

## **REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL MARCH 6, 2007**

Chairman Justice opened the meeting at 7:03 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 Loveitt, seconded by Councilor Phinney, and **VOTED** to accept the minutes of the February 6, 2007 regular meeting. **7 yeas.**

### **Open Public Communications**

Matt Corbeau of Portland and Nathan Locksog of Scarborough, representatives of Kids Against Toxins, talked about a research survey that was conducted regarding collection of hazardous waste and the dangers or improper disposal. They urged the Town Council to institute a town wide hazardous waste collection day.

John Emerson, of Dingley Spring Rd., spoke on behalf of Hillside Cemetery Association. The Association is experiencing difficulty meeting expectations in maintaining the cemetery grounds because the perpetual care funds are insufficient. He advised the Town Council that the Association has plans to dissolve and the town should include costs of operation and maintenance of Hillside Cemetery in their budget effective July 1st.

### **Councilor Communications**

Councilor Phinney reported that the Ordinance Committee met two weeks ago and discussed two items on tonight's agenda.

Councilor Willett reported that the Finance Committee met and discussed hiring an additional police officer and assigning an officer to the Drug Enforcement Agency. They also discussed the emergency situation for firefighter/emt staff and asked for these items to be added to the budget beginning July 1<sup>st</sup>. The Committee also discussed a review of ambulance fees as a source of revenue.

### **Chairman's Report**

Chairman Justice commented on the memo from the Town Manager concerning the combined technology efforts of the Town and the School Department. He appreciates the efforts toward consolidation of services.

There was a gas main incident on route 114 recently and the town utilized a reverse 911 call system to notify area residents about the situation. Chairman Justice commended the Fire and Police departments for utilizing this system. 3,300 calls were made in 10 minutes. This system would not have been available without the previous merger with Cumberland County Dispatch.

Chairman Justice attended the Greater Portland Council of Governments, COG, meeting last Wednesday. The meeting had a full agenda with transportation issues. There was a presentation on the Northern New England Passenger Rail Authority. The Strategic Investment Plan presentation was very interesting. Maine DOT requested that COG endorse this plan as part of a long range 20 year effort to plan for future strategic projects. Gorham may have an interest in participating in some of these plans.

## **Town Manager's Report**

Town Manager David Cole reported that he awarded Detective Larry Fearon with a 25 year service pin and thanked him for his service. Mr. Cole indicated that he is working on the budget for next fiscal year. Budget workshops begin the Thursday after the next Council Meeting and resume the following Tuesday.

## **School Committee Report**

Vice Chairman Steven Caldwell gave the school committee report. Mr. Caldwell reminded the Council that the Middle School Principal and the Business Manager are leaving and interviews have begun.

The School Department held an all day budget workshop last Saturday and they have a preliminary 6.6% increase in the new budget. The workshop was filmed and should be broadcast on GoCat.

The Sebago Education Alliance, including Windham, Raymond, Westbrook, SAD 6 and Gorham, has had various trainings. There was a preliminary discussion to create a day treatment program as an alternative to sending students to Spurwink, Sweetser, etc. to help save money.

## **New Business**

**Public Hearing #1** Chairman Justice opened the public hearing regarding a new victualer's license application from Four Brothers, LLC doing business as The Church. There were no public comments. Chairman Justice closed the public hearing.

**Item #7394** The proposed order was moved by Councilor Willett and seconded by Councilor Dugas. Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to amend the order and add "and pending issuance of an occupancy permit". **7 yeas**. The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a victualer's license for Four Brothers, LLC doing business as The Church pending final Planning Board Approval of the project and pending the issuance of an occupancy permit. **7 yeas**.

**Public Hearing #2** Chairman Justice opened the public hearing regarding a new liquor license application from Four Brothers, LLC doing business as The Church. There were no public comments. Chairman Justice closed the public hearing.

**Item #7395** The proposed order was moved by Councilor Phinney and seconded by Councilor Willett. Moved by Councilor Willett, seconded by Councilor Phinney and **VOTED** to amend the proposed order to add "and pending the approval of the Police Chief". **7 yeas**. The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a liquor license for Four Brothers, LLC doing business as The Church pending final Planning Board Approval of the project and pending the approval of the Police Chief. **7 yeas**.

**Public Hearing #3** Chairman Justice opened the public hearing regarding a liquor license renewal application from ARAMARK Educational Services, Inc. There were no public comments. Chairman Justice closed the public hearing.

**Item #7396** Councilor Phinney asked to be recused from this item. Moved by Councilor Willett, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a liquor license renewal for ARAMARK Educational Services, Inc. **6 years, 1 abstention (Phinney).**

**Public Hearing #4** Chairman Justice opened the public hearing regarding a liquor license renewal application from Matt Mattingly doing business as PineCrest Bed & Breakfast Inn, LLC. There were no public comments. Chairman Justice closed the public hearing.

**Item #7397** Moved by Councilor Dugas, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a liquor license renewal for Matt Mattingly doing business as PineCrest Bed & Breakfast Inn, LLC. **7 yeas.**

**Item #7398** 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 following appointments to various Town Boards and Committees as recommended by the Appointments Committee.

**PLANNING BOARD:** Susan P. Robie, current member seeking reappointment, for a term to expire 4/1/2010, Douglas S. Boyce, current member seeking reappointment, for a term to expire 4/1/2010, & Mark Stelmack, current member seeking reappointment, for a term to expire 4/1/2010

**BOARD OF APPEALS:** Melinda Shain, current member seeking reappointment, for a term to expire 4/1/2010. Lauren G. Carrier, current member seeking reappointment, for a term to expire 4/1/2010, & Cressey Mollison, current member seeking reappointment, for a term to expire 4/1/2010

**RECYCLING COMMITTEE:** Gail Platts, current member seeking reappointment, for a term to expire 4/1/2010

**GORHAM ECONOMIC DEVELOPMENT CORPORATION:** Peter Bishop, current member seeking reappointment, for a term to expire 4/1/2010

**RECREATION ADVISORY BOARD:** Matt Nelson, current school committee appointee seeking reappointment, for a term to expire 4/1/2009, & Laurie S. Bowering, current school committee appointee seeking reappointment, for a term to expire 4/1/2009

**FAIR HEARING BOARD:** Carolyn Bowen, current member seeking reappointment, for a term to expire 4/1/2010

**BOARD OF ASSESSMENT REVIEW:** Dean Evans, current member seeking reappointment, for a term to expire 4/1/2010

**BOARD OF TRUSTEES-BAXTER MEMORIAL LIBRARY:** Geraldine Day, current member seeking reappointment, for a term to expire 4/1/2010, Rita Cantor, current member seeking reappointment, for a term to expire 4/1/2010, & David A. Fogg, current member seeking reappointment, for a term to expire 4/1/2010, **7 yeas.**

**Item #7399** Councilor Caldwell asked to be recused from this item. Councilor Phinney stated that he is a member of the First Parish Church. His parents have made a donation to the church, he is not involved with the donation and sees no conflict of interest on his

part. Councilor Willett indicated that she is an active member of the church. The proposed order was moved by Councilor Loveitt and seconded by Councilor Moulton. Chairman Justice commended Councilor Loveitt for his efforts in this matter. Chairman Justice opened the floor to public comment. Reverend Butler thanked the Town Council and stated that First Parish Church will be holding a meeting of the congregation to discuss this item. Yolande Justice, of Wood Rd., indicated that she does not support the proposed order and would like the clock placed at the Municipal Center. Mrs. Justice referenced the Council Rules and Roberts Rules of Order regarding personal and pecuniary interest. Steve Hamblen reported that he has petitioned town residents regarding their wishes and they overwhelmingly want the clock back in the steeple. The proposed order was then voted.

**WHEREAS**, the E. Howard Tower Clock was a gift from Toppan Robie to the citizens of Gorham in 1886; 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 reasonably available for public viewing by 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 First Parish Congregational Church, in accordance with a renewable 99 year lease, pursuant to the following conditions:

1. That the First Parish Congregational Church reimburse the Town for the public funds used to repair the Clock.
2. That the Church insure the Clock for at least \$100,000, with the amount periodically adjusted as the value of the Clock adjusts and incorporate an appropriate Hold Harmless Clause with the insurance policy language reviewed and approved by the Town's Attorney.
3. The Church will develop a plan to locate the Town Clock mechanism on the first or second floor of the Church, make the 4 Clock faces operational, provide for a bell ringing mechanism in the future if it is determined to be appropriate, and make the clock mechanism reasonably available for public viewing.
4. The Church will retain Balzer Clockworks or other qualified professional approved by the Town Manager to provide annual maintenance and inspection of the Clock.
5. That the Church notify the Town in writing;

- a. by March 30, 2007 whether it agrees to accept this offer, and
  - b. by April 30, 2007 to submit a plan acceptable to the Town Council Chair to implement this proposal, and
  - c. to fully implement this plan by March 30, 2008.
6. The annual lease payment shall be one dollar.
  7. The lease shall automatically terminate if the First Parish Congregational Church moves to a new location.

**BE IT FURTHER ORDERED** that this offer shall automatically lapse and be null and void if the Church does not respond in accordance with the timeline in Paragraph 5 of this Order. The Town Council will provide a reasonable amount of time to implement these plans and allow the First Parish Congregational Church until March 30, 2008 to fully implement it.

**BE IT FURTHER ORDERED** that the Church may, at its own expense, add an automatic winding system; and,

**BE IT FURTHER ORDERED** that the Church may, at its own expense, add a programmable AM/PM bell hour toll shut off as detailed in the Balzer Families Clock works proposal to the Town of Gorham dated May 27, 2005. **6 yeas, 1 abstention (Caldwell).**

Councilor Dugas introduced Cub Scout Troop 817. The Scouts introduced themselves and thanked the Council for allowing them to come.

**Item #7400** to authorize a referendum vote asking voters to select a location for the Town Clock was withdrawn by Councilor Dugas.

**Item #7401** The proposed order was moved by Councilor Phinney and seconded by Councilor Dugas. Owens McCullough, representing Grondin Properties, LLC explained this request. Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to amend the proposed order to include tax map 12 lot 26.8. **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled forward a request to rezone 2 parcels of land, Tax Map 12 Lots 26.7 and 26.8, located in the Industrial Park and rezone the residual portion of Tax Map 12 Lot 27, currently located in the Industrial Zone, on Lower Main Street from the Industrial Zone to the Roadside Commercial Zone, to the Planning Board for Public Hearing and the Board's recommendation. **7 yeas.**

**Item #7402** Moved by Councilor Phinney, seconded by Councilor Dugas, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled forward a proposal to amend the performance standard for Rural Entrepreneurial activities in the Suburban Residential Zone to allow outdoor recreational activities, to the Planning Board for Public Hearing and the Board's recommendation. **7 yeas.**

**Item #7403** The proposed order was moved by Councilor Phinney and seconded by Councilor Dugas. Tom Ellsworth, President of the Economic Development Corporation, spoke regarding this item. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse appointments to the Economic Development Corporation's Revolving Loan Pool Committee. **7 yeas.**

**Item #7404** 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 the establishment of 2 additional Firefighter/EMT positions, effective April 1, 2007; and,

**BE IT FURTHER ORDERED** that the Town Council appropriate an amount not to exceed \$22,700 from anticipated revenue to provide funding for these 2 positions. **7 yeas.**

**Item #7405** Moved by Councilor Phinney, seconded by Councilor Loveitt, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appropriate an amount not to exceed \$33,500 from the Capital Reserve Fund, to make repairs to the Ladder 1 Fire Vehicle. **7 yeas.**

**Item #7406** Moved by Councilor Loveitt, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Public Works Director to approve pole permits on their behalf. **7 yeas.**

**Item #7407** to go into Executive Session to discuss abatement of taxes based on poverty was withdrawn by the applicant.

Moved by Councilor Dugas, seconded by Councilor Phinney and **VOTED** to adjourn at 8:59 pm. **7 yeas.**

A TRUE RECORD OF MEETING

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