

## **REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL November 13, 2007**

**NOTE:** The Gorham Annual Municipal and Special Referendum Election was held on November 6, 2007. There were three seats available for the Gorham Town Council and there was a five vote difference between the third and fourth place candidates. The fourth place candidate, Norman Justice, Jr., has requested an inspection of the incoming voter list and the ballots. Because the seat is in question, the third place candidate, Matthew J. Robinson, was not sworn into the position of Town Councilor at this meeting.

Vice Chairman Loveitt opened the meeting at 7:04 pm.

Roll Call of the 2006-2007 Town Council: Present: Councilors Phinney, Dugas, Loveitt, Caldwell, Willett & Moulton, Town Manager, David Cole, and Town Clerk, Christina Silberman. Absent: Chairman Justice

Moved by Councilor Phinney, seconded by Councilor Willett, and **VOTED** to accept the minutes of the October 2, 2007 Regular Meeting and the October 16, 2007 Special Meeting as printed and distributed. **6 years.**

### **Open Public Communications**

Matthew Robinson, Sanborn St., offered congratulations to Councilor Loveitt and Councilor Csoros on their successful run for Town Council. Mr. Robinson thanked outgoing Councilor Dugas for his kind words and support over the years. He thanked the voters of Gorham for electing him to the Town Council. Mr. Robinson indicated that he respects Mr. Justice and his right to inspect and ask for a recount of the ballots and when this is resolved, if the election holds, he is ready to serve the people of Gorham.

### **Councilor Communications**

Councilor Willett reported that the Town Council Finance Committee met on October 23<sup>rd</sup>. All three members were present. One item that was discussed was the abatement of taxes on 6 Cyr Drive. The second item was to authorize sale of a tax acquired parcel, map 49 lot 31, and it will be advertised in the Gorham Times and notices posted on Go-cat and the town website. The Finance Committee will review the policy for disposal of tax acquired property. The next meeting date will be set pending the organization of the Council Committees.

### **Chairman's Report**

Vice Chairman Loveitt reported that today Councilors Willett and Caldwell, Councilor Elect Matt Robinson, and Town Manager, David Cole, attended the opening ceremony for Nappi's Distributors. This is a nice addition to the town and they were very complimentary of the Planning Staff and other town officials that worked with them.

Vice Chairman Loveitt complimented Councilor Norman Justice and Councilor Elect Matt Robinson for their gentlemanly behavior regarding the election issue

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

Town Manager, David Cole, reported that the ballot inspection will occur on Monday, November 19<sup>th</sup> at 8:00 am in the Council Chambers.

Mr. Cole also reported that the Libby Avenue Brackett Road project should begin before the year is out.

The Town Manager announced that he has awarded a 5 year service pin to Deanna Gouzie who works for the Baxter Memorial Library. He thanked Deanna for her service to the Town of Gorham.

### **School Committee Report**

School Committee Chairman Jim Hager gave the School Committee report on the following topics.

- Chick Property evaluation and a possible new site evaluation for the White Rock School
- White Rock Project Committee and Schedule
- School Committee schedule
- Communication issues
- School Sports: Gorham is the only school out of 17 Class A schools where all teams made the playoffs, the Boys Soccer Team is the only Boys Soccer Team in the state not to have a yellow or red card against any of the players or coaches, the Girls Soccer Team won their fourth consecutive state title.

### **Election Report**

Town Clerk, Christina Silberman, provided the November 6, 2007 Gorham Annual and Special Referendum Election Report.

### **Official Report of the Gorham Annual / Special Referendum Election 11/06/2007**

The Gorham Municipal & Special Referendum Election was held on November 7, 2006 and the voting districts were in the following locations with the following votes cast by district: Ward 1 - Little Falls School = 1,266, Ward 2 - Masonic Hall = 1,068, Ward 3 - Middle School = 735, and Central – Gorham Municipal Center =283. Total Voter Turnout=29%\*

\*Voter turnout figure is approximate.

<u>Town Council</u>	Ward 1	Ward 2	Ward 3	Central	Totals
CSOROS, PHILLIP A.	664	439	365	86	1,554
DUGAS, PHILIP A.	241	227	185	74	727
HOMA, DAVID J.	315	225	143	58	741
JUSTICE, NORMAN E. JR.	386	425	246	120	1,177
LOVEITT, BURLEIGH H.	430	479	277	120	1,306
MINER, NOAH F.	316	368	255	89	1,028
ROBINSON, MATTHEW J.	503	361	226	92	1,182
SPRAGUE RUSSELL C.	444	206	209	73	932
BLANKS	495	470	94	137	1,396
INVALID WRITE-INS	4	4	5	0	13
<u>School Committee</u>	Ward 1	Ward 2	Ward 3	Central	Totals
CURRIER, KYLE P.	901	726	528	198	2,353
MARCHAND, ROGER L.	846	725	521	198	2,290
BLANKS	769	672	415	170	2,026

INVALID WRITE-INS	16	13	6	0	35
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Portland Water District  
Board of Trustees

	Ward 1	Ward 2	Ward 3	Central	Totals
EMERSON, JOHN W. SR.	1,050	872	616	224	2,762
BLANKS	205	192	117	58	572
INVALID WRITE-INS	11	4	2	1	18

  

<u>Referendum Question #1</u>	Ward 1	Ward 2	Ward 3	Central	Totals
Yes	791	661	487	199	2,138
No	449	382	236	68	1,135
BLANKS	26	25	12	16	79

  

<u>Referendum Question #2</u>	Ward 1	Ward 2	Ward 3	Central	Totals
Yes	686	603	391	168	1,848
No	547	444	334	101	1,426
BLANKS	33	21	10	14	78

### **Swearing in of two of the newly elected Town Councilors**

Town Clerk, Christina Silberman conducted the swearing in for two of the newly elected Town Councilors, Phillip A. Csoros and Burleigh H. Loveitt.

Outgoing Councilor Philip A. Dugas was recognized and presented with a plaque to show the Town's appreciation for his service on the Town Council from 1993 to 2007.

Roll Call of the 2007-2008 Town Council: Present: Councilors Phinney, Loveitt, Caldwell, Willett, Csoros & Moulton, Town Manager, David Cole, and Town Clerk, Christina Silberman. (The seventh council member is pending final determination)

Town Clerk, Christina Silberman, acting as Chairman pro tempore, conducted the election for Council Chairman for 2007-2008.

### **New Business**

**Item #7491** Moved by Councilor Phinney, seconded by Councilor Willett, and **VOTED** to elect Councilor Burleigh H. Loveitt as the Chairman of the Gorham Town Council for 2007-2008. **5 yeas, 1 abstention (Loveitt).**

Chairman Loveitt then took over the gavel to conduct the remainder of the meeting and welcomed Councilor Phil Csoros.

Moved by Councilor Caldwell, seconded by Councilor Moulton, and **VOTED** to postpone action on Items 7492 (appointment of the Vice Chairman), 7493 (appointment of Council Committees), and 7494 (adoption of Council Rules) until such time as we have a fully seated Council. **6 yeas.**

**Public Hearing #1** Chairman Loveitt opened the Public Hearing on renewal of a liquor license for Sebago Brewing Company. There were no public comments. Chairman Loveitt closed the Public Hearing.

**Item #7495** Moved by Councilor Willett, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of a liquor license for Sebago Brewing Company. **6 yeas.**

**Public Hearing #2** Chairman Loveitt opened the Public Hearing on approval of a new Victualer's License for Nouria Energy Retail Maine, Inc. for Lil' Mart – Little Falls. There were no public comments. Chairman Loveitt closed the Public Hearing.

**Item #7496** 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 new Victualer's License for Nouria Energy Retail Maine, Inc. for Lil' Mart – Little Falls. **6 yeas.**

**Public Hearing #3** Chairman Loveitt opened the Public Hearing on approval of a new Victualer's License for Nouria Energy Retail Maine, Inc. for Lil' Mart – Route 25. There were no public comments. Chairman Loveitt closed the Public Hearing.

**Item #7497** Moved by Councilor Moulton, seconded by Councilor Caldwell, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a new Victualer's License for Nouria Energy Retail Maine, Inc. for Gorham Lil' Mart at Ossipee Trail. **6 yeas.**

**Public Hearing #4** Chairman Loveitt opened the Public Hearing on a proposal to amend the Land Use and Development Code, Chapter VII, Impact Fees, Section III (a) by adding a new paragraph to include the Little Falls Recreation Area. There were no public comments. Chairman Loveitt closed the Public Hearing.

**Item #7498** The proposed order was moved by Councilor Csoros and seconded by Councilor Caldwell. Mike Wing, Wood Road, thanked the Town Council for the support they have had on opening up some recreation areas for the community. Town Manager David Cole explained this item.

Whereas, the Town approved a Recreation Impact Fee Ordinance for the purpose of developing active recreation facilities to serve the needs of a growing population; and,

Whereas, the impact fees may be used to develop the Chick property, Gorham Savings Bank Property (so called), Weeks Road property, and Middle School property; and,

Whereas, the Little Falls Recreation area was not included as an area where impact fee funds could be used because it was believed there was no room to support additional facilities; and,

Whereas, a closer evaluation has indicated that the Little Falls Recreation area may accommodate additional facilities,

**NOW THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an amendment to the Land Use and Development Code, Chapter VII, Impact Fees, Section III (a) by adding a new paragraph to include the Little Falls Recreation area. **6 yeas.**

#### **Amendment to Chapter VII, Impact Fees, Section III (A)**

Change the current paragraph 4 to paragraph 5 and add a new paragraph 4 to read:

- 4) Prepare a plan and design for the Little Falls Recreation area to increase the number of playing fields and to begin developing those fields.

**Public Hearing #5** Chairman Loveitt opened the Public Hearing on a proposal to amend the Town's General Assistance Ordinance by adjusting the maximum levels of assistance. There were no public comments. Chairman Loveitt closed the Public Hearing.

**Item #7499** The proposed order was moved by Councilor Csoros and seconded by Councilor Willett.

Whereas, the State establishes maximum levels of assistance for local General Assistance Ordinances; and,

Whereas the Town's local ordinance must be adjusted annually to reflect the new maximum levels of assistance,

**NOW THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Town's General Assistance Ordinance to reflect the new state maximum levels of assistance. **6 years.**

Councilor Caldwell made a request to table item #7500 until the team representatives arrive. Seeing no objection, Chairman Loveitt indicated that the Town Council will take item #7500 out of order and hear it later in the meeting. Item #7500 was heard after item #7501.

**Item #7501** The proposed order was moved by Councilor Phinney and seconded by Councilor Moulton. Moved by Councilor Willett, seconded by Councilor Caldwell and **VOTED** to amend the proposed order to add "so as to accomplish sending two personnel on a rescue call the preponderance of the time" at the end of the proposed order. **6 years.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize 2 additional positions for the Fire Department and Rescue Department with minimum qualifications of Firefighter/EMT as recommended by the Fire & EMS Study Committee; and,

**BE IT FURTHER ORDERED** that the Town Council appropriate \$107,700 from the Public Safety Personnel Reserve Fund so as to accomplish sending two personnel on a rescue call the preponderance of the time. **6 years.**

Item 7500 was taken out of order and heard at this time.

**Item #7500** The proposed order was moved by Councilor Caldwell, seconded by Councilor Moulton.

**TOWN OF GORHAM  
TOWN COUNCIL RESOLUTION  
RECOGNIZING THE GORHAM HIGH SCHOOL GIRLS' SOCCER TEAM**

**Whereas;** the Gorham High School Girls' Soccer Team has worked hard and long and spent many hours at practice; and

**Whereas;** the Gorham High School Girls' Soccer Team has worked together to combine 27 individual players into one very effective team; and

**Whereas;** the Gorham High School Girls' Soccer Team has been undefeated for 53 consecutive games; and

**Whereas;** the Gorham High School Girls' Soccer Team has won the Western Maine High School Girls' Soccer championship for the fourth consecutive year; and

**Whereas;** the Gorham High School Girls' Soccer Team has defeated the 2007 Class A Eastern Maine High School Girls' Soccer champion team in the State Championship Game; and.

**Whereas;** the Gorham High School Girls' Soccer Team has won the High School Girls' Soccer State Championship for the fourth consecutive year, one year in Class B and three years in Class A, and

**Whereas;** the Gorham High School Girls' Soccer Team has brought much pride, excitement and joy to their fellow students and to citizens of Gorham,

**Now, Therefore, Be It Resolved** that the Gorham Town Council does hereby congratulate Coaches Jeanne Zarrilli , Steve Martin , and Stacy LeBlanc; Co-Captains Molly Folen, Lucy Pike and Katie Zarrilli, and the entire Gorham High School Girls' Soccer Team on again winning the Class A Maine State Girls' High School Soccer State Championship. **6 yeas.**

**Item #7502** Moved by Councilor Willett, seconded by Councilor Csoros, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled adjust the per diem standby pay rate at Central Station and the per diem shift pay rate at the North Scarborough Fire Station by eliminating the current standard rates and having employees who fill these per diem shifts paid their regular hourly rate of pay which varies depending on the employees training levels, and

**BE IT FURTHER ORDERED** that the Town Council appropriate \$22,600 from the Public Safety Personnel Reserve Fund. **6 yeas.**

**Item #7503** 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 Town Manager and the Town Manager's designee as the officials authorized to enforce the provisions of the Town's Solid Waste Flow Control Ordinance. **6 yeas.**

**Item #7504** Moved by Councilor Phinney, seconded by Councilor Csoros, and **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 II Parking, Loading and Traffic (a)(7) by allowing gravel parking lots in limited circumstances, to the Planning board for Public Hearing and their recommendation. **6 yeas.**

**Item #7505** The proposed order was moved by Councilor Willett and seconded Councilor Caldwell. Moved Councilor Phinney seconded by Councilor Caldwell and **VOTED** to amend the proposed order to read "**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the base bid and all alternates from A. H. Grover for the project to develop the athletic fields at the Gorham Middle School with the project cost not to exceed \$750,000. **6 yeas.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the base bid and all alternates from A. H.

Grover for the project to develop the athletic fields at the Gorham Middle School with the project cost not to exceed \$750,000. **6 yeas.**

**Item #7506** The proposed order was moved by Councilor Phinney and seconded by Councilor Moulton. Bernard Rines, Gorham resident, spoke regarding this item. Moved by Councilor Phinney, seconded by Councilor Moulton and **VOTED** to amend the proposed order by striking the words "Route 202" and inserting "from Narragansett Street to Weeks Road near the retention pond currently owned by the Town of Gorham. **6 yeas.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Capital Improvements Committee to review the possibility of developing a road from Narragansett St to Weeks Road near the retention pond currently owned by the Town of Gorham and report back to the Town Council at a future meeting. **6 yeas.**

Moved by Councilor Phinney seconded by Councilor Moulton and **VOTED** TO adjourn at 8:39 pm. **6 yeas.**

A TRUE RECORD OF MEETING

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