

## REPORT OF THE REGULAR MEETING OF GORHAM TOWN COUNCIL

March 5, 2002

The meeting was opened with the Pledge of Allegiance to the Flag.

Roll Call: Present: Chairman Phinney: Councilors Hamblen, Loveitt, Justice, Robinson, Willett, and Dugas; the Town Attorney, the Town Manager and the Town Clerk.

Moved by Councilor Dugas, seconded by Councilor Willett to accept the Minutes of the February 5, 2002 Regular meeting. 7 yeas.

Hans Hansen appeared before the Council requesting that the Town Council take immediate action to allow well diggers to go on posted roads to drill wells for people without water. Bernard Rines presented a correspondence regarding the road intersection at lower Main Street and Bartlett Road and Walnut Crest Road.

Councilor Hamblen stated that he agreed with Mr. Rines and that the Council should discuss taking the property at that intersection by eminent domain. Councilor Robinson reported on a recent Recycling Committee meeting he attended, that the Recycling Committee is selling compost bins and that he attended a tour of all the school facilities with the School Committee where they looked at the needs of the schools. Councilor Willett reported on the recent Finance Committee meeting.

Chairman Phinney reported that the recent Gorham Gala was hosted by the Gorham Civic and Business League and that the proceeds from the Gala were donated to the Fire Department.

The Town Manager introduced John Boyden of RWS who made a brief presentation on the history, membership and workings of RWS. Next the Town Manager introduced John Duncan and Paul Godfrey who did a presentation on the Route 114/22 overlap area study evaluation of projects that can be done in a relatively short time frame but produce some traffic benefits.

Moved by Councilor Justice, seconded by Councilor Dugas and VOTED to waive the Rules to add an Item to the agenda. 7 yeas. (For purposes of continuity the action taken under Item #6313 will be reported on in its proper consecutive order.)

The meeting recessed for a public hearing on a petition from Rusty Knoll Holding, Inc. to determine the status of Rust Road between the Little River and Fort Hill Road (Route 114). There was considerable public input from the public regarding the status and use or non-use of Rust Road. This hearing closed at 9:30 p.m.

Item #6601. Moved by Councilor Dugas, seconded by Councilor Justice and ORDERED that the Town Council, pursuant to Title 23, M.R.S.A. Section 3028, after conducting a public hearing determine that the status of Rust Road, from Fort Hill Road (Route 114) to the Little River is a road that is discontinued by abandonment, and

BE IT FURTHER ORDERED that the Town Council determine that a public easement remains on said road. 7 yeas.

The Chairman declared a short recess. The meeting resumed at 9:50 p.m.

Councilor Willett asked that the Town Manager investigate the issue of whether the Town can order anyone blocking a road to remove the obstruction or not.

The meeting recessed for a public hearing on a proposal to acquire, for highway purposes, a portion of Phinney Street Extension, so called, by eminent domain. Eight people spoke from the public with six speaking in favor of the eminent domain and two requesting that the taking be extended an

additional 300 feet. The hearing closed at 10:30 p.m.

Item #6602. Moved by Councilor Loveitt, seconded by Councilor Justice and VOTED to waive the Clerk reading aloud the proposed order. 7 years.

Moved by Councilor Justice, seconded by Councilor Dugas and VOTED

WHEREAS, the portion of road known as Phinney Street Extension, so called, was partially constructed in the 1970's and partially constructed in the 1980's, and

WHEREAS, in approximately 1988, the Town, believing it owned the land, fixed the length of road known as Phinney Street Extension at 730 feet, acquired a public easement for turnaround purposes on June 22, 1988, and provided maintenance, as it would on a public road, and

WHEREAS, subsequently the Town Council became aware of a vote taken at a Town Meeting on April 29, 1765, which casts doubt on who owns the land and whether this section of road, is now, or ever should have been considered a public road, and

WHEREAS, after notice to all of the affected property owners and after providing such additional notice as required by law, the Gorham Town Council conducted a public hearing on Tuesday, March 5, 2002 at the Gorham High School Auditorium at 7:00 p.m. and then and there, after hearing such persons as chose to speak thereon, the Town Council determined the public exigency requires the Town to lay-out Phinney Street Extension, so-called, as more specifically described below, and to take said Phinney Street Extension for highway purposes; and

WHEREAS, the portion of Phinney Street Extension to be laid out and taken is that certain lot or parcel of land with any improvements thereon located on the generally northerly side of Phinney Street in Gorham, County of Cumberland, State of Maine and being more particularly described as the westerly half of Phinney Street Extension, so-called, as shown on the original plan of Gorham as recorded in the Cumberland County Registry of Deeds in Plan Book 24, page 5, running from the current westerly terminus of Phinney Street in a generally northerly direction 730' in length and 33' in width to and including the vehicular turnaround area built on the northerly side of the Patrick J. and Susan E. Smith property, said turnaround area being more particularly described in a deed dated June 22, 1988 and recorded in said Registry in Book, 8429, Page 269, meaning and intending to lay-out and take by eminent domain for highway purposes that land more particularly described on Appendix A;

NOW, THEREFORE, pursuant to 23 M.R.S.A. Sec. 3023, it is ORDERED that that certain portion of Phinney Street Extension, so-called, described in the attached Appendix A, be and hereby is, laid out as a Town way; that the outstanding real estate interests in the same held by the individuals named on Appendix A and A-1 be, and hereby are, taken by eminent domain; and that damages in the total amount of \$100 be awarded as shown on Appendix A;

BE IT FURTHER ORDERED that a true copy of this Order and Appendix A be filed with the Town Clerk; that an attested copy of the same be served by a Deputy Sheriff on each of the persons listed as Condemnees on Appendix A, and that notice of the same be published in a newspaper of general circulation in Gorham for three (3) successive weeks with regard to the persons listed on Appendix A-1, together with their respective shares of said total \$100 damage award; and that an attested copy of the same, along with the Clerk's return, be filed in said Registry of Deeds. 4 years. 3 nays (Robinson, Loveitt and Willett)

Item #6603. Moved by Councilor Justice, seconded by Councilor Dugas and ORDERED that the Town Council accept an easement for highway purposes for portions of Phinney Street Extension, as attached. 6 years. 1 nay (Willett).

Item #6604. Moved by councilor Dugas, seconded by Councilor Justice and VOTED that

WHEREAS, the voters of the Town of Gorham on November 3, 1998 had previously authorized

the Town to appropriate and expend \$500,000 from Surplus, and

WHEREAS, the Capital Campaign to expand Baxter Memorial Library has raised funds from private donations of approximately \$1.25 million, and

WHEREAS, the cost of constructing the building has increased during the capital campaign, and

WHEREAS, the estimated cost of the project now exceeds the funds available by approximately \$800,000, and

WHEREAS, the Town Council believes that the cost of the project is likely to further increase through inflation in construction costs if there are any further delays, and

WHEREAS, the Town Council believes that a modern public library is vital to meeting the educational, cultural and social needs of the growing Gorham community,

NOW, THEREFORE, BE IT ORDERED that

The Town Council authorizes the Town to start the construction phase of this project during the spring of 2002, as soon as weather and good construction practice allows, to the limited extent allowed by law, and

BE IT FURTHER ORDERED that the Town Council, pursuant to Section 901 of the Charter of the Town of Gorham, authorize the following referendum question be placed before the voters on June 11, 2002, and

BE IT FURTHER ORDERED, that a public hearing shall be held on May 7, 2002 at 7:00 p.m. and that the Town Clerk be and hereby is authorized and directed to provide public notice of the same by causing a legal advertisement to be published in a newspaper of general circulation in Gorham at least seven (7) days before said public hearing date and to provide such additional notice as is required by law for the following referendum question:

#### REFERENDUM QUESTION

“Shall a capital expenditure by the Municipal Officers of a sum of money not to exceed \$2.5 Million for the over-all project cost be approved to renovate, preserve and expand the existing Baxter Library and related facilities and site improvements in Gorham; said sum of money to be raised from three sources: (1) \$500,000 from the Town’s surplus account as previously approved by the voters by referendum vote in 1998; (2) \$1.25 Million from private donations made to the Town for this purpose; and (3) by the issuance of general obligation bonds and/or notes of the Town, hereby approved, not to exceed \$850,000, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as said Municipal Officers shall determine?”

Explanatory Note: The Town has previously appropriated \$500,000 from its surplus account for the Baxter Library expansion project and private gifts in the amount of \$1.25 Million have been made. This question seeks approval to raise another \$850,000 by the issuance of general obligation bonds of the Town and to obtain approval for the revised, over-all-project cost of \$2.5 Million.

The Town Council recommends a “yes” vote.

Total Estimated debt service is \$1,194,925 of which principal is \$850,000 and estimated interest at 5.25% over 15 years is \$344,925.00.” 7 years.

Item #6605. A motion by Councilor Dugas, seconded by Councilor Willett that the Town Council acknowledge receipt of a request from Toddle Inn Child Care Center, to develop a Contract Zone on Map 12, lot 0 (off Laurence Drive) in the Industrial Zone to develop a Child Care Center and refer the request

to the Planning Board for further development, public hearing and the Planning Board's recommendation FAILED OF PASSAGE. 2 yeas. 5 nays (Hamblen, Robinson, Justice, Willett and Loveitt).

Item #6606. Moved by Councilor Dugas, seconded by Councilor Willett and ORDERED that the Police Chief is authorized, on behalf of the Town of Gorham, to execute an agreement with the Town of York to share mobile data terminal services, as per the attached. 7 yeas.

The Chairman declared a short recess.

Item #6607. Moved by Councilor Justice, seconded by Councilor Dugas and ORDERED that the Town Council approve the following resolution:

BE IT RESOLVED by the Council of the Town of Gorham, as follows:

That the Town of Gorham, join with other participating municipal and quasi-municipal employers in a Multiple Employer Welfare Arrangement with the provision of employee health benefits, as authorized by 24-A M.R.S.A. Sec. 6601 et seq., said Arrangement to be known as the "Maine Municipal Employees Health Trust" (Health Trust); and for that purpose and in consideration of the mutual covenants and agreements among the participating employers, to authorize the Town manager to enter into a Participation Agreement on behalf of the Town and take whatever other actions may be necessary. The authority granted herein shall remain until revoked. 7 yeas.

Item #6608. Moved by Councilor Willett, seconded by Councilor Robinson and ORDERED that the Town Council authorize the Town and Portland Water District to initiate disconnection procedures for delinquent sewer accounts in accordance with the terms and conditions approved by the P.U.C. 7 yeas.

Item #6609. Moved by Councilor Dugas, seconded by Councilor Robinson and ORDERED that the Town Council authorize the Town Manager, on behalf of the Town of Gorham, to execute the Regional Disaster Aid Agreement for Cumberland County, as presented. 7 yeas.

Item #6610. Moved by Councilor Robinson, seconded by Councilor Willett and ORDERED that the Clerk shall be instructed to correct the Minutes of the February 2, 1999 Regular Meeting of the Council, Item #6128 by correcting the vote under the second amendment to 1 yeas, 4 nays (Alden, Justice, Olson and Dugas) 1 abstention (Phinney) and by correcting the wording in Chapter I, Section XII, E. 2) of the adopted ordinance. 7 yeas.

Item #6611. Moved by Councilor Dugas, seconded by Councilor Justice and ORDERED that the Town council appoint those persons recommended by the Appointments Committee to positions as follows:

PLANNING BOARD

Michael Parker	3 year term expiring April, 1, 2005
Tom Hughes	3 year term expiring April 1, 2005

BOARD OF APPEALS

David McCullough	3 year term expiring April 1, 2005
Michael Webb	3 year term expiring April 1, 2005

BOARD OF TRUSTEES – BAXTER MEMORIAL LIBRARY

David Farrar	3 year term expiring April 1, 2005
Beverly Shevis	3 year term expiring April 1, 2005
Greg Palmer	3 year term expiring April 1, 2005

BOARD OF ASSESSMENT REVIEW

Clark M. Neily 3 year term expiring April 1, 2005

FAIR HEARING BOARD

Philip Shearman 3 year term expiring April 1, 2005

PARK & CONSERVATION COMISSION

Lisa Bolduc 3 year term expiring April 1, 2005  
Allene Bowler 3 year term expiring April 1, 2005

RECYCLING COMMITTEE

John Labrecque 3 year term expiring April 1, 2005  
Steve Wiggins 3 year term expiring April 1, 2005  
Peter Trail unexpired 2 year term expiring April 1, 2004

RECREATION ADVISORY BOARD

Wayne Drown 2 year term expiring April 1, 2004

GORHAM ECONOMIC DEVELOPMENT CORPORATION

Richard Carter 3 year term expiring April 1, 2005  
Jack Donovan 3 year term expiring April 1, 2005  
Dan Willett 3 year term expiring April 1, 2005  
Audrey Gerry 2 year term expiring April 1, 2004  
Wilbur Bell, Jr. 2 year term expiring April 1, 2004  
David Maroon 1 year term expiring April 1, 2003  
Jim Means 1 year term expiring April 1, 2003

7 yeas.

Item #6612. Moved by Councilor Justice, seconded by Councilor Dugas and VOTED that the Town Council, pursuant to Title 1, M.R.S.A., Section 405 (6) (c) go into executive session to discuss the use and acquisition of property. 7 yeas. There was no further action taken under this item.

Item #6313. Moved by Councilor Justice and seconded by Councilor Willett to place an item on the agenda for the purpose of requesting a joint meeting with the Town Council Finance Committee and the School Committee Finance Committee. Moved by Councilor Willett, seconded by Councilor Justice and VOTED to amend the proposed order by scheduling a joint workshop with the Council and the School Committee for Tuesday, March 19, 2001. 7 yeas.

The order, as amended, was then VOTED resulting in the following:

ORDERED that a joint workshop with the Council and the School Committee be scheduled for Tuesday, march 19, 2001. 7 yeas.

Moved by Councilor Justice, seconded by Councilor Dugas and VOTED to adjourn. 7 yeas.  
Time of adjournment - 12:20 a.m.

A TRUE RECORD OF MEETING

Attest:

D. Brenda Caldwell  
Town Clerk