

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
MARCH 3, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 20 members of the public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors; Roullard, Benner, Robinson, Hartwell, Moulton, and Shepard. Also present; Town Manager David Cole and Deputy Town Clerk Laurie Nordfors.

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to approve the Town Council minutes from February 3, 2015.

#### Open Public Communications

There was no one from the Public who wished to speak.

#### Councilor Communications

Councilor Hartwell reported that he was recently at the Westbrook Performing Arts Center for a meeting about the Governors proposed budget. He is also interested in finding a way to come up with an alternative to Town trash bags. He reminded people that if you do not have a light on your Flag Pole that the Flag should be lowered at night.

Councilor Robinson reported that the Ordinance Committee met on February 23 and discussed the Narragansett Development District and Home Business Occupancy.

Councilor Benner gave her condolences to the Badeau family on the passing of Marc and wanted to recognize his many contributions to the Town of Gorham.

Councilor Moulton reported that the Finance Committee met last week. The next Finance Committee Meeting will be held March 26, 2015. He also thanked the Public Works Department for doing a great job this winter.

Councilor Roullard attended the USM night last month and said that it was a great opportunity to bring USM and Town Folk together. He reported that he Historic Preservation committee met and had its first Public Forum.

Councilor Phinney thanked Public Works and Public Safety for all of their efforts this winter and noted that the Posted Road signs are now up until further notice.

#### Town Manager Report

David Cole thanked Public Works and Public Safety again for all of their hard work. He reported that because of the above average winter this year (102 inches of snow so far) that it is taking a toll on our Public Works budget. He is also very pleased with the results of the bidding on the Public Safety Project, reporting the the winning bidder is Piper Jeffrey with a 2.53 % interest rate on a 20 year bond.

## School Committee Report

Dennis Libby reported that the School Committee appointed Heather Perry as the next Superintendent in Gorham. He also reported that Superintendent Sharp has rolled out his proposed budget. He announced that the Alliance School, a day treatment facility run by the Sebago Education Alliance has decided to close effective the end of the school year. Gorham currently has six students attending the Alliance School and work is underway to provide the appropriate options for them for next school year. Dennis announced the retirement at the end of the year of Narragansett Principal Polly Brann. Polly has been employed at the Town of Gorham for the last 30+ years. He also announced that the State has changed what testing we use to evaluate our students towards Adequate Yearly Progress, as defined by No Child Left Behind. For the last several years the State required schools to use the SAT as the test for Juniors. That will change to a new version of the MEA. Gorham has currently used five snow days and as of now, the last day for students would be June 19<sup>th</sup> if nothing changes. The next School Committee Meeting is set for March 11, 2015

Chairman Phinney opened Public Hearing #1 to consider issuing a renewal liquor license to Gorham Country Club, located at 93 McLellan Road. There were no comments from the Public and the Hearing was closed.

Item #8879 Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to approve a renewal liquor license for Gorham Country Club, located at 93 McLellan Road. 7 years

Chairman Phinney opened Public Hearing #2 to consider issuing a renewal liquor license to 91 South Street LLC, located at 91 South Street. There were no comments from the Public and the Hearing was closed.

Item #8880 Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to approve a renewal liquor license for 91 South Street, LLC, located at 91 South Street. 7 years

Chairman Phinney opened Public Hearing #3 to consider issuing a renewal liquor license to The Blue Pig, located at 29A School Street. There were no comments from the Public and the Hearing was closed.

Item #8881 Moved by Councilor Roullard, Seconded by Councilor Benner and VOTED to approve a renewal liquor license for The Blue Pig, located at 29A School Street. 7 years

Chairman Phinney opened Public Hearing #4 to consider a proposal to amend Chapter II, Section V (F) (5) of the Land Use and Development Code to amend the sight distance requirements by making them consistent with the sight distance requirements of the State. There were no Public comments and the Hearing was closed.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the order. 7 years

Item #8882 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED,

Whereas, the Town has a Land Use and Development Code that establishes standards for the construction of roads and driveways, including standards for sight distance, and Whereas, the Towns sight distance requirements are similar to those required by the State but not the same, and

Whereas, the State requirements are generally, less stringent than the Towns, except at higher speeds where the State requires a greater sight distance, and

Whereas, the Town wants its Land Use and Development Code to be consistent and reduce the potential for any confusion.

Now Therefore Be It Ordered, that the Town Council approve the following amendment:

**Chapter II: Performance Standards, Section V – Minimum Standards for the Design and Construction of Streets and Ways, F. Street Design Standards – Public Ways,**

- 5) Sight Distance - Any intersecting street or road shall be so designed in profile and grading to provide minimum sight distances measured in each direction. Measurement shall be from the driver's seat of a vehicle that is 10 feet behind the curb (or edge of shoulder) line with the height of eye three and one half (3 1/2) feet above the pavement and a height of object of four and one quarter (4 1/4)feet.

<del>Allowable Speed</del> (miles per hour)	<del>Minimum Sight Distance</del> <sup>*</sup> (in feet)
25	250

30	300
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<del>Allowable Speed</del> (miles per hour)	<del>Minimum Sight Distance</del> <sup>*</sup> (in feet)
35	350
40	400
45	450
50	500
55	550

~~\* Based on MDOT standards for low and medium volume drives. High volume streets and drives may require a greater sight distance as demonstrated necessary for safety purposes by the Public Works Director or the Director's designee.<sup>†</sup>~~

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The minimum allowable sight distances for all accesses onto all streets and private ways are set forth in Table 1. The Town of Gorham may require up to 50% greater sight distances when at least 30% of the traffic using the driveway will be by larger vehicles.

Table 1 – Sight Distance

<u>Posted Speed (MPH)</u>	<u>Sight Distance (Feet)</u>
<u>20</u>	<u>155</u>
<u>25</u>	<u>200</u>
<u>30</u>	<u>250</u>
<u>35</u>	<u>305</u>
<u>40</u>	<u>360</u>
<u>45</u>	<u>425</u>
<u>50</u>	<u>495</u>
<u>55</u>	<u>570</u>
<u>60</u>	<u>645</u>

7 yeas

Chairman Phinney opened Public Hearing #5 to consider a proposal to amend Chapter I, Section V Definitions, and add new language to Chapter II, Section II, Section XIV, to the Land Use & Development Code to allow Dog Kennels as a permitted use in the Rural District and to add Performance standards for Dog Kennels. There were no comments from the Public and the Hearing was closed.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the order. 7 yeas

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to amend the order to add to the language to include one additional parking space per every five dogs bordered.  
7yeas

Item #8883 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED,

WHEREAS, at the request of Amy Beckwith, the Town Council reviewed the language in the Land Use and Development Code regarding dog kennels and concluded that the language needed to be clarified with more appropriate performance standards, and

WHEREAS, after a proposal was developed by the Town Councils Ordinance Committee, the Council forwarded it to the Planning board, and

WHEREAS, after having the Planning Board recommend approval with some changes to the proposed language which was approved by the Town Council on May 6, 2014, sent the proposal back to the Ordinance Committee who unanimously recommended that the Town Council approve



- d) Well ventilated so as to provide constant fresh air.
- e) Maintained at a comfortable temperature.
- f) Maintained in a clean and sanitary condition at all times. Any animal excrement shall be removed at least twice daily from the dog pens and runs. Each pen shall be washed down with water and disinfectant cleaner as often as necessary to maintain a safe and sanitary condition for the dogs, but in no event less than once each day.
- 5) Any structure used for housing the dogs shall have its floor constructed of cement, asphalt or a similar material.
- 6) Outside containment areas shall be enclosed with fencing with a height of no less than eight (8) feet.
- 7) All dog pens shall provide sufficient room for the dogs housed therein to turn about freely, to stand erect, and to lie down in a natural position.
- 8) Any storage container used for holding waste that includes animal excrement shall be kept tightly covered at all times and emptied at least once every two (2) days. Such container shall be located in accordance with the setback requirements for structures as stated in this section.
- 9) All dogs shall have access to shelter to protect them from the weather.
- 10) The dogs shall be provided with sufficient fresh water and wholesome food so as to maintain their health. Food and water containers shall be kept clean and sanitized.

5 yeas, 2 nays (Shepard, Phinney)

Chairman Phinney opened Public Hearing #6 to consider a proposal to amend Chapter I and Section II of the Land Use & Development Code to allow Airstrips, including runways and landing strips. There were two members from the Public who spoke against the proposal. Chairman Phinney closed the Hearing.

Moved by Councilor Robinson, Seconded by councilor Moulton and VOTED to waive the reading of the order. 7 yeas

Moved by Councilor Hartwell, Seconded by Councilor Robinson and VOTED to amend the proposal to add the language of 100 feet of setback on the sides of the property and 250 feet of setback from the ends of the property. 6 yeas, 1 nay (Roullard)

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to amend the order to include yearly inspections by the Code office. 7 yeas

It was recommended to postpone the Order to the next Council Meeting and ask Staff to recommend a proposal to send to the Planning Board for a clean proposed order plus the two amendments. 6 yeas, 1 nay (Robinson)

Item #8885 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED that the Town accept a warranty deed from Justin and Kelly Dearborn for a turn-around on Davis Annex. 7 yeas

Item #8886 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED that the Town Council ask the Ordinance Committee to bring forward the proposal to adopt the current NFPA 101 Life Safety Code used by the State, as the Town's Life Safety Code, and include language that future Life Safety Codes adopted by the State would automatically become the Town's Life Safety Code, for the Council to consider at their May 5, 2015 Council Meeting. 5 yeas, 2 nays (Robinson, Shepard)

Item # 8887 Moved by Councilor Robinson, Seconded by Councilor Moulton and ORDERED that the Town Council ask staff to prepare an amendment to the Policy for the Disposal of Tax Acquired Property, adopted by the Town Council on August 6, 2013, that would require the Town Council to vote to approve or not approve any proposal, to dispose of tax acquired property, without further negotiations with the prior owners of the property. 7 yeas.

Prior to the vote, Bernard Broader spoke in opposition of the item.

Item #8888 Moved by Councilor Robinson, Seconded by Councilor Shepard and ORDERED that the Town Council refer a proposal to amend Chapter II, Section IV, (C) (C) 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, to the Planning Board for their Public Hearing and recommendation. 7 yeas

Item #8889 Moved by Councilor Roullard, Seconded by Councilor Benner and ORDERED that the Town Council approve providing a dedicated "classroom" at the Little Falls Activity Center for the Lake Region Senior Center.

Moved by Councilor Hartwell, Seconded by Councilor Shepard and VOTED to amend the order to strike "Lake Region Senior Center" and replace with "a Senior Center: 1 yeas, 6 nays (Robinson, Benner, Phinney, Shepard, Moulton and Roullard)

Moved by Councilor Moulton, Seconded by Councilor Hartwell to MOVE the question. 4 yeas, 3 nays  
Motion failed (there must be 5 yeas to pass the motion)

2 yeas, 5 nays (Hartwell, Robinson, Phinney, Shepard, Moulton)

Chairman Phinney recessed the meeting for a 10 minute break.

Item #8890 Moved by Councilor Hartwell, Seconded by Councilor Moulton and ORDERED that the Town Council refer a proposal to standardize the Public Record and notification process to define how Public notification is done and to include the records available on the Town website including but not limited to, the Town Manager's agenda comments and weekly report. 7 yeas

Item #8891 Moved by Councilor Hartwell, Seconded by Councilor Moulton and ORDERED that the Town Council go on record in support of the Governor's recently proposed budget, which includes a reduction in the State income tax, and the elimination of revenue sharing in the second year.

Prior to the vote, a citizen spoke in opposition of the order.

Moved by Councilor Robinson, Seconded by Councilor Hartwell to record no recommendation until further discussion by Council.

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to Table the item indefinitely. 5 yeas, 2 nays (Benner, Robinson)

Item #8892 Moved by Councilor Robinson, Seconded by Councilor Shepard and ORDERED that the Town Council accept the resignation of David Cole as the Town's Representative to the PACTS Policy Committee, and

BE it Further Ordered, that the Town Council appoint Bob Burns as the Town's Representative to the PACTS Policy Committee and appoint David Cole as the Town's alternate representative. 7 yeas

Moved by Councilor Robinson, Seconded by Councilor Shepard and VOTED to waive the reading of Order #8893. 7 yeas.

Item #8893 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED that the Town Council join the Metro Regional Coalition by adopting the following resolution:

#### RESOLUTION ENDORSING METRO REGIONAL COALITION

WHEREAS, Maine citizens and taxpayers expect quality municipal services from their Towns and Cities; and

WHEREAS, the cost of providing basic municipal services continues to increase as the overall cost of Living increases; and

WHEREAS, the local property taxes are the predominant funding source for these basic municipal Services, and

WHEREAS, Maine citizens and taxpayers expect their elected representatives and officials to diligently Explore the potential benefits, cost savings and efficiencies to be gained through collaborative Relationships within and among municipalities and other units of government; and

WHEREAS, the communities of the Greater Portland region have a long history of collaborating in the Provision of municipal services, including collaboration on solid waste management and recycling, Transportation planning and funding, public bus service, municipal water service, cooperative purchasing Alliances, as well as other examples, and

WHEREAS, representatives from the elected leadership and staff of the Cities of Portland, South Portland, and Westbrook together with the Towns of Cape Elizabeth, Falmouth and Scarborough have been meeting regularly on an informal basis since March 2006 for the purpose of expanding opportunities to collaborate in the provision of municipal services, including the identification of areas of common interest and the evaluation of new collaborative initiatives;

NOW, THEREFORE, BE IT ORDERED:

1. The Town of Gorham join the Metro Regional Coalition that include the above-referenced municipalities and working with staff of the Greater Portland Council of Governments and with the participation of the County of Cumberland, will meet on a regular basis as the Metro Regional Coalition for the purpose of finding, exploring, and implementing opportunities for regional cooperation in the provision of municipal services and infrastructure; and
2. That the Town of Gorham will designate as representatives to the Coalition an elected official and the Town Manager, and
3. That the representatives designated to the Coalition will select a rotating chair for a one year period who is responsible for calling and running meetings of the Coalition; and
4. That the representatives to the Coalition, from time to time, may designate subcommittees of the Coalition for the purpose of specific issues of regional cooperation.



AND BE IT FURTHER RESOLVED, that the Metro Regional Coalition shall adopt the following guiding principles:

1. Each participating municipality shall individually determine the extent to which it chooses to participate in the deliberations and initiatives of the Coalition; and
2. Participation in any projects, studies or initiatives developed through the Coalition will be voluntary by the municipal and county participants and other non-member municipalities and government organizations; and
3. Regional or collaborative efforts among any members of the Coalition should be pursued only if they either lower costs and/or improve services for the participating members; and
4. Successful regional or collaborative initiatives among members of the Coalition must offer a mutual benefit to all the participants; and
5. Members of the Coalition recognize that there is value in maintaining local community or neighborhood connections or identities; and
6. Members of the Coalition recognize that, by participating through a collaborative or regional process, each member can benefit through the sharing of information to achieve "best practices" developed in one or more of the communities; and
7. Membership in the Metro Regional Coalition is not limited to existing participating members, but may be broadened to include other communities upon mutual agreement of member and prospective member municipalities or government organizations. And

Be It Further Ordered, that the Town Council designate David Cole as one of the Town's representatives, and designate the Chair of the Town Council as the other representative, with the Vice Chair as the alternate representative.

7 yeas

Item #8894 Moved by Councilor Shepard, Seconded by Councilor Moulton and ORDERED that the Town Council write-off all taxes and costs for the 2010 fiscal year for Northern New England Telephone Operation, D/B/A Fair Point Communications because of an inability to collect because the taxes were discharged by the United States Bankruptcy Court for the Southern District of New York. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to take an Item not on the agenda. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to accept the proposal to approve a purchase and sell agreement to sell the Irish property located off Libby Avenue (Tax Map 47, Lot 3) to Stephanie, Joshua and David Irish, after receiving full payment of all outstanding taxes and costs. 7 yeas

Item #8895 Moved by Councilor Moulton, Seconded by Councilor Shepard and ORDERED that the Town Council go into Executive Session pursuant to Title 36 MRSA Section 841 (2) to review one application for an abatement of taxes based on poverty and pursuant to Title 1 MRSA, Section 405 (6) (D) to discuss a proposed labor contract with the Employees in the Fire and Rescue Department. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to come out of Executive Session. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to postpone action on an application for an abatement of taxes because the Town is still waiting for more information from the applicant. 7 yeas

Moved by Councilor Robinson, Seconded by Councilor Moulton and VOTED to approve a new 2 year labor contract from July 1, 2014 to June 30, 2016 with the Fire Department. 6 yeas, 1 nay (Hartwell)

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to adjourn. 7 yeas

Time of Adjournment: 10:36PM

A True Record of Meeting

ATTEST: \_\_\_\_\_  
Laurie Nordfors, Deputy Town Clerk