

## **REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL August 7, 2007**

Chairman Justice opened the meeting at 7:02 pm.

Roll Call: Present: Chairman Justice, Councilors Phinney, Dugas, Loveitt, Caldwell, Willett & Moulton, Town Manager, David Cole, and Town Clerk, Christina Silberman.

Moved by Councilor Phinney, seconded by Councilor Dugas, and **VOTED** to accept the minutes of the July 3, 2007 regular meeting as printed and distributed. **7 yeas.**

### **Open Public Communications**

There were no communications from the public.

### **Councilor Communications**

Councilor Willett reported that the Finance Committee met July 19<sup>th</sup> and had a discussion on the Hillside Cemetery that is on tonight's agenda. They also looked at cemetery fees and will look at the fees again to get more consistency within town. The Finance committee will review the tax acquired property policy on August 15<sup>th</sup>.

Councilor Phinney reported that the Ordinance Committee met and discussed the item on the agenda tonight regarding the possible Dolloff rezoning. Councilor Phinney expressed his thanks to Cindy Hazelton and other town employees for the Gorham Days event. He attended with his family and had a great time and his son won the frog-jumping contest.

Councilor Loveitt reported that the Capital Improvements Committee met to explore the various needs of civic organizations within the town with respect to use of town buildings. One item is on the agenda tonight regarding the nursery school. Also, they are looking to cooperate with other organizations such as the food pantry, the Lions Club, the Gorham Trails, and various others. This will be addressed at a future meeting.

Councilor Loveitt asked the Town Manager to assure the Council that Gorham's finances are in good order. Mr. Cole responded that with respect to last years budget the expenditures were below the amount budgeted and the revenues were in excess of the amount budgeted. Mr. Cole expects to have a healthy increase in the fund balance. There is no reason to think that the school budget has any problem. The town has a good auditor that comes in every year and meets with the Council Finance Committee. This is an independent review and they work for the Council and not the town. Mr. Cole also reminded the public that there are about 10 entities in Maine that get an award each year from the Government Finance Officers Association for the quality of the audit report and financial statements. Gorham has earned this award the last 4 years in a row. We are in very good shape.

### **Chairman's Report**

Chairman Justice reported that the Town Clerk has graduated from the New England Municipal Clerks Institute. This is a three-year program and we appreciate and recognize the continuing professional development.

### **Town Manager's Report**

The Town Manager also recognized the Town Clerk on earning her certificate.

Mr. Cole announced that nomination papers will be available for three openings on the Town Council, two openings on the School Board as well as one opening on the Portland Water District Board of Trustees. The nomination papers will be available on August 13<sup>th</sup> and will be due by 4:30 pm on September 21<sup>st</sup>.

Mr. Cole gave an update regarding the lawsuit with C&C Family Limited regarding the airstrip over the discontinued portion on Rust Road. The trial was several years ago. The judge's decision was issued several months ago after a long wait. The judge found for the town on all counts but did not reimburse the town for legal fees. The plaintiffs asked the judge for clarification on whether or not the runway constituted an obstruction and on July 20<sup>th</sup> the judge answered that it did indeed constitute an obstruction of the public easement. The plaintiff now has either 60 days to come before the planning board to apply for a permit or 120 days to remove the fill brought in for the airstrip.

### **School Committee Report**

Jim Hager, School Committee Chair, reported on the following;

- The School Committee voted to have Gorham remain an independent school unit
- Narragansett Kindergarten screening will be Tuesday August 21<sup>st</sup> - call 222-1250 to schedule an appointment
- The White Rock Project Committee met June 28<sup>th</sup> and is continuing with the land search
- A preliminary report by the state from the Gorham Middle School audit shows a fund balance available
- A School Committee candidates orientation is planned for August 29<sup>th</sup> from 6:00-7:20 pm in the Superintendent's Conference Room.
- The school starting date for grades K-9 is September 4<sup>th</sup> and grades 10-12 is September 5<sup>th</sup>.

Councilor Willett asked if calendars would be available again this year. Mr. Hager replied that the calendar will not be distributed this year due to cost saving measures but will be available on the school website.

Councilor Loveitt thanked Mr. Hager for attending the Town Council meetings these past two years and asked how Gorham's school finances are. Mr. Hager replied that he meets monthly with a subcommittee to review the school budget.

Superintendent Ted Sharp spoke about the state school consolidation plan and reviewed a memo that has been previously distributed to the Town Council. Mr. Sharp gave credit to Drummond, Woodsum, & MacMahon for preparing the information contained in the memo.

Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to take Item 7463 out of order and hear it at this time. **7 yeas.**

**Item #7463** Moved by Councilor Dugas, seconded by Councilor Loveitt, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse the School Departments intention to be a single School Administrative Unit. **7 yeas.**

Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to take Item 7462 out of order and hear it at this time. **7 yeas.**

**Item #7462** Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled

appropriate \$10,000 from the Town's Recreation Impact Fee Reserve Fund to design and develop bid specifications for a multi-purpose athletic field as approved in the site permit for the Middle School. **7 yeas.**

### **Old Business**

Moved by Councilor Moulton, seconded by Councilor Caldwell, and **VOTED** to reconsider Item #7445. **2 yeas, 5 nays** (Dugas, Phinney, Willett, Justice, & Loveitt) motion fails.

**Item #7448** was Moved by Councilor Willett and seconded by Councilor Loveitt.

Moved by Councilor Loveitt, seconded by Councilor Caldwell, and **VOTED** to amend the proposed order to authorize the Town Manager to enter into the lease. **7 yeas.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager to enter into a lease with the Gorham Cooperative Preschool for use of the former Recreation Department Administrative building, located at the intersection of Ball Park Road and Access Road. **7 yeas.**

### **New Business**

**Item #7454** Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled not approve a request from Don Dolloff to rezone a portion of his land (Tax map 31, Lot 2.2 and Tax Map 30, Lot 2) on lower Main Street from Office Commercial to Roadside Commercial as recommended by the Ordinance Committee. **7 yeas.**

**Item #7455** Moved by Councilor Caldwell, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to a request from John Emerson dated February 23, 2007, accept the operation and maintenance responsibility for perpetual care of Hillside Cemetery in accordance with the following conditions:

- 1) The agreement between the Town of Gorham and Hillside Cemetery Association adopted by the Town of Gorham on November 12, 1985 is hereby terminated.
- 2) That the Trustees of Hillside Cemetery Association, duly authorized, enter into a new agreement with the Town of Gorham that authorizes the Town to provide operations and perpetual care service and articulates any other reasonable conditions as necessary.
- 3) That all perpetual care funds currently managed by Hillside Cemetery Association be turned over to the Town of Gorham with interest from said funds to be used to defray the cost of perpetual care as defined in this order.
- 4) Except as otherwise required by law, perpetual care shall include keeping the turf even, filling in sunken graves, and keeping the grass properly cut. It does not include care and cleaning of monuments and markers, planting flowers or ornamental plants, watering lots or any other special work.

**BE IT FURTHER ORDERED** that the Town is authorized to temporarily provide mowing services at Hillside Cemetery for the duration of this mowing season, pending a final transfer of maintenance responsibilities, and,

**BE IT FURTHER ORDERED** that the Town Council appropriate an amount not to exceed \$5,000 from the contingency account to provide funding for the maintenance work at Hillside Cemetery. **7 yeas.**

**Item #7456** was moved by Councilor Phinney and seconded by Councilor Willett. Councilors Caldwell and Loveitt both commended Town Manager David Cole for his efforts to resolve this item. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Twilight Lane, located in the Preserve Subdivision off Harding Road, as a public road, and,

**BE IT FURTHER ORDERED** that the Town Council classify Twilight Lane as a Rural Access Road. **7 yeas.**

**Item #7457** Moved by Councilor Phinney, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled designate the Old Robie School, formerly known as the PTA Building, for general use and scheduling by the Recreation Department as recommended by the Capital Improvements Committee. **7 yeas.**

**Item #7458** Moved by Councilor Dugas, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appropriate an amount not to exceed \$20,000 from the Capital Reserve Account to make repairs to the roof of the old Robie School, formerly known as the PTA building, pursuant to a proposal from Great Falls Builders, Inc. **7 yeas.**

**Item #7459** Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled vote for the Officers of the Maine Municipal Association for 2008 as recommended. **7 yeas.**

**Item #7460** was moved by Councilor Dugas and seconded by Councilor Moulton. Mr. Hans Hansen offered suggestions for consideration in drafting this ordinance. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal from Ellen Sanborn to develop a Construction Ordinance that would regulate working hours for construction activities, to the Ordinance Committee for their review and recommendation. **1 yea, 6 nays** (Dugas, Phinney, Willett, Justice, Loveitt, & Caldwell) motion fails.

**Item #7462** This item was taken out of order and heard after Item #7463, that was also taken out of order and heard after the school committee report.

**Item #7463** This item was taken out of order and heard after the school committee report.

Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to adjourn the meeting at 8:53 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: \_\_\_\_\_  
Christina Silberman, Town Clerk