

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL FEBRUARY 6, 2007

Chairman Justice opened the meeting at 7:01 pm.

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

Moved by Councilor Dugas, seconded by Councilor Willett, and **VOTED** to accept the minutes of the January 2, 2007 Regular Meeting. **7 yeas.**

Open Public Communications

There were no public communications.

Councilor Communications

Councilor Phinney reported that the Ordinance Committee discussed possible rezoning of East Gorham and the Mosher's Corner area and they will continue to review this.

Councilor Willett reported that the Finance Committee met in January with the Gorham Women's Club to discuss the banner project and there was a report from the auditors. The next Finance Committee meeting is scheduled for February 12th.

Chairman's Report

Chairman Justice reported on an article in today's Portland Press Herald. Richard Pattenaude, USM President, has been named as Chancellor to the University of Maine system. Chairman Justice reported that Mr. Pattenaude was a tremendous asset to USM. He worked as a partner with the Gorham community. He will be missed here in Gorham. The Chairman offered his congratulations and well wishes to Mr. Pattenaude and his family.

Town Manager's Report

Town Manager, David Cole, reported that the Friends of Baxter Memorial Library will be having a live broadcast of a membership drive on Saturday, February 17th from 7-9 pm with entertainment and more.

School Committee Report

Steven Caldwell, School Committee Vice Chairman, presented the school committee report. The Business Manager, Paul Kelly, and the Middle School Principal, Dennis Duquette, have both submitted resignations and will be leaving at the end of the year. The School Committee has discussed their short and long term goals and agreed to serve on various standing committees. Saturday, March 3rd the School Committee and the admin team will meet for an all day budget "retreat". Mr. Caldwell invited the Town Council Finance Committee to meet with them to discuss the budget. Mr. Caldwell reported on the Governor's proposal to consolidate the state into 26 regional school districts.

Old Business

Item #7373 This item was properly moved and seconded at the January meeting. Councilor Moulton explained this item. Police Chief, Ronald Shepard, spoke on this item and clarified that the officer would be assigned to the Federal Drug Enforcement

Agency. The Resident Agent, Rick Girard, from the Portland office of the Federal Drug Enforcement Agency spoke on this item and answered questions. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to hire an additional Police Officer and assign an Officer to the Drug Enforcement Agency, to the Finance Committee for their review and recommendation. **7 yeas.**

New Business

Public Hearing #1 Chairman Justice opened the public hearing regarding issuance of a new Massage Therapist/Massage Establishment License for Michelle C. Loeber. Michelle C. Loeber introduced herself. Chairman Justice closed the public hearing.

Item #7381 Moved by Councilor Dugas, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the issuance of a new Massage Therapist / Massage Establishment license for Michelle C. Loeber. **7 yeas.**

Public Hearing #2 Chairman Justice opened the public hearing regarding a Mass Gathering Permit application from Vacationland Dog Club. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7382 Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the issuance of a Mass Gathering Permit to Vacationland Dog Club for their annual dog shows on May 19th and May 20th at Wassamki Springs Campground. **7 yeas.**

Public Hearing #3 Councilor Caldwell recused herself from this item because of her affiliation with the First Parish Church. Chairman Justice gave a presentation explaining this item. Chairman Justice opened the public hearing to accept comments on locating the Town Clock. Deb Loveitt, representative of the First Parish Church on the clock committee, spoke about the presentation and recommendations. Phil Bartlett, a resident of South St. and a church member, explained why he feels that the clock should remain at the church. Rev. David Butler, Senior Minister of First Parish Church, spoke in favor of keeping the clock at the church. At this time, Councilors Phinney, Willett, Loveitt and Caldwell identified themselves as members of the First Parish Church. Councilors Phinney, Willett, and Loveitt all stated that they do not feel that their participation tonight creates a conflict of interest. Noah Miner, resident of Green St. and not a member of the church, presented a list of tower clocks of the same model, and he urged the Town Council to return the clock to the steeple. Christine Sawyer, a resident of Main St. and a church member, spoke in favor of returning the clock to the church. Clyde Grant, a resident of Green St. and a church member, spoke against the proposal to locate the clock at the Municipal Center. Steven Hamblen, spoke in favor of putting the clock back in the church steeple. Cindy Smith, a resident of Wilson Rd. and a member of the church, spoke in favor of maintaining the original location of the clock. Jan Lebreque, chairman of the Gorham Historical Society, reported that the Society has discussed this issue at several meetings and voted unanimously in October that the Council should hold a public hearing and then take the vote at another meeting to allow enough time to consider the issue. Ms. Labrecque also reviewed issues concerning

historical items. Barry Atwood, a resident of North Gorham Rd, expressed agreement that the clock belongs in it's original home in the tower at the church. Mark St. Germain, a resident of Aspen Ln. and a church member, also spoke in favor of keeping the clock at the church. Alan Beagle, Kemp Rd., spoke in support of putting the clock back in the church. Church member, Rhonda Loveitt, urged the Council to seek a professional opinion. Matt Robinson, a resident of Sanborn St. and not a member of the church, spoke in favor of moving the clock to the municipal center. Linda Webb, a resident of Burnham Rd. and a church member, feels that the clock belongs where it was put by Toppan Robie. Chairman Justice closed the public hearing.

Item #7383 was moved by Councilor Dugas and seconded by Councilor Loveitt. Councilor Phinney stated that Margaret Young, a resident unable to attend tonight's meeting, called him today and asked that he share her hope that the clock would stay where it was.

Councilor Loveitt asked if any other council members are officers of the church. Councilor Willett responded that she is a Deacon of the church but does not serve on the executive committee of the church and she does not feel that there is a conflict of interest with her position.

WHEREAS, the E. Howard Tower Clock was a gift from Toppan Robie to the citizens of Gorham in 1868; and,

WHEREAS, the Howard Watch and Clock Company of Boston, Massachusetts, only produced a few thousand clocks that were sequentially numbered with only a small number now remaining; and,

WHEREAS, Gorham's E. Howard Tower Clock is Number 44 and is very valuable; and

WHEREAS, it is an obligation of the Town Council to ensure that the Town's property is well protected; and,

WHEREAS, it is also an obligation of the Town Council to ensure that the E. Howard Tower Clock is available for public viewing at a location that is considered a public location available to all members of the public; and,

WHEREAS, the Town Council is aware that the said clockworks mechanism allowed the four separate clock faces located in the steeple of the First Parish Church to operate; and,

WHEREAS, the Town Council believes it is a public benefit to have the clock faces located in the steeple of the First Parish Church continue to operate,

NOW, THEREFORE, BE IT ORDERED, that the Town Council authorize that the Town's E. Howard Tower Clock be installed at the new Municipal Center in the stairway entrance facing South Street and that a clock face be installed in the window facing South Street and another clock face in the Council Chambers; and,

BE IT FURTHER ORDERED, that the Town Council appropriate an amount not to exceed \$20,000 from the Capital Reserve Fund to reimburse the First Parish Church solely for the purpose of installing a mechanism that would restore operation to the clock faces located in the steeple of the First Parish Church and maintaining it for ten (10) years; and,

BE IT FURTHER ORDERED, that the Municipal Center Building Committee is authorized to make appropriate modifications to the Municipal Center to implement this installation. **3 yeas, 3 nays(Dugas, Willett, Moulton), 1 recused(Caldwell). Motion fails.**

Item #7384 was moved by Councilor Dugas and seconded by Councilor Phinney. Nate Schools of Water St. and a member of the Gorham Fire Department spoke in support of this item. Fire Chief Bob Lefebvre spoke on this issue and indicated that he has requested additional staff in his budget for the past 8 years. Chief Lefebvre indicated that they have experienced crisis levels due to staff shortages. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Finance Committee to review the current staffing needs of the Fire and Rescue Departments and make a recommendation to the Council. **7 yeas.**

Item #7385 Moved by Councilor Phinney, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a 3 year extension of the Town's contract with R. W. Herrick for waste and curbside recycling with the annual increase of the contract to be 2% the first year, the increase in the CPI-U the 2nd year, and the increase in the CPI-U for the 3rd year. **7 yeas.**

Item #7386 Moved by Councilor Phinney, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Family Medical Leave section of the Employee Personnel Policy as presented. **7 yeas.**

Item #7387 was moved by Councilor Phinney and seconded by Councilor Caldwell. Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to amend the proposed order to add Horseman Drive. **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Icabod Lane and Horseman Drive, located in Stonefield Subdivision phase 2, off Huston Road and Harding Bridge Road, as public ways; and,

BE IT FURTHER ORDERED, that Icabod Lane and Horseman Drive be classified as Rural Access roads. **6 yeas.** (Councilor Dugas was not present during this vote.)

Item #7388 Moved by Councilor Willett, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request to rezone 2 lots located on lower Main Street, Route 25, (tax map 12, lots 26.7 & 26.8) from the Industrial Zone to the Roadside Commercial Zone to the Ordinance Committee for their recommendation. **7 yeas.**

Item #7389 Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager to develop plans and obtain appropriate cost information to renovate several fields at the Little Falls Recreation Facility; and,

BE IT FURTHER ORDERED that the Town Council authorize the use of Recreation Impact fees for this purpose. **7 yeas.**

Item #7390 Moved by Councilor Dugas, seconded by Councilor Phinney, and **ORDERED** that the Town Council accept the bid of H. P. Fairfield, LLC for a Trackless MT5 Tractor, with attachments for \$120,760 as recommended; and,

BE IT FURTHER ORDERED that the Town Council authorize the purchase of a VMC-orsi rear mounted offset flail mower for \$7,803 and a Gravely zero-turn mower for \$15,500; and,

BE IT FURTHER ORDERED that the Town Council authorize a five year lease purchase to finance the acquisition with the approved 2006/07 fiscal year budget. **7 years.**

Item #7391 Moved by Councilor Dugas, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a project to construct a sidewalk and replace the storm water system on Morrill Avenue with Gorham Sand and Gravel Construction Company. **5 years, 2 nays (Loveitt & Moulton).**

Item #7392 Moved by Councilor Caldwell, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, per M.R.S.A. 21-A, Section 101 (2), appoint Jennifer Elliott as the Registrar of Voters for the Town of Gorham with a term to expire December 31, 2008. **7 years.**

Item #7393 Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to waive the Clerk reading of the prepared order. **7 years.** The proposed order was moved by Councilor Phinney and seconded by Councilor Dugas. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the following sums of money to be safely invested and forever held in trust, the income there from to be used for perpetual care of the following lots.

PERPETUAL CARE FUNDS TO BE ACCEPTED

Armstrong, Lester, Hillside Cemetery, Section R, Lot 37 A & B (2 gravesites)	\$400.00
Barden, Richard, Eastern Cemetery, Section H, Lot 375 A-D (4 gravesites)	\$500.00
Bell, Loma, Hillside Cemetery, Section R, Lot 24 A-D, 25 A-D, & 26 A-D (12 gravesites)	\$2,400.00
Brooks, Dolores, Hillside Cemetery, Section R, Lot 29 A (1 gravesite)	\$200.00
Caldwell, Richard A. & D. Brenda, Eastern Cemetery, Lot 332 A-D & 333 A-D (8 gravesites)*	\$500.00*
Doloff, Gloria, Hillside Cemetery, Section L, Lot 18 C & D (2 gravesites)	\$800.00
Fogg, Peter, Hillside Cemetery, Section R, Lot 28 C & D (2 gravesites)	\$400.00
Gale, Denis & DeRosa, Iva, Hillside Cemetery, Section R, Lot 39 C & D (2 gravesites)	\$400.00
Hatch, Gayla, Hillside Cemetery, Section R, Lot 33 A & B (2 gravesites) ***	\$800.00**
Kennie, Jeanne, North Street Cemetery, Sections: 66 B-D, 67 A-D, & 68 A (8 gravesites)	\$1,000.00
Larrabee, Geneva, Hillside Cemetery, Section R, Lot 37 C (1 gravesite)	\$400.00
Mason, Jane S. & Jeff, Eastern Cemetery, Section H, Lot 334 A & B & 335 A-D (6 gravesites)	\$700.00
Peterson, Donald & Roberta, Eastern Cemetery, Section H, Lot 334 C & D	

(2 gravesites)	\$300.00
Petitt, Robert M. & Mary Beth, Eastern Cemetery, Section H, Lot 372 A-D, 373 A-D, 374 A-D (12 gravesites)	\$1,300.00
VanVoorkis, William E. & Eleanor, Hillside Cemetery, Section R, Lot 41 A-D (4 gravesites)	\$800.00
Verrill, Richard, Hillside Cemetery, Section R, Lot 37 D (1 gravesite)	\$400.00
White, Richard D., Hillside Cemetery, Section R, Lot 29 C (1 gravesite)	\$200.00

*This is in exchange for Eastern Cemetery Lot 9 in Section J plus \$500.00

This is a correction to a lot number for perpetual care funds that were accepted by the Town Council on July 11, 2006 as Section R, lot 19 A & B" **7 years.

Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to adjourn the meeting at 11:01 pm. **7 years.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk