

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL June 5, 2007

Chairman Justice opened the meeting at 7:00 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 Dugas, seconded by Councilor Willett, and **VOTED** to accept the minutes of the May 1, 2007 Regular Meeting and the May 8, 2007 Special 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 on May 24th and planned to discuss cemetery issues but needed more info. They will discuss cemetery issues at their June meeting. They also plan to discuss abandoned mobile homes.

Councilor Loveitt commented on the communications from ECO Maine included in the council packets and stated that ECO Maine is running profitably now. Single stream recycling is underway and the recycling no longer needs to be sorted for curbside collection. 38% of Gorham's trash is recycled, which is a great credit to the citizens.

Councilor Loveitt reported that there seems to be some anxiety amongst people applying for projects through the Planning Board. He does not know if it is communication issue but people seem to be unclear as to when their application has been made and when it gets reviewed. Councilor Loveitt feels that anything that can be done to improve communication for the process should be looked into.

Chairman's Report

Chairman Justice reported that the town received the Statewide Historic Preservation Honor Award for the restoration of this building for the new Municipal Center.

Town Manager's Report

Town Manager, David Cole, reminded residents of the statewide election next Tuesday with two important bond issues on the ballot. Mr. Cole reported that the Gorham bypass project should go out to bid later this month. The Fire/EMS Study Committee has held several meetings and they are moving along rapidly.

School Committee Report

School Committee Chairman, Jim Hager, reported on the Gorham High School and the Adult Ed graduation ceremonies. The naming ceremony for the Bailey-Silcox Auditorium at the Gorham Middle School is Friday, June 8th. On July 1st the new business manager, Leighton M. O'Connor, and the new Gorham Middle School Principal, Robert Riley will start. The White Rock Project Committee met May 2nd and is in the appraisal phase of the project. The project is falling behind schedule. Mr. Hager expressed appreciation to the Council for their time and effort during the budget process. The next School Committee meeting is June 13th at 7 pm.

New Business

Public Hearing #1 Chairman Justice opened the public hearing regarding a new liquor license for ARAMARK Educational Services, LLC. A representative of the company explained the request. Chairman Justice closed the public hearing.

Item #7426 Moved by Councilor Willett, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a new liquor license for ARAMARK Educational Services, LLC. **7 yeas.**

Public Hearing #2 Chairman Justice opened the public hearing regarding renewal of a liquor license for Ocean Garden Restaurant. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7427 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 the renewal of a liquor license for Ocean Garden Restaurant. **7 yeas.**

Public Hearing #3 Chairman Justice opened the public hearing regarding renewal of a liquor license for The Grill Room at Gorham Country Club. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7428 Moved by Councilor Loveitt, seconded by Councilor Caldwell, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of a liquor license for The Grill Room at Gorham Country Club. **7 yeas.**

Public Hearing #4 Chairman Justice opened the public hearing regarding a Special Amusement Permit for Pine Crest Bed & Breakfast Inn, LLC. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7429 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 issuance of a Special Amusement Permit for Pine Crest Bed & Breakfast Inn, LLC. **7 yeas.**

Public Hearing #5 Chairman Justice opened the public hearing regarding renewal of Victualer's Licenses for 2007. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7430 Moved by Councilor Phinney, seconded by Councilor Caldwell, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of Victualer's Licenses for 2007 for the following:

Heather Moody d/b/a Mister Bagel
Jason Klein d/b/a Northeast Ice Cream
Lampron Energy d/b/a Lampron Lil Mart – Route 25
Lampron Energy d/b/a Lampron Lil Mart – Little Falls
Sub Builders, Inc. d/b/a Subway
Gorham Sno Goers d/b/a Hot Dog Wagon
De Qin Chen d/b/a Jan Mee II
Pam Bennett d/b/a Bennett All Weather Paintball

Mark Fogg & Gorham Country Club d/b/a The Grill Room at Gorham Country Club

Christena Verrill d/b/a Gorham Football Boosters

Cumberland Farms

Matthew Esty d/b/a Sierra's

Elizabeth & Nick Pelletier d/b/a Bruni's Variety, LLC **7 yeas.**

Public Hearing #6 Chairman Justice opened the public hearing regarding a Mass Gathering License for Portland Faith Center. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7431 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 issuance of a Mass Gathering License for Portland Faith Center for the Kids Karnival event to be held June 30, 2007. **7 yeas.**

Public Hearing #7 Chairman Justice opened the public hearing on a proposal to amend the official zoning map to rezone land along Route 25 on Lower Main Street from Industrial to Roadside Commercial. The Town Manger explained this item. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7432 The proposed order was moved by Councilor Phinney and seconded by Councilor Dugas. Moved by Councilor Phinney, seconded by Councilor Dugas, and **VOTED** to amend the order and insert the following at the beginning of the order, "Whereas, the Town received a request to rezone several lots on lower Main Street from the Industrial Zone to the Roadside Commercial Zone, and Whereas, the proposal has been through a public hearing and recommended for approval by the Planning Board, and Whereas, the Town Council has determined that this proposal is consistent with the Town's Comprehensive Plan, Now therefore Be It Ordained that". **7 yeas.** The amended order was then **VOTED**.

Whereas, the Town received a request to rezone several lots on lower Main Street from the Industrial Zone to the Roadside Commercial Zone, and

Whereas, the proposal has been through a public hearing and recommended for approval by the Planning Board, and

Whereas, the Town Council has determined that this proposal 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 rezone several lots located on Tax Map 12, Lots 26.007, 26.008 and a portion of lot 27, from the Industrial Zone to the Roadside Commercial Zone; and,

BE IT FURTHER ORDERED that the Town Council amend the official zoning map to reflect this change. **7 yeas.**

Public Hearing #8 Chairman Justice opened the public hearing on a proposal to 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. The Town Manager explained this item. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7433 The proposed order for a proposal to amend the Land Use and Development Code was moved by Councilor Phinney and seconded by Councilor Dugas. Moved by Councilor Phinney, seconded by Councilor Willett, and **VOTED** to amend the proposed order as printed and distributed. "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." **7 yeas.** Moved by Councilor Loveitt seconded by Councilor Caldwell and **VOTED** to refer this item to the ordinance committee. **7 Yeas**

Public Hearing #9 Chairman Justice opened the public hearing regarding renewal of a Coin Operated Amusement Device Permit for Sierra's. There were no comments from the public. Chairman Justice closed the public hearing.

Item #7434 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 the renewal of a Coin Operated Amusement Device Permit for Sierra's. **7 yeas.**

Item #7435 Christine Hume spoke regarding a road acceptance issue for the Preserve Subdivision. The Developer has not been willing to move forward with the road being turned over to the town. The town has retained \$6,500 for improvements for this subdivision. She would like the town to consider steps to move forward and use these funds that the town holds to work toward the road acceptance. Sharon Johnson, 50 Twilight Lane, stated that when she bought her home it was marketed as being on a Public Way. Tim Higgins, 25 Twilight Lane, spoke about the school children in the neighborhood that wait at the end of Twilight Lane and how dangerous it is. The contracted plowing is not great and they are looking forward to the town doing the plowing. Ralph Sama, property owner, asked if there is any way we could work this out using the funds that the town holds. Ms. Hume spoke for another resident, not present, and wanted to express that they were all led to believe that the road would become a public road. The Town Manager explained this is an unusual situation, the road has not been offered for acceptance and the developer has not moved forward. There are several things that need to be done before the street can be accepted. The Town Manager instructed the Code Enforcement Officer not to issue any occupancy permits for this subdivision until the Code Enforcement Officer hears back from the Town Manager. The Council Chairman and the Town Manager will discuss this matter to work towards a resolution.

Item #7436 Moved by Councilor Phinney, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request to consider options for developing more parking in Gorham Village, to the Capital Improvements Committee for their recommendation. **7 yeas.**

Item #7437 Moved by Councilor Dugas, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize an increase to the property tax levy limit of \$5,296,851 established for the Town of Gorham by State law in the event that the approved municipal budget will result in a tax commitment that exceeds that property tax levy limit. The municipal limit is increased to \$5,426,515 as the result of creating a public safety reserve account to address Fire and Rescue issues raised by the Fire and EMS Study Committee. **7 yeas.**

Item #7438 The proposed order was moved by Councilor Phinney and seconded by Councilor Dugas. Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to amend the proposed order and insert the words “and the Flaggy Meadow Bridge Project number 8151.50” after the HP-8151(200). **7 yeas** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an agreement with the Maine Department of Transportation for the Gorham by-pass construction project (project number HP-8151(200)) and the Flaggy Meadow Bridge Project number 8151.50, to accommodate overweight vehicles. **7 yeas.**

Item #7439 Moved by Councilor Loveitt, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request from Don Dolloff to rezone a portion of land (Tax Map 31, Lot 2 and Lot 2.2 and Tax Map 30, Lot 2) from the Office Commercial Zone to the Roadside Commercial Zone to the Ordinance Committee for their review and recommendation. **7 yeas.**

Item #7440 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 the appointment of Christine Fleury to the Park & Conservation Commission for a term to expire on April 1, 2010. **7 yeas.**

Item #7441 Moved by Councilor Phinney, seconded by Councilor Caldwell, and **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the polls be open for the June 12, 2007 State Special Referendum Election between the hours of 7:00 a.m. and 8:00 p.m.; and,

BE IT FURTHER ORDERED that the Registrar of Voters be in session between the hours of 8:30 a.m. and 4:30 p.m. on Wednesday, June 6, 2007, 8:30 a.m. and 6:30 p.m. on Thursday, June 7, 2007, 7:30 a.m. and 4:30 p.m. on Friday, June 8, 2007, and 8:30 a.m. and 4:30 p.m. on Monday, June 11, 2007 for the purpose of registering citizens to vote and correcting the voter list. **7 yeas.**

Item #7442 Moved by Councilor Willett, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following Wardens and Ward Clerks for the June 12, 2007 State Special Referendum Election; and,

WARD 1: Rose Phinney - Warden, Robert Skinner - Ward Clerk

WARD 2: Pat Clay - Warden, Nancy Kenty - Ward Clerk

WARD 3: Linda Deering – Warden, Laurel Smith - Ward Clerk

CENTRAL: Connie Loughran – Warden, Christina Silberman - Ward Clerk

BE IT FURTHER ORDERED that the Town Clerk is authorized to make changes to these appointments as needed and that the Town Clerk be authorized to appoint the Election Clerks by giving preference to the list of approved Election Workers. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to waive the rules and take up an item not on the agenda. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Dugas and **Ordered** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, refer the proposals received by the Town for using the former Recreation Department building, to the Finance Committee for their recommendation. **7 yeas**

Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to adjourn at 8:35 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk