

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 10, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 18 members of the Public in attendance at the start of the meeting.

Roll Call of the 2014-2015 Town Council: Chairman Phinney, Councilors, Roullard , Shepard, Benner, and Hartwell. Also Present: Town Manager David Cole and Deputy Town Clerk Laurie Nordfors.

Moved by Councilor Roullard, Seconded by Councilor Shepard and VOTED to accept the minutes of the October 6, 2015 Regular Town Council Meeting. 5 yays

Moved by Councilor Shepard, Seconded by Councilor Roullard and VOTED to accept the minutes of the October 26, 2015 Special Town Council Meeting. 5 yays.

#### Open Public Communications

There were no comments from the Public.

#### Councilor Communications

Councilor Hartwell thanked Councilor Moulton for all of his years of service to the Town of Gorham. He also congratulated Councilor Benner and Councilor Stelk.

Councilor Benner thanked all of the voters who came out and voted on Election Day. She thanked Councilor Moulton for his time served on the Council and is looking forward to the next 3 years.

Councilor Roullard congratulated Councilor Benner and Stelk on their victory and thanked Councilor Moulton for all that he has done for the Town. He reminded everyone that there will be a meeting of the Historical Preservation Committee on November 12, 2015

Councilor Phinney also thanked Councilor Moulton and congratulated Councilors Benner and Stelk.

#### Town Manager Report

David Cole reminded the Town Council that there will be a Councilor orientation on November 24, 2015 in Conference Room A. He reported that he attended a meeting last week with PWD about the Towns assessment of the sewer system and there will be no increase in rates for the 10<sup>th</sup> year in a row.

#### School Committee Report

Dennis Libby welcomed Councilor Stelk and welcomed back Councilor Benner to the Town Council. He reported that Tim Burns, and his self were re-elected to the School Board and Sean Curran was elected to the 1-year term of the School Board. GTA negotiations will begin next week and the Budget development for FY17 has begun. Superintendent Perry just reached a milestone of 200 interviews conducted as part of her entry plan as the new Superintendent of Gorham Schools She has shared on her blog the themes of the interviews that she has conducted thus far. The link to the blog is <http://gorhamsuperintendent.blogspot.com>. The next School Committee meeting is November 18, 2015.

## Election Report

Deputy Clerk Laurie Nordfors reported that last Tuesday's election had a turnout of 3639 voters casting their ballots, which is approximately 29% of Gorham's registered voters. The prevailing Candidates for the two 3-year terms on the Town Council were Marla Stelk and Sherrie Benner. The prevailing Candidates for the two 3-year terms on the School Board were Timothy Burns and Darryl Wright, and for the unexpired 1-year term, Sean Curran was elected by a write in vote. Voters also approved all three referendum questions for the Town and all three State referendum questions.

## Swearing in of the Newly Elected Town Councilor.

Deputy Clerk Laurie Nordfors swore in newly elected Town Councilor Sherrie Benner and Marla Stelk.

Roll Call of the 2015-2016 Town Council: Councilor Roullard, Stelk, Phinney, Benner, Hartwell, Shepard. Chairman Robinson arrived at 7:30pm

- Item # 8978 Moved by Councilor Phinney, Seconded by Councilor Shepard and Ordered, that the Town Council elect Matt Robinson as the Chair for 2015-2016.  
Moved by Councilor Phinney, Seconded by Councilor Shepard and Ordered to cease nominations for Chair for 2015-2016. 6 yays.  
Item # 8978 Voted, 6 yays.
- Item # 8979 Moved by Councilor Shepard, Seconded by Councilor Roullard and Ordered, that the Town Council elect Sherrie Benner as Vice Chair for 2015-2016.  
Moved by Councilor Shepard, Seconded by Councilor Phinney and Ordered to cease nominations for Vice Chair for 2015-2016. 6 yays.  
Item # 8979 Voted, 6 yays.
- Item # 8980 Moved by Councilor Phinney, Seconded by Councilor Shepard and Ordered, that the Town Council appoint the following people to the:  
Finance Committee: Ron Shepard, Chair, Bruce Roullard, Marla Stelk  
Ordinance Committee: Mike Phinney, Chair, Sherrie Benner, Ben Hartwell  
Appointments/Personnel Committee: Bruce Roullard, Chair, Sherrie Benner, Mike Phinney  
Economic Development/Capital Improvement Committee: Ben Hartwell, Chair, Ron Shepard, Marla Stelk  
Representative to Greater Portland Council of Governments: Bruce Roullard, Marla Stelk – alternate  
Representative to Ecomaine: David Cole  
Representative to Jetport Noise Abatement: Sherrie Benner  
Representative to PATS Policy Committee: Bob Burns, David Cole – Alternative  
Representative to Metro Regional Coalition: Matt Robinson, Sherrie Benner – Alternative, David Cole- Town Representative
- Item # 8981 Moved by Councilor Phinney, Seconded by Councilor Sheppard and Ordered, that the Town Council adopt the same rules for 2015-2016 as for 2014-2015. 6 yays

Councilor Benner opened Public Hearing # 1 on a proposal to amend the land Use & Development Code to adopt a Conditional Zone for the McLellan/Sampson House located on 77 South Street. There were no Public Comments and the Hearing was closed.

Moved by Councilor Phinney, Seconded by Councilor Shepard and VOTED to waive the reading of the order. 6 yays.

Item # 8982 Moved by Councilor Phinney , Seconded by Councilor Shepard  
Whereas, the Town would like to sell the property to increase the tax base of the community, allow the building to be more intensely used that its current use and potentially be a building that generates more opportunities for employment or housing and reduce the Towns future maintenance expense, and  
Whereas, the Town would like to have the building developed while maintain the historical integrity of the building,  
Now Be It Ordered that the Town Council approve the following Conditional Zone:

### **McLellan House Conditional Zone**

#### **SECTION XV – MCLELLAN HOUSE CONDITIONAL ZONE**

##### **A. PURPOSE**

To preserve the historic importance of the McLellan House and maintain the physical, aesthetic and social quality of Gorham's urban area and to provide for the location of a variety of residential and service uses in accordance with the standards of this chapter. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV, of this Code.

##### **B. PERMITTED USES**

- 1) One, two, or three-family dwellings, exclusive of mobile homes and exclusive of trailers.
- 2) Municipal building or use.
- 3) Municipal or private parking lots
- 4) Municipally owned parks and playgrounds.
- 5) Accessory residential uses, including home occupations.

6) Accessory Apartments

7) Business and professional offices.

**C. SPECIAL EXCEPTIONS**

1) Reserved

**D. SPACE STANDARDS**

	<u>Watered &amp; Sewered</u>
<u>Minimum lot size</u>	<u>None</u>
<u>Minimum area per dwelling unit</u>	<u>1,000 sq.ft.</u>
<u>Minimum street frontage</u>	<u>None</u>
<u>Minimum front yard</u>	<u>5 ft.</u>
<u>Minimum rear and side yards</u>	<u>5 ft</u>

Buildings higher than 30 feet shall have side and rear yards not less than 50% of  
building height.

<u>Maximum building height</u>	<u>None</u>
<u>Maximum building coverage</u>	<u>None</u>

**E. PERFORMANCE STANDARDS**

The performance standards contained in Chapter II of this Code shall be fully  
observed and that any building renovations shall be consistent with the below  
Historic Preservation Review Standards as determined by the **Planning Board**.

1. Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right, shall not be destroyed.
5. Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.
6. Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.
7. The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired

and,

Be it Further Ordered, that the Town Council adopt the updated zoning map dated November 2015 for the Town of Gorham.

Moved by Councilor Phinney, Seconded by Councilor Shepard and VOTED to postpone the item until the December Town Council Meeting. 6 yays

Councilor Benner opened Public Hearing # 2 on a proposal to amend Article X, Health Department, of the Administrative Code.

There were no comments from the Public and the Hearing was closed.

Moved by Councilor Phinney, Seconded by Councilor Stelk and Voted to waive the reading of the order. 6 yays.

Item # 8983      Moved by Councilor Phinney, Seconded by Councilor Stelk  
Whereas, the Town's Administrative Code requires the Health Officer to be a Physician, and  
Whereas, State Law recognizes that many professions and people are qualified to be Health Officers and allows for any qualified person to be a Health Officer, and  
Whereas, the Town wants to be able to consider any qualified person,  
Now Therefore Be it Ordered, that the Town Council adopt the following amendment to the Administrative Code:

## HEALTH OFFICER

### ARTICLE X

#### ~~HEALTH DEPARTMENT~~ OFFICER

##### Section 1001. Establishment

~~There shall be a Department of Public Health, the head of which shall be the Health Officer, who shall be a physician appointed by the~~ **The** Town Manager **shall appoint a Health Officer for a period of 2-years and until that officer's successor is appointed,** as provided under Section 306 of the Town charter. **The Health Officer shall meet the education, training or field experience requirements as currently provided in Title 22 MRSA Section 2251, or a combination thereof or meet those requirements within 6-months after appointment.** ~~There shall be one or more Plumbing Inspectors appointed by the Health Officer, to be under the direction of the Health Officer.~~

##### Section 1002. Duties of the Health Officer

The Health Officer shall ~~have charge and control of all functions involved in protecting and preserving the public health; he shall~~ have all power provided by State law **and** Town ordinance relative thereto.

~~Section 1003. License Inspections.~~

~~Shall inspect promptly all premises for any license which requires certification by the Health Officer, and either deliver to the Town Clerk promptly a certificate to the effect that health laws are complied with and that proper sanitary conditions exist, or promptly advise the Town Clerk of his refusal to so certify and of the reasons for such refusal.~~

Section 1004. Complaints.

Shall receive and investigate all complaints made by any of the inhabitants of Gorham concerning nuisances dangerous to health within the limits of the Town and take such action as may be authorized by law.

Section 1005. Action in case of law violation.

Subject to the approval of the **Town Manager, the Health Officer** shall institute or cause to be instituted civil or criminal action for violation of any health law or ordinance and shall stand ready to appear as complainant and/or witness in all legal proceedings against all alleged violation of said law or ordinance.

~~Section 1006. Plumbing Inspector~~

~~The Plumbing Inspector or Inspectors shall perform such duties as may be required by state law and by any ordinance of the Town.~~

~~1006.01 Cooperate with the department heads of the Town Government in the best interest of public safety.~~

Item # 8983 was VOTED 6 yays

Councilor Benner opened Public Hearing #4 on a renewal of a Restaurant Liquor License for the Gorham House of Pizza.

There were no comments from the Public and the Hearing was closed.

Item # 8984                    Moved by Councilor Phinney, Seconded by Councilor Roullard and Ordered, that the Town Council approve a renewal Liquor License for Angelo Sotiropoulos d/b/a Gorham House of Pizza located at 2 State Street. 6 yays

Councilor Benner opened Public Hearing # 5 on a renewal of a Restaurant Liquor License for Sebago Brewing Company.  
There were no comments from the Public and the Hearing was closed.

Item # 8985                    Moved by Councilor Roullard, Seconded by Councilor Phinney and Ordered that the Town Council approve a renewal Liquor License of Sebago Brewing Company located at 29 Elm Street.

Item # 8986                    Moved by Councilor Roullard, Seconded by Councilor Stelk and Ordered, that the Town Council refer a petition from Dick Pratt, asking to ban thru trucks on Files Road, to the Ordinance Committee for their review and recommendations. 6 yays, 1 nay(Phinney)

Item # 8987                    Moved by Councilor Phinney, Seconded by Councilor Benner and Ordered, that the Town Council refer a request from Mark Faulkner, to re-zone the right side of Shaws Mill Road from Suburban Residential-Manufactured Housing to Roadside Commercial, to the Ordinance Committee for their review and recommendation. 7 yays

Item # 8988                    Moved by Councilor Phinney, Seconded by Councilor Shepard and Ordered, that the Town Council accepts a proposal form Milone & MacBroom to conduct a study of the options for removing utility lines in Gorham Village, and Be it Further Ordered that the Town Council appropriate \$45,614, received from Ecomaine as a recycling dividend toward this study and related work. 7 yays

Item # 8989                    Moved by Councilor Phinney, Seconded by Councilor Roullard and Ordered that the Town Council appoint Hilary Hamilton to serve on the Baxter Memorial Library Board of Trustees for a term to expire in 2018. 7 yays

Item # 8990                    Moved by Councilor Phinney, Seconded by Councilor Shepard and Ordered that the Town Council select Peter Mason as the Real Estate Broker to assist the Town for a 2-year period from January 1, 2016 to January 1, 2018 in accordance with the proposal submitted by him.



Moved by Councilor Phinney, Seconded by Councilor Roullard and VOTED to amend the order to send it back to the Finance Committee. 7 yays.

Item # 8991 Moved by Councilor Phinney, Seconded by Councilor Roullard and Ordered, that the Town Council ask Staff to draft an amendment to the Streets and Sidewalks Ordinance to restrict parking on State Street and College Avenue to 2-hours for the Council to consider at their next regular meeting. 7 yays

Item # 8992 Moved by Councilor Phinney, Seconded by Councilor Shepard and Ordered, that the Town Council authorize the Town Manager and Public Works Director to submit a Project identification form to PACTS and MDOT for a project to pave South Street, replace traffic signal loop detectors where needed, widen shoulder where appropriate and repair structural lane pavement where needed, with an estimated cost of \$1,628,148 (federal share \$1,221,111 and local Town match of \$407,037) with a requested project in 2018. 7 yays

Item # 8993 Moved by Councilor Hartwell, Seconded by Councilor Benner and Ordered that the Town Council correct the minutes of the August 4, 2015 regular meeting of the Gorham Town Council by correcting the vote on Order 8856 to reflect a 5-2 (Hartwell and Moulton) vote instead of the current minutes which reflects vote of 7-0. 7 yays

The Town Council moved into conference room A to continue with their special organizational meeting.

Moved by Councilor Hartwell, Seconded by Councilor Phinney and VOTED to appoint Councilors Ron Shepard, Bruce Roullard and Marla Stelk to the Finance Committee, with Councilor Shepard as the Chair, for the 2015- 2016 year. 7 yays

Moved by Councilor Benner, Seconded by Councilor Roullard and VOTED to appoint Councilors Mike Phinney, Sherrie Benner, and Ben Hartwell to the Ordinance Committee with Councilor Phinney as the Chair, for the 2015- 2016 year. 7 yays

Moved by Councilor Phinney, Seconded by Councilor Shepard and VOTED to Adjourn. 7 yays  
Time of Adjournment: 9:10 pm

A True Record of Meeting

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