

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
JULY 7, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 12 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 Roullard and VOTED to accept the minutes of the June 2, 2015 Regular Town Council Meeting.

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to accept the minutes of the June 23 and 25, 2015 Special Town Council Meeting.

Open Public Communications

Susan Duchaine of 166 Narragansett Street commented that it has been ten months since her request to add an addition of a garage at her business and she has not been giving the approval. She is concerned that she is not being treated fairly.

Matt Reed of South Branch Drive commented on his concerns of the impending Real Estate Evaluation increase and wanted to know when the new mil rate would be available to the Public.

Council Communications

Councilor Moulton reported that this month's Finance Committee Meeting was canceled and the next meeting will be held on August 19, 2015.

Town Manager Report

David Cole reported that he gave a 15 year Service Pin to Danny Grady of Baxter Memorial Library. He also reported that the Town received the prestigious Certificate of Achievement in Financial Reporting for the 11th year in a row and wanted to thank Sharon LaFlamme, Finance Director.

School Committee Report

Dennis Libby announced that the School Committee has appointed Becky Fortier as Principal of Great Falls School. He also reported that the general purpose aid for schools was finalized and as expected, is favorable for Gorham. He formally introduced to the Council, Heather Perry as our new Superintendent. Ms. Perry spoke and received a warm welcome from the Council. The next School Committee meeting is scheduled for September 9, 2015.

Chairman Phinney opened Public Hearing # 1 to consider a proposal to amend the Land Use and Development Code to allow larger accessory apartments.

Paul Smith of Phinney Street commented against the proposal and John Williams of Page Drive commented for the proposal. The hearing was closed.

Item # 8842 Moved by Councilor Robinson, Seconded by Councilor Rouillard and ORDERED
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.~~

Moved by Councilor Rouillard, Seconded by Councilor Robinson and VOTED to amend the Order to change the maximum square footage for accessory apartments from 660 square feet to 800 square feet.
4 yays, 3 nays (Benner, Shepard, Moulton)

Item # 8842 Voted 4 yays, 3 nays (Benner, Shepard, Moulton)

Chairman Phinney opened Public Hearing # 2 on a proposal to amend the Land Use and Development Code by allowing a residential garage as a principle use. There were no comments from the Public and the Hearing was closed.

Item # 8843 Moved by Councilor Robinson, Seconded by Councilor Roullard and ORDERED
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

Moved by Councilor Hartwell, Seconded by Councilor Roullard and VOTED to amend the Order to strike the two bullets (Vehicles or other residential items not owned by the lot owner and Commercial vehicles, equipment, tools, supplies, or material.) 3 yays, 4 nays (Benner, Moulton, Robinson, Shepard)

Moved by Councilor Roullard, Seconded by Councilor Shepard and VOTED to send the Item to the Ordinance Committee. 7 yays.

Chairman Phinney opened Public Hearing # 3 to approve a BYOB Permit for Terri Caldwell to host a GHS Class Reunion at the Harmony Masonic Hall, 33 Cressey Road. There were no comments from the Public and the Hearing was closed.

Item # 8844 Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to approve an application for a BYOB Permit for Terri Caldwell to host a GHS Class Reunion at the Harmony Masonic Hall, 33 Cressey Street. 7 yays

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

Item # 8845 Moved by Councilor Moulton, Seconded by Councilor Shepard and 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 ~~as~~ 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.

7 yays

Item # 8846 Moved by Councilor Moulton, Seconded by Councilor Sheppard and 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.

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to amend the order to add the verbiage approximately \$500,000 from Portland Water District. 7 yays

Item # 8846 Voted 6 yays, 1 nay(Robinson)

Item # 8847 Moved by Councilor Roullard, Seconded by Councilor Robinson and 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.

Moved by Councilor Roullard, Seconded by Councilor Robinson and VOTED to amend the order to add the verbiage expend \$1,175,500 and strike would be combined with \$440,000. 7 yays

Moved by Councilor Roullard, Seconded by Councilor Robinson and VOTED to postpone the item until the August Meeting and send it to a workshop. 7 yays

Item # 8848 Moved by Councilor Robinson, Seconded by Councilor Shepard and 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.

Moved by Councilor Robinson, Seconded by Councilor Shepard and VOTED to postpone the item until the August meeting and send it to a workshop. 7 yays

Item # 8849 Moved by Councilor Moulton , Seconded by Councilor Roullard and 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. 7 yays

Item # 8850 Moved by Councilor Roullard, Seconded by Councilor Shepard and 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. 4 yays,
3 nays(Robinson, Shepard, Moulton)

Item # 8851 Moved by Councilor Moulton, seconded by Councilor Roullard and ORDERED, that the Town Council approves the revised Collection Development Policy for Baxter Memorial Library, as recommended by the Trustees of the Library. 7 yays

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to Adjourn. 7 yays. Time of Adjournment 8:45

A true Record of Meeting

ATTEST _____
Laurie Nordfors, Deputy Town Clerk