

## **REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL July 3, 2007**

Chairman Justice opened the meeting at 7:06 pm.

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

Absent: Councilors Dugas & Willett

Moved by Councilor Phinney, seconded by Councilor Moulton, and **VOTED** to accept the minutes of the June 5, 2007 regular meeting as printed and distributed. **5 yeas.**

### **Open Public Communications**

There were no comments from the public.

### **Councilor Communications**

Councilor Phinney reported that the Ordinance Committee met last month and they discussed two items that are on the agenda tonight.

Councilor Loveitt stated that he has two items to discuss at constituent's requests this evening. The first is regarding the sound volume of the ice cream truck, the noise level is disturbing. The second is regarding a business in town that is looking to relocate from one commercial site to another site and the business is anxious about the minor site plan review process taking so long. The business applied in March and did not hear anything for 90 days. It has now been 3 more weeks and they are still waiting. Councilor Loveitt explained that people either don't understand the process or are not prepared for the length of the process. Chairman Justice suggested that the Town Manager look into this.

Councilor Moulton reported that the Finance Committee met June 14<sup>th</sup> and heard presentations for the use of the former Recreation Department building and discussed Hillside Cemetery. The next meeting is July 19<sup>th</sup>.

### **Chairman's Report**

Chairman Justice reported that there was an annual meeting this month at USM with town staff, Councilors, and USM officials. This was last meeting with Rich Pattenade, who is moving up to Chancellor of the University of Maine system. The town has had a very good working relationship with USM and Mr. Pattenade.

Chairman Justice stated that he recently attended the Council of Governments annual meeting. The Executive Committee and Officers were appointed and the budget was approved. Gorham was presented with a recognition award along with Cumberland County for regional collaboration efforts for the merger of dispatch.

The White Rock Building Committee continues to meet monthly. The primary focus is with the state Department of Education to define a program for the school. The meetings are going well. They are continuing with the land search for this project. An advertisement will be placed for the land search for a 15-35 acre parcel.

The Multi Club field initiative gave a brief presentation. They reported that they have had several meetings and conducted a site walk of the Little Falls Recreation Area and were pleased with the size of the property. They have conducted some test digging and have found the soil to be manageable. They need to determine the boundaries and how much land is available for use. They are moving forward with the plan. They appreciate the Town Council's support.

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

The Town Manager, David Cole, reported that he was asked to contact the developer of the Preserve Subdivision at the last meeting. The developer is moving towards fulfilling the remaining items. He hopes that the road will be ready for acceptance at the August meeting.

Mr. Cole indicated that the Gorham By-pass bids were originally due today but the Maine Department of Transportation has extended the deadline to July 11<sup>th</sup>.

The Town Manager has contacted the Maine Department of Transportation regarding the Brackett Rd. / Libby Ave. project. They are planning to go to bid during the first week of September so the project should be under way before the end of construction season.

The Town of Gorham is a member of a storm water working group and the group has received an award from the US Environmental Protection Agency for their work.

The Town Manager encouraged everyone to have a safe and happy July 4<sup>th</sup>.

### **School Committee Report**

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

- The Gorham School Department plans to destroy special education records of former students whose birth date is prior to June 30, 1981.
- Kindergarten screening will be held at Narragansett School on August 21, 2007, please call for an appointment.
- The White Rock Project Committee will advertise for land. The next meeting is August 1<sup>st</sup>.
- Central Office Hours from 6/29 through 8/20 are 8:30-4:30 Mon-Thurs and 8:30 – noon on Friday.
- On August 29<sup>th</sup>, the School Committee will hold a candidates orientation from 6:00-7:20pm.

### **Old Business**

**Item #7433** This item was properly moved and seconded at the June 5, 2007 meeting. Moved by Councilor Loveitt seconded by Councilor Phinney and **VOTED** to amend the order to add "Be it further ordered that the Town Council amend their proposal to add language recommended by the Planning Board on May 7, 2007 for paragraphs E (2) i and l". **5 yeas**. The amended order was then voted.

**Whereas**, the Town received a request to rezone land on Route 237 but upon review concluded that amending certain permitted Rural Entrepreneurial Uses would allow appropriate development to proceed and be more consistent with the Town's long term interests, and

**Whereas**, the proposal has been through a public hearing and been recommended, with amendments, by the Planning board, and

**Whereas**, the Town Council has determined that the proposed amendment is consistent with the Town's Comprehensive Plan,

**Now, Therefore Be It Ordained** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Land Use and Development Code, Chapter I, Zoning, Section VII, Suburban Residential District, E (2), Rural Entrepreneurial Uses, to allow outside non-residential activities, subject to Planning Board review and approval, as presented, and

**BE IT FURTHER ORDERED** that the Town Council amend their proposal to add language recommended by the Planning Board on May 7, 2007 for paragraph E (2) i and l. **5 yeas.**

### **New Business**

Moved by Councilor Loveitt, seconded by Councilor Phinney, and **VOTED** to take item #7453 out of order and hear it now. **5 yeas.**

**Item #7453** The proposed order was moved by Councilor Phinney and seconded by Councilor Loveitt. The Town Manger explained this item. Brain Curley of PDT spoke on this item and gave a power point presentation. The order was then voted.

**ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the Town Council accept a proposal from PDT Architects to provide concept plans for renovating the Public Safety Building and Little Falls School. **5 yeas.**

**Public Hearing #1** Chairman Justice opened the public hearing regarding a Mass Gathering License for Gorham Recreation Department. There were no public comments. Chairman Justice closed the public hearing.

**Item #7443** Moved by Councilor Loveitt, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Mass Gathering License for Gorham Recreation Department for the Gorham Summer Festival event to be held July 27-28, 2007.

**Item #7444** regarding renewal of Mobile Home Park / Campground / Trailer Park Licenses was removed because this does not require Council action.

**Public Hearing #3** Chairman Justice opened the public hearing regarding a proposed Sex Offender Ordinance. Councilor Moulton explained this item. Chairman Justice received two calls endorsing this item from Kelly Skilling Smith and Susan Adolf. Councilor Moulton read and e-mail from Dianna Libby in support of this ordinance. Chairman Justice closed the public hearing.

**Item #7445** The proposed order was moved by Councilor Moulton, seconded by Councilor Caldwell, and **VOTED**.

**Whereas**, sex offenders who prey upon children are at a higher risk of re-offending; and,

**Whereas**, the Town of Gorham has a compelling interest to protect the health, safety, and welfare of its children by restricting the access of sex offenders to areas where concentrations of children exist,

**Now, therefore be it ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled adopt the Sex Offender Ordinance as proposed. **5 years.**

**Item #7446** Moved by Councilor Phinney, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Shepard's Way, located in the Shepard's Way Subdivision off Libby Avenue, as a Public Road, and

**BE IT FURTHER ORDERED** that Shepard's Way be classified as an Urban Access Road. **5 years.**

**Item #7447** Moved by Councilor Phinney, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Marathon Avenue, located in Shepard's Way Subdivision off Libby Avenue, as a public road, and

**BE IT FURTHER ORDERED** that Shepard's Way be classified as an Urban Access Road. **5 years.**

**Item #7448** Councilor Phinney disclosed that he has a son that may attend this preschool and does not have any financial interest in this item. The proposed order to authorize the Town Manager to negotiate the terms of a lease with the Gorham Cooperative Preschool for use of the former Recreation Department Administrative building was moved by Councilor Moulton and seconded by Councilor Phinney. Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to postpone this item. **5 yeas.**

**Item #7449** Councilor Loveitt disclosed that he has a son that works for Shaw Brothers. The proposed order was moved by Councilor Phinney and seconded by Councilor Caldwell. Six citizens spoke against this item. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use and Development Code, Chapter II: General Standards of Performance, Section C Mineral Exploration, Excavation and Gravel Pits and Section H Noise Abatement, to the Planning Board for a Public Hearing and the Planning Boards recommendation. **5 years.**

**Item #7450** The proposed order was moved by Councilor Phinney and seconded by Councilor Moulton. Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to make amendments to the proposed order to remove the word "immediately" at the end of the order and replace it with the words "August 1, 2007", to add "and be it further ordered that the Town Council appropriate \$18,000 from the Robie school reserve fund to provide an operating budget for the next fiscal year", and to add "and be it further ordered that the reuse of said building be referred to the Capital Improvements Committee for review". **5 years.** The amended order was then voted. **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to a request from the Gorham PTA, to terminate a lease agreement dated October 10, 1995 with the PTA for use of the former Robie School, effective August 1, 2007, and

**BE IT FURTHER ORDERED** that the Town Council appropriate \$18,000 from the Robie school reserve fund to provide an operating budget for the next fiscal year, and

**BE IT FURTHER ORDERED** that the reuse of said building be referred to the Capital Improvements Committee for review. **5 yeas.**

**Item #7451** regarding appointment of a Local Health Officer was removed because it does not require Council action.

**Item #7452** The proposed order was moved by Councilor Phinney and seconded by Councilor Caldwell. Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to amend the proposed order to add “and be it further ordered that the Town Council put the compensation received into the land acquisition reserve fund” at the end of the proposed order. The amended order was then voted. **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the Town Manager is authorized to execute an agreement regarding compensation for right of way for the Gorham By-Pass, and

**BE IT FURTHER ORDERED** that the Town Council put the compensation received into the land acquisition reserve fund. **5 yeas.**

**Item #7453** This item was taken out of order and heard prior to item #7443.

Moved by Councilor Phinney, seconded by Councilor Moulton and **VOTED** to adjourn the meeting at 8:56 pm. **5 yeas.**

A TRUE RECORD OF MEETING

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