

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
OCTOBER 6, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 16 members of the Public in attendance at the start of the meeting.

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

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to accept the minutes of the September 1, 2015 Regular Town Council Meeting. 7 yays

Open Public Communications

Tabitha Swanson spoke about the upcoming Founders Festival on October 16 and 17. There are many events planned and they will be honoring the Irish Family from Gorham.

Councilor Communications

Councilor Moulton reported that the next finance committee meeting will be October 27, 2015 at 5pm.

Councilor Roullard reported that the Historical Preservation Committee will meet on October 8, 2015 and there will be a Public Forum that begins at 6pm.

Councilor Phinney thanked the Public Works Department for the great job they are doing on the Little Falls Recreation Area Ball Fields. He reported that one field is seeded and they are working on the remaining two. He also thanked Public Works and the Police Department for their help with the epic rain event the Town had last week.

Town Manager Report

David Cole also thanked Public Works for their wonderful job with the streets during the rain event. He reminded people of the upcoming Election on November 3, 2015 and urged everyone to get out and vote. He also noted that absentee ballots are available starting Wednesday, October 7, 2015.

School Committee Report

Denis Libby reported about the issue of school dances and the decision of the GHS administration to cancel them except for Prom. This was a school level decision that was decided at the end of last school year. He also reported about the growth in school enrollment over the last year. The School Committee is working with a District Leadership Team to assess what is important to the Gorham School District. They also will be rolling their new budget development process based upon a needs based budgeting approach at their next meeting which will be Thursday, October 15th in the upstairs conference room adjacent to the Superintendent's office at 7:00pm.

Old Business

Item # 8854 Moved by Councilor Shepard, Seconded by Councilor Moulton and VOTED to table the item to divide Ward 1 into two voting districts until Staff obtains more information from the Secretary of States Office. 7 yays

Item # 8858 Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to replace the word "approved" with "received" 7 yays

Ordered, that the Town Council receive the update of the Town of Gorham Main Street Master Plan. 7 yays

Item # 8862 Ordered, that the Town Council refer a proposal to adopt a residential transfer overlay district off New Portland Road, near the Gorham/Westbrook Town line, to the Planning Board for a Public Hearing and their recommendation. 7 nays (All Councilors)

New Business

Chairman Phinney opened Public Hearing # 1 on a proposal for a Contract Zone on property located at the intersection of Mosher Road (Rte. 237) and Main Street (Rte. 25) for Sebago Brewing Company to construct a Brewer, Manufacturing and Warehouse facility, Events/Function area, Restaurant and Corporate Offices with reduced setbacks and parking in front, an ATM facility and appropriate signs.

Moved by Councilor Robinson, Seconded by Councilor Roullard and VOTED to Table this Public Hearing and Item # 8963 until the Planning Board makes a recommendation.
7 yays

Chairman Phinney opened Public Hearing #2 on a proposal to amend Chapter II, Section III, Signs, of the land Use and Development code to allow off-premise signs with larger dimensional variations in limited situations in Gorham village. There were no comments from the Public and the Hearing was closed.

Item # 8964 Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the Item. 7 yays

Moved by Councilor Robinson, Seconded by Councilor Shepard and VOTED to amend the order to adopt the Planning Board's recommendations. 7 yays

Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED,

Whereas, the Town's Land Use and Development Code has a section regulating signs in Gorham Village that does not allow off-premise signs and restricts the size of signs, and Whereas, if the existing regulation was followed, it would lead to multiple signs located side by side that would confuse people intending to shop at one of the businesses, clutter the landscape by essentially creating sign pollution and thereby create a distraction for people driving vehicles who are attempting to find these businesses, and Whereas, the Town Council wishes to enhance the experience of people by allowing

Directional signs that assist people and reduce distraction and confusion while they are Driving,

Now Therefore Be It Ordered, that the following amendment is approved:

CHAPTER II: GENERAL STANDARDS OF PERFORMANCE

SECTION III - SIGNS

D. PROHIBITED SIGNS, DISPLAYS, AND RELATED MATERIALS

- o) Off-Premises Signs: All signs must be located on the same lot as the use or occupant that is the subject of the sign or where the goods or services are available except as specifically provided for in this section. Off-premises signs are allowed only for Exempt Signs in accordance with subsection C., Official Business Directional Signs in accordance with subsection H., Business Park Identification Signs in accordance with subsection I, ~~and~~ Farm Stand Signs in accordance with subsection E. ~~Performance Standards~~, 13) ~~Farm Stand Directional Signs~~ **and Village Shared Entrance Signs in accordance with subsection E., 14).**

E. PERFORMANCE STANDARDS

14. **Village Shared Entrance Signs: Lots that share entrance(s) as the only means of access into their lots are allowed to utilize a shared entrance sign(s). The sign will only advertise the businesses located on the lots utilizing the shared driveway and a readerboard sign is not allowed as part of the sign. The sign shall only be an externally illuminated sign and must reflect Village character in the design. No internally illuminated sign shall be allowed.**

Only one Shared Entrance Sign is allowed per street. For lots with shared entrances located on more than one street, one Village Shared Entrance Sign is allowed per street. No other freestanding signs are allowed for lots whose businesses utilize space on a shared entrance sign. Village Shared Entrance Signs and any associated exterior lighting are required to be approved as part of a site's Master Sign Plan.

G. PERMITTED NON-RESIDENTIAL SIGNS

- 1) Village Environment
- b) Multi-Occupant Property
- (1) Allowed Freestanding Signs
- (a) Ground-Mounted Project Signs: One ground-mounted project sign having not more than twenty-four (24) SF of sign area and being not more than eight (8) feet high for each frontage from which the property has vehicular access
- (b) Ground-Mounted Directory Signs: One ground-mounted directory sign having not more than twenty-four (24) SF of sign area and

- being not more than eight (8) feet high for each frontage from which the property has vehicular access
- (c) Combination Ground-Mounted Project/Directory Signs: One combination ground-mounted project/directory sign having not more than forty-eight (48) SF of sign area and being not more than eight (8) feet high for each frontage from which the property has vehicular access but only if the property has no other freestanding project or directory signs.
- (d) Village Shared Entrance Signs: One shared entrance sign is allowed to be up to 56 sq.ft. in total area for all businesses on the sign and no more than 14' in height. For properties with multiple shared entrances onto different streets, only one shared entrance sign is allowed to have up to 56 sq.ft. in total area for all businesses on the sign and no more than 14' in height; all other shared entrance signs must conform to the height and sign area allowed under the Village Sign Environment Combination Ground-Mounted Project/Directory Sign.

The Amended Order was VOTED. 7 yays

Chairman Phinney opened Public Hearing # 3 on a referendum question to amend Section 901 of the Town's Charter to allow the Town to accept and expend a third party grant of 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.

There were no Public comments and the Hearing was closed.

Councilor Phinney opened Public Hearing # 4 on 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 Maine Department of Transportation and Portland Water District for a combined project estimated at \$2.2 million.

There were no Public comments and the Hearing was closed.

Councilor Phinney opened Public Hearing #5 on a referendum to authorize that the Town borrow and expend \$1,175,000 for major roof, locks and hardware and mechanical equipment projects at Gorham Schools.

There were no Public comments and the Hearing was closed.

Councilor Phinney opened Public Hearing #6 on an amendment to the Town's General Assistance Ordinance to update the maximum levels of assistance.

There were no Public comments and the Hearing was closed.

Item # 8968 Moved by Councilor Moulton, Seconded by Councilor Shepard and ORDERED, that the Town Council adopts the new maximum levels of assistance as issued by the State of Maine. 7 yays

Councilor Phinney opened Public Hearing # 7 on a renewal Liquor License for Ocean Gardens Restaurant and Tavern, 390 Main Street.

There were no Public comments and the Hearing was closed.

Item # 8969 Moved by Councilor Shepard, Seconded by Councilor Moulton and ORDERED, that the Town Council approve a renewal liquor license for Ocean Gardens Restaurant and Tavern. 7 yays

Councilor Phinney opened Public Hearing # 8 on renewal liquor license for Gorham Sports Center, 215 Narragansett Street.

There were no Public comments and the Hearing was closed.

Item # 8970 Moved by Councilor Shepard, Seconded by Councilor Moulton and ORDERED, that the Town Council approve a renewal liquor license for Gorham Sports Center. 7 yays

Councilor Phinney opened Public Hearing # 9 on renewal application for Automobile Graveyards/Junkyard

Permits for 2016.

There were no Public comments and the Hearing was closed.

Item # 8971 Moved by Councilor Shepard, Seconded by Councilor Moulton and ORDERED, that the Town Council approves renewal application for the following Automobile Graveyard/Junkyard Permits for 2016:

STEVE LUCE	LKQ CORP./GORHAM AUTO	176 NARRAGANSETT ST
CHRIS CASTALDO	346 SOUTH STREET LLC	346 SOUTH STREET
JIM STONE	CASCO FED CREDIT UNION	375 MAIN STREET
GARY NELSON	CHE T'S AUTO SALES	475 OSSIPEE TRL
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL RD
SHAWN MOODY	MOODYS/ INS AUTO AUCTION	200 NARRAGANSETT
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW RD

The Item was VOTED 7 yays

Item # 8973 Moved by Councilor Benner, Seconded by Councilor Shepard and ORDERED, that the Town Council refer a request from Scott Guimond, for a contract zone on an approximate 17 acre parcel of land (Tax map 57, Lot 1) off Route 25 in West Gorham, to consolidate and grow his business, National Attachments to the Planning Board for a Public Hearing and their recommendations.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to postpone the Item until the Applicant has more information on the request and staff is ready to bring it to the Council. 7 yays

Item # 8974 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED, that the Town Council appropriate funds, that have been deemed excess or surplus funds, by the MainePERS (the State Retirement System) as follows:

1. \$371,738.47 to the School Department for School purposes.
2. \$396,844.92 to be placed in a reserve fund with annual appropriations of \$30,000 to be used as contributions towards the Town's annual costs of the State Retirement System (MainePERS), until the fund is depleted

The Item was VOTED 7 yays.

Item # 8975 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED, that the Town Council accept a bid from Aceto Construction in the amount of \$142,904 to reconstruct a sidewalk in Little Falls, using Community Development Block Grant Funds, and Town Funds. 7 yays

Item # 8976 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED, that the Town Council inform the Maine Department of Transportation, that because the estimated project costs have increased significantly, the Town is not going to accept a Grant for Federal Project AC-STP-1938 (500) X; Maine DOT WIN 19385, and
Be It Further Ordered that they express its appreciation to MDOT and its Staff for their prior work on the project. 7 yays

Moved by Councilor Robinson, Seconded by Councilor Moulton and VOTED to Adjourn. 7 yays
Time of Adjournment: 9:00pm

A True Record of Meeting

ATTEST _____
Laurie Nordfors, Deputy Town Clerk