 Ordered, that the Town Council accept an offer from Rocky Achroyd to purchase a small parcel of land (Tax Map 111, Block 83, Lot 3) that is located between his property at 838 Gray Road and Tow Path Road for \$3600.00.

Item # 8850 Action to consider authorizing a trash bag Tag program as an option for the Town's Solid Waste Curbside Collection Program. (Admin. Spon.)

Proposed
Order # 8850 Ordered, that the Town Council authorize a Trash Bag Tag program, as an option, for the Town's Solid Waste Curbside Collection Program, and Be It Further Ordered, that the price of each tag shall be \$1.25/tag (\$12.50 for a packet of 10 tags) for commercial trash bags up to 15 gallons and \$2.50/tag (12.50 for a packet of 5 tags) for trash bags up to 33 gallons.

Item # 8851 Action to consider a proposal to revise the Collection Development Policy for Baxter Memorial Library, as recommended by the Trustee of Baxter Memorial Library. (Admin. Spon.)

Proposed
Item # 8851 Ordered, that the Town Council approves the revised Collection Development Policy for Baxter Memorial Library, as recommended by the Trustees of the Library.

Adjourn