

AGENDA & PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
June 1, 2010 – 7:00 p.m.
Gorham Municipal Center – Council Chamber

PLEASE NOTE: The proposed orders on this agenda are suggested orders only and may change without notice prior to the meeting.

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the May 4, 2010 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

School Committee Report

New Business

Public Hearing #1 Public Hearing to consider issuance of a Special Amusement Permit for PineCrest Bed & Breakfast Inn, LLC.

Item #7850 Action to consider issuance of a Special Amusement Permit for PineCrest Bed & Breakfast Inn, LLC. (Adm. Spon.)

Proposed Order #7850 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Special Amusement Permit for PineCrest Bed & Breakfast Inn, LLC.

Public Hearing #2 Public Hearing to consider issuance of a Mass Gathering License to Life Church.

Item #7851 Action to consider issuance of a Mass Gathering License to Life Church. (Adm. Spon.)

Proposed Order #7851 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Mass Gathering License to Life Church for the Kids Karnival event on June 26, 2010.

Public Hearing #3 Public Hearing to consider renewal of a Liquor License for Ocean Garden Restaurant.

Item #7852 Action to consider renewal of a Liquor License for Ocean Garden Restaurant. (Adm. Spon.)

Proposed Order #7852 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of a Liquor License for Ocean Garden Restaurant.

**Public
Hearing #4**

Public Hearing for the proposed 2010/2011 fiscal year budget. (Items #7853 & #7854)

Item #7853

Action to consider adopting a budget for the School Department for the 2010/2011 fiscal year. (Adm. Spon.)

**Proposed
Order #7853**

BE IT ORDERED by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the following school budget items be adopted and approved for fiscal year 2010-2011:

That **\$12,917,634** be authorized to be expended for Regular Instruction; that **\$4,845,970** be authorized to be expended for Special Education; that **\$483,666** be authorized to be expended for Career and Technical Education; that **\$532,924** be authorized to be expended for Other Instruction; that **\$1,955,218** be authorized to be expended for Student and Staff Support; that **\$674,667** be authorized to be expended for System Administration; that **\$1,634,490** be authorized to be expended for School Administration; that **\$1,576,591** be authorized to be expended for Transportation and Buses; that **\$2,472,569** be authorized to be expended for Facilities Maintenance; that **\$3,050,248** be authorized to be expended for Debt Service and Other Commitments; and that \$0 be authorized to be expended for All Other Expenditures.

BE IT FURTHER ORDERED:

1. That **\$30,143,977** appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$10,296,525** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

2. That **\$744,512** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER ORDERED, that **\$1,706,614** be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$1,102,481.91** as required to fund the budget recommended by the school committee.

The school committee recommends **\$1,706,614** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,102,481.91**: The state's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new state Essential Programs and Services (EPS) model.

Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

BE IT FURTHER ORDERED, that the school committee be authorized to expend **\$30,143,977** for the fiscal year beginning July 1, 2010 and ending June 30, 2011 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

BE IT FURTHER ORDERED, that in addition to amounts approved in the preceding orders, shall the School Committee be authorized to expend federal stabilization funds and such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

Note: It is currently estimated that the School Committee will receive **\$755,079** in federal stabilization funds, which are included in the expenditures authorized by this order.

BE IT FURTHER ORDERED, that the Town will appropriate **\$219,050** for adult education and raise **\$109,050** as the local share; with

authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

Item #7854 Action to consider adopting a municipal budget for the 2010/2011 fiscal year. (Adm. Spon.)

Proposed Order #7854 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled vote to adopt the 2010-2011 Fiscal Year Budget with the following departmental totals:

General Government	\$ 1,176,869
Public Safety	\$ 3,469,857
Public Works/Solid Waste/Engineering & Insp Services	\$ 2,317,667
Health & Welfare and Social Service Agencies	\$ 83,835
Recreation/Community Center/Cable	\$ 315,229
Libraries and Museum	\$ 429,445
Planning and Development	\$ 271,965
Debt & Interest	\$ 1,200,314
Capital Items	\$ 167,044
Insurance	\$ 1,950,050
Other Town Services and Unclassified	\$ 117,690
	Subtotal \$11,499,965
Cumberland County Property Tax	\$ 766,668
	Total <u>\$ 12,266,633</u>

BE IT FURTHER ORDERED that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and,

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of \$1,128,800.00 to be funded from the town's undesignated fund balance; and,

BE IT FURTHER ORDERED that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on **November 15, 2010** shall commence bearing interest on **November 16, 2010**, and that the final half of all real estate and personal property taxes that remain unpaid on **May 15, 2011**, shall commence bearing interest on **May 16, 2011** at the interest rate of **7.0%** per annum as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and,

BE IT FURTHER ORDERED that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and,

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate of **3.0%** per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and,

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers.

Item #7855 Action to consider establishing a policy for computer use by elected officials. (Adm. Spon.)

Proposed Order #7855 **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled adopt the Policy for Computer Use by Elected Officials, as presented.

Proposed Policy for Computer Use by Elected Officials

Section 1. Definitions.

1.1 “Elected Official” means any duly elected member of the Town Council.

1.2 “Electronic Communication” means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, accessed by, or stored upon, any part of the System, including, but not limited to e-mail and Internet usage.

1.3 “System” means all computers, servers, intranet, Internet, e-mail, and other electronic communication, data storage systems, or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the System.

Section 2. Purpose.

2.1 The intent of this policy is to provide clearly defined expectations and responsibilities relating to the use of the Internet and Electronic Communications on computers designated for Elected Officials.

2.2 The Town has computers that are available for use by Elected Officials during their term in office. Elected Officials may obtain a computer for Town business use by contacting the Town Manager’s Office and signing the Computer Use Form. Nothing in this paragraph shall be construed to require an Elected Official to use a computer, as this program is entirely voluntary.

2.3 The intended use of these computers is to assist Elected Officials

in the conduct of official Town business and not to conduct any personal business, except in emergency situations.

2.4 This policy may be changed and/or supplemented by the Town from time to time.

Section 3. Computers and Data are Town Property.

3.1 Town computers provided to elected officials are property of the Town and must be returned to the Town upon expiration of the Elected Official's term of office.

3.2 All data and other Electronic Communications contained within this System are the property of the Town.

3.3 Any downloading of materials or loading of computer programs or software onto the computer or any part of the System without permission from the Town's technical staff is strictly prohibited.

3.4 The Town reserves the right to monitor and review all Electronic Communications at any time without prior notice to users of the System and for any purpose whatsoever. Electronic Communications are not the property of the Elected Official and there is no expectation of privacy in the contents of any Electronic Communication.

Section 4. Prohibited Uses.

4.1 Elected Officials shall not use the Internet or System to conduct meetings or vote on or discuss Town business. Council members may use e-mail messages to other Elected Officials for limited administrative purposes, such as the scheduling of meetings.

4.2 Elected Officials shall not use Town-owned computers to send, receive, create or store Electronic Communications upon the System that are illegal, abusive, disruptive, or threatening to others, or that interferes with the Town's business activities.

4.3 Elected Officials are strictly prohibited from using any part of the System to harass others, or to download, obtain, display, store, receive or transmit: (a) any information that is sexually explicit, obscene, or of a sexual nature; (b) any communications that contain libelous or defamatory material; (c) any information that would not be permitted on any bulletin board located on Town property; (d) communications that encourage conduct that would constitute a criminal offense or give rise to civil liability; or (e) any ethnic, racial or religious slurs, or anything that is, or may be construed as, disparagement of others based on race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by law.

4.4 Elected officials may not use the System to solicit any person or entity for any commercial, religious, charitable, or political causes, or for outside organizations.

Section 5. Internet and Electronic Mail System.

5.1 Electronic Communications are considered public records and are subject to right-to-know laws, depending on their content.

Accordingly, the Town must make Electronic Communications available to the public upon request.

5.2 The Town's System is designed to facilitate Town business communication among officials.

5.3 Due to data security concerns, Elected Officials shall not use Electronic Communications to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

5.4 Use of the System is a privilege that may be limited or removed if an Elected Official abuses the privilege at any time or for any reason.

Item #7856 Action to consider amending Article XIII of the Administrative Code for the purpose of changing the status of the Recreation Advisory Board from a standing committee to a committee that is appointed as needed. (Councilor Caldwell Spon.)

Proposed Order #7856 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Town Manager to draft an amendment to Article XIII of the Administrative Code that would change the status of the Recreation Advisory Board from a standing committee to a committee that is appointed as needed and submit the proposed amendment to the Ordinance Committee for their review and recommendation.

Item #7857 Action to consider making a nomination to Maine Municipal Association's Legislative Policy Committee for the next Legislative Session. (Adm. Spon.)

Proposed Order #7857 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled nominate _____ to serve as a member of Maine Municipal Association's Legislative Policy Committee for the July 2010 – June 2012 term.

Item #7858 Action to consider accepting bids for the Chick Property Phase 1 construction project. (Adm. Spon.)

Proposed Order #7858 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a bid from _____ for the Chick Property Phase 1 construction project

Item #7859 Action regarding appointments to Town Boards and Committees. (Adm. Spon.)

Proposed Order #7859 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint additional board and committee members as recommended by the Town Council Appointments Committee at their meeting on May 18, 2010.

Item #7860 Action to change the permitted uses in the Industrial Zone.

Proposed **ORDERED** that the Town Council of the Town of Gorham, Maine, in

Order #7860 Town Council assembled not adopt a new list of permitted uses for the Industrial Zone, as referred to the Ordinance Committee on February 3, 2009 (See Council order #7677); and,

BE IT FURTHER ORDERED that the Ordinance Committee is authorized to review several items recommended for consideration by the Town Manager and Ecomaine Development Director and to make a recommendation to the Town Council.

Item #7861 Action to consider endorsing an application for a grant to develop approximately 1.5 miles of trails. (Adm. Spon.)

Proposed Order #7861 **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse an application for a grant to develop approximately 1.5 miles of trails with a local match requirement of 20%

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