

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
MAY 5, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 10 members of the public in attendance at the start of the meeting.

Roll Call: Chairman Phinney; Councilors Roullard, Moulton, Shepard, Benner, Robinson, Hartwell. Also present; Town manager David Cole and Town Clerk Jennifer Elliott.

Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to approve the Town Council minutes from the April 7, 2015 meeting. 7 yeas

Open Public Communications

Matt Reed from South Branch Drive asked for clarification on the proposed tax increase from the School and the Town.

Councilor Communication

Councilor Robinson reported that the Ordinance Committee had met and 2 of the items they had discussed were this evening's agenda.

Councilor Benner reported that she, along with Councilor Shepard attended the ribbon cutting for the Senior Center at the little falls building and it was a great success. She also recognized Alice Keddy for running the very well-used Health Loaner Closet.

Councilor Moulton reported that the Finance Committee has met and looked at where taxes are in the process and looking at budgets. The next meeting of the Finance Committee will be on May 21st. He stated that the Town does a great job at collecting taxes. He also acknowledged the Gorham youth Softball and Baseball Association, recognizing them and the fact that the Sea Dogs had chosen White Rock Field to re-do.

Councilor Hartwell stated that it was his uncle for whom the White Rock Field was memorialized after and that it had meant a lot to his family to have the field taken care of.

Town Manager Report

David Cole reported that he presented Lori Thompson with a 10 year pin. Lori is a paramedic with the Gorham Fire Department. He also reported that the applications for the Police Chief's position will remain open until May 14th.

School Committee Report

Dennis Libby, School Board Chairman, reported that the high school graduation will take place on June 7th at the Merrill Auditorium. The School Committee will meet with the Town Council on May 19th for a budget workshop. He stated that the Department of Education has given the school departments another year to fully implement the teacher effectiveness program. He recognized the maintenance

department for doing a tremendous job preparing the fields for spring competitions. The next School Committee regular meeting will be held on May 13th in the Council chambers at 7pm.

Chairman Phinney opened Public Hearing #1 to amend the Land Use and Development Code to allow airstrips, including runways and landing strips.

Susan Smith of Phinney Street spoke of her concern over the 100 foot side line and residency guidelines. Paul Smith of Phinney Street spoke of his concerns of hangers on the properties and emergency vehicle access.

There were no further comments and the hearing was closed.

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

Item # 8910

Whereas, the Town of Gorham has a Land Use Ordinance that does not define airstrips.

and

Whereas, the Towns Staff has relied on a prior interpretation made by the Code Enforcement Office to determine airstrips are allowed as an ancillary use,

and

Whereas, the Town Council has not established a policy on this subject,

and

Whereas, it is in the best intent of the Community for a clear policy to be established by the Town Council,

and

Whereas, the proposal had gone through multiple changes over an extensive period of time, particularly with the side setback requirements and license fees,

and

Whereas, the proposal was sent back to the Planning Board for a new Public Hearing on April 6, 2015,

and

Whereas, the Planning Board has recommend approval, with a revised side setback.

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

Chapter I: Zoning Regulations, Section V – Definitions:

Airstrip (includes Runways and Landing Strips): An area of land that is used or intended to be used for the landing and takeoff of aircraft. Airstrips shall not be allowed or considered an accessory use to any other use and shall only be allowed in those zoning districts where they are listed as a permitted or special exception use and shall be subject to the performance standards in Chapter II, Section XIV.

Runways: See Airstrips.

Amend Chapter I, Section VII – Suburban Residential District, B. Permitted Uses

17) Airstrip

Amend Chapter I, Section VIII – Rural District, B. Permitted Uses

22) Airstrip

Chapter II: General Standards of Performance, Section XIV – Airstrip: Any airstrip use shall meet the following standards and limitations:

- 1) Site plan approval by the Planning Board is required prior to the construction of an airstrip and start of the airstrip use.
- 2) Only one airstrip is permitted per lot and the airstrip surface shall be limited to grass only.
- 3) The length shall be a minimum of 500' and a maximum of 2,000'.
- 4) The edges of the airstrip shall meet the following setbacks from abutting property lines:
 - a. The ends of the airstrip shall be set back at least 250' from the property line.
 - b. The sides of the airstrip shall be set back at least 100' from the property line.
- 5) Planes using the airstrip shall be limited to visual flight operations and shall only operate between dawn to dusk.
- 6) There shall be no lighting of the airstrip or any control tower, except for low intensity landscape lighting utilized to identify the perimeter of the airstrip, and which is activated only for approach and take-off.
- 7) Planned touch and go landings are prohibited on the airstrip.
- 8) The use of the airstrip is limited to personal use by the owner of the property and shall not be used for any commercial uses including but not limited to, sky-diving, flying lessons, rental of aircraft or landing rights, or commercial maintenance or repair of aircraft.
- 9) The airstrip may not serve more than one lot nor shall deeded rights be granted in the airstrip to others.
- 10) Only the lot owner's aircrafts are allowed to be stored on the lot for longer than 72 hours A maximum of three (3) aircraft can be stored on a lot at any one time. The storage of aircraft can either be outdoors or in an airplane hanger.
- 11) The aircraft storage area shall be adequately buffered from abutting residential properties. Airplane storage areas must comply with the following standards:
 - a. Airplane storage buildings visible from abutting properties shall be designed so the façade of the building materials is compatible with surrounding properties.
 - b. Outside airplane storage areas shall be buffered from abutting properties by one of the following standards:
 - i. A native buffer strip consisting of at least fifty (50) feet of existing native trees, shrubs, and/or topography. The buffer area must contain enough low growth vegetation to effectively break up the storage area or the Planning Board may require a solid fence at least 6' in height be installed until such time as the low growth vegetation is adequate.
 - ii. A landscaped buffer strip of at least thirty (30) feet in width and consisting of a mix of plants, shrubs, and trees reaching an ultimate height of not less than (20) twenty feet and shall be planted and maintained. The Planning Board may require a solid fence be installed at least 6' in height

until such time as the landscaped buffer vegetation is sufficiently sized to buffer the airplane storage area.

iii. The Planning Board may, if requested by the applicant, approve an alternate screening plan which makes use of other methods to ensure that the view of the airplane storage area is adequately buffered from abutting properties.

- 12) The airstrip shall receive all necessary Federal and State approvals prior to final site plan approval by the Planning Board.
- 13) The storage of airplane fuel shall be limited to not more than 500 gallons and the applicant shall receive all required State and Federal permits prior to final site plan approval by the Planning Board.
- 14) The applicant shall apply for a yearly airstrip license and pay any applicable Town license fee, as the Town Council may from time to time establish by Council order, to the Code Enforcement Office, prior to January 31st. The Code Enforcement Office shall inspect the site yearly to ensure compliance with this section and the approved site plan.

Chapter IV: SITE PLAN REVIEW

SECTION II – APPLICABILITY

11) The establishment of an airstrip use.

SECTION III – CLASSIFICATION OF PROJECTS

2) Major Development –

a. The establishment of an airstrip use.

Proposed Order was Moved by Councilor Moulton, Seconded by Councilor Roullard. Moved by Councilor Moulton, Seconded by Councilor Shepard to AMEND the Order to 250 foot side setback instead of 100 foot. (Chapter II Section XIV 4-b). 6 yeas, 1 nay (Hartwell)

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to send the AMENDED Order to the Ordinance Committee and then to come back to the Council with recommendations after their review of items including House(s), 250 foot side setback, safe access and egress, hangers and fuel storage. 2 yeas, 5 nays (Roullard, Phinney, Benner, Robinson, Hartwell)

Moved by Councilor Shepard, Seconded by Councilor Moulton and VOTED to AMEND the Amended Order to strike “to the Code Enforcement Offer” from Chapter II, Section XIV, 14. 7 yeas

The Order, as amended VOTED 1 yea, 6 nays (Roullard, Moulton, Shepard, Phinney, Benner, Robinson) Item fails

Chairman Phinney opened Public Hearing #2 on a proposal to update the Towns Life Safety Code from the NFPA 101 2003 Life Safety Code to the NFPA 101 Life Safety Code used by the State of Maine.

There were no public comments and the hearing was closed.

Item #8911 Proposed order was Moved by Councilor Moulton, Seconded by Councilor Benner. Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to AMEND the order to state “Be It Further Ordered, that when the State adopts a new version of the Life Safety Code, the Town automatically adopts the same version that the State adopts.” 4 yeas, 3 nays (Benner, Robinson, Hartwell) The Order, as AMENDED to read as follows;

Whereas, the Town currently uses the 2003 version of the NFPA 101 Life Safety Code, and
Whereas, the State currently uses the 2009 version of the NFPA 101 Life Safety Code and is considering adopting a most recent version, and
Whereas the State’s Life Safety Code will prevail whenever there is a conflict, and
Whereas, all applications for commercial development must be reviewed under the States version of the NFPA 101 Life Safety Code, and
Whereas, having Developers, Architects, Engineers and Staff working with two versions of the Life Safety Code is a burden and can be confusing, and
Whereas, if the Town has the same Code as the State, the Town will be able to provide final interpretations regarding most questions about the Code and respond quicker than the State, thereby maximizing local control and provide a service to developers by saving time,
Now Therefore, Be It Ordered that the Town Council adopt the 2009 version of the NFPA 101 Life Safety Code, currently used by the State, and
Be It Further Ordered, that when the State adopts a new version of the Life Safety Code, the Town automatically adopts the same version that the State adopts.

7 yeas.

Chairman Phinney opened Public Hearing #3 on a renewal of a liquor license for Aramark Education Services.

There were no comments from the public and the hearing was closed.

Item #8912 Moved by Councilor Moulton, Seconded by Councilor Shepard and Ordered, that the Town approve the renewal of a liquor license for Aramark Educational Services located at USM, 37 College Ave. 7 yeas

Item # 8913 Moved by Councilor Roullard, Seconded by Councilor Hartwell and Ordered, that the Town Council accept a bid from Doug and Holly Carter to purchase the Town property at 10 Preble Street. 3 yeas, 4 nays (Roullard, Shepard, Phinney, Benner)
Items Fails

Item #8914 Moved by Councilor Moulton, Seconded by Councilor Shepard and Ordered that the Town Council endorse the concept of developing the Ecomaine parcel of land on lower Main Street, as proposed in the letter of April 22, 2015 from Jon and Dan Shaw, representing the Shaw Brothers Family Foundation, which includes providing access to the Presumptscot River with parking, constructing public walking trails, revitalizing hay fields, reserving road frontage on Rt. 25 for a local farmers market and associated commercial uses that would pay local property taxes. 7 yeas
Prior to the above vote, Jon Shaw asked the Council to support the concept and to support a letter from the Town to the member communities of EcoMaine, in favor of this project.

Item 8915 Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered that the Town Council appropriate \$1425 from the Gorham Village Parking Improvements Reserve Fund to provide funds for road marking in Gorham Village as soon as possible. 7 yeas

Item # 8916 Moved by Councilor Shepard, Seconded by Councilor Moulton and Ordered, that the Town Council accept the resignation of Dick Carter from the Board of Directors of the Gorham Economic Development Corporation, and

Be it Further Ordered that the Town Council express its sincere appreciation for the years of service provided by Dick Carter to the Town of Gorham. 7 years

Moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to waive the rules and take up an item not on the agenda. 7 years

Moved by Councilor, Seconded by Councilor Shepard and VOTED to accept the appointment of Bruce McLeod for a position on the Economic Development Corporation. 7 years

Item 8917 Moved by Councilor Robinson, Seconded by Councilor Benner. Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to POSTPONE action to consider a proposal to amend the Narragansett Development District, to the Planning Board for a Public Hearing and their recommendation, until the Town Council holds a Workshop on this item. 7 years

Item 8918 The proposed Order was Moved by Councilor Robinson, Seconded by Councilor Benner.

Moved by Councilor Moulton, Seconded by Councilor Robinson and VOTED to POSTPONE action to refer a proposal to amend Chapter II, of the Land Use and Development Code, to add a new section to establish performance standards for different levels of home occupations, to the Planning Board for a Public Hearing and their recommendation, until the Town Council holds a Workshop on the item.

7 years

Item #8919 Moved by Councilor Moulton, Seconded by Councilor Robinson and Ordered, that the Town Council accept an easement from Martins Point Health Care, Inc. on a 14.65 acre parcel of land behind their new medical building on lower Main Street for low impact outdoor recreation, like hiking, nature observation, picnicking and education purposes. 7 years

Item #8920 Moved by Councilor Roullard, Seconded by Councilor Robinson and Ordered, that the Town Council approve the following amendment to Section 4.3. 1 of the Council Rules:

4.3.1 Appointments Procedure.

1. Prior to recommending an applicant for service on the Planning Board, Board of Appeals or Economic Development Corporation, the Chair of the Appointments/Personnel Committee shall contact the Council Chair and the Chair of the volunteer board or committee to discuss the appointment or reappointment of the applicant.
2. Prior to recommending an applicant for service, ~~on the Planning Board, Board of Appeals, or Economic Development Corporation,~~ The the Town Council's Appointments/Personnel Committee ~~shall~~ may interview the applicant, ~~unless that applicant is currently serving on the committee.~~
3. The meeting agenda, the applications to be considered, and any other supporting documents shall be sent to Appointments/Personnel Committee members, in a timely manner, prior to the proposed meeting.
4. Applicants are encouraged to attend a meeting of the committee

to which they wish to be appointed.

7 yeas

Item # 8921 Moved by Councilor Robinson, Seconded by Councilor Roullard and Ordered, that the Town Council amend Section 4 of the Policy for Disposal of Tax Acquired Property to add a new paragraph 4 (d) as follows:

d. When the Town Council receives a recommendation regarding the disposition of tax acquired property from the Finance Committee, the Town Council will not engage in further negotiations with the prior owner(s) or any other party until the recommendation from the Finance Committee has been approved, or not approved, by a vote of the Town Council.

7 yeas

Item # 8922 Moved by Councilor Hartwell, Seconded by Councilor Moulton and Ordered, that the Town Council ask the Ordinance Committee to review Gorham's Solid Waste Flow Control Ordinance to update, where appropriate and to add language that commercial dumpsters must be clearly marked with the name and phone number of the contractor who owns it. 7 yeas

Item # 8923 Moved By Councilor Hartwell, Seconded by Councilor Moulton. Moved by Councilor Shepard, Seconded by Councilor Moulton and VOTED to POSTPONE action to consider approving moving the voting location from the Middle School to either the Little Falls Activity Center or the Great falls Elementary School, until the next Council meeting on June 2nd. 7 yeas

Item #8924 Moved by Councilor Moulton, Seconded by Councilor Robinson and Ordered that the Town Council authorize the Town Clerk to issue the warrant for the June 9, 2015 School Budget Validation Election; and,
Be It Further Ordered, that the polls be open from 7:00 am until 8:00 pm; and,
Be it Further Ordered, that the Town Council appoint the following persons for the designated voting districts and if any of the following should fail to serve the Town Council hereby authorizes the Town Clerk to appoint substitutes:

District 1- Susan Emerson, Warden and Laurel Smith Ward Clerk
District 2 – Marty Towle, Warden, Nancy Kenty Ward Clerk
Central –Laurie Nordfors, Warden Paula Nystrom Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:00 am to 4:00 pm on Tuesday June 2nd, 2015 and Wednesday June 3rd, 2015; between the hours of 8:00 and 7:00 pm on Thursday June 4th, 2015, between the hours of 8:00 am and 1:00 pm on Friday June 5th, 2015 and between the hours of 8:00 am and 4:00 pm on Monday June 8th, 2015, and

Be It Further Ordered, that the Town Clerk be authorized to process absentee ballots Tuesday June 9, 2015 at the Central Voting District at 9:00 am, 3:00 pm and 8:00 pm.

7 yeas

Item #8925 Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered, that the Town Council write-off all outstanding taxes and costs for a Mobile Home located at 14 Chestnut Circle that was acquired by the Town through multiple foreclosed tax liens, and

Be It Further Ordered, that because the Mobile Home was inspected by the Town and is considered to be in very poor condition with little value, the Town Manager is authorized to convey the Mobile Home to Friendly Village to allow them to dispose of it. 7 yeas

Item # 8926 Moved by Councilor Moulton, Seconded by Councilor Benner and Ordered, that the Town Council, recognizing that the 2 recycling containers located behind the Public Safety Building and the 2 recycling containers located at Public Works, create a mess with recycled material blowing around the area that requires constant maintenance and also attracts illegal dumping of trash that is difficult to enforce, creating an expense for Gorham Tax payers, eliminates the 4 recycling containers, effective the week of June 1, 2015. 7 yeas (Roullard, Moulton, Shepard, Phinney, Benner, Robinson, Hartwell) Item Fails

Item # 8927 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 an application for an abatement of taxes based on poverty. 7 yeas

Moved by Councilor Phinney, Seconded by Councilor Moulton and VOTED to come out of executive session. 7 yeas

Moved by Councilor Phinney, Seconded by Councilor Robinson and VOTED to recognize that Councilor Shepard has a potential conflict of interest in the item under consideration and allowed him to leave the meeting and not participate. 6 yeas

Moved by Councilor Moulton , Seconded by Councilor Benner and VOTED to go back into executive session pursuant to Title 36 MRSA Section 841 (2) to review an application for an abatement of taxes based on poverty. 6 yeas

Moved by Councilor Moulton, Seconded by Councilor Robinson and VOTED to come out of executive session. 6 yeas

Moved by Councilor Moulton, Seconded by Councilor Phinney and VOTED to not grant an abatement of taxes based on poverty to applicant A14-2. 6 yeas

Moved by Councilor Moulton, Seconded by Councilor Robinson and VOTED to Adjourn. 6 yeas

Time of adjournment 9:43 P.M.

A True Record of Meeting

ATTEST: _____

Jennifer Elliott, Town Clerk

