

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL OCTOBER 2, 2007

Chairman Justice opened the meeting at 7:05 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 Phinney, seconded by Councilor Willett, and **VOTED** to accept the minutes of the September 4, 2007 regular meeting as printed and distributed. **7 yeas.**

Open Public Communications

Patrick O'Shea, Meadow Crossing Drive, expressed concern with stewardship of public buildings and public grounds. Mr. O'Shea reported that Superintendent Sharp stated at a recent School Committee meeting that he is unhappy with the school building grounds. Mr. O'Shea feels that the budget should be sufficient to take care of the maintenance of the grounds.

Trish Moulton, 265 Fort Hill Road, expressed her displeasure with comments made by Councilor Loveitt at the last Town Council meeting regarding the 911 proclamation item.

Teresa Dolan, 309 Mosher Road, stated that she wants to bring attention to the utter disregard the Council showed to the Planning Board and residents regarding the amendments to the Land Use and Development Code made at the September 4th meeting. Ms. Dolan spoke against the Council's approval of the amendments.

Jennifer Everett commented that she is disappointed by the incomplete and biased nature of last months Town Council proceedings regarding the amendments to the noise and mining ordinances. Ms. Everett asked the Town Council to reconsider the item.

Russell Sprague, 184 Libby Ave, opined that by passing the amendments to the ordinances in regards to the mining and noise, the Town Council did a disservice to the town. The changes have further reduced the effectiveness of the noise ordinance. The entire ordinance needs a comprehensive review. Mr. Sprague asked the Town Council to reconsider their decision.

Councilor Communications

There were no Councilor communications.

Chairman's Report

There was no Chairman's report.

Town Manager's Report

The Town Manager reported that the Bracket Road / Libby Avenue road construction project has gone out to bid. Bids are expected to close on October 10th. Work is anticipated to begin this fall or early winter.

School Committee Report

School Committee Chairman Jim Hager reported on the following;

- The White Rock Project Committee met September 5th, they are requesting a waiver from the Department of Education to extend the December 31st deadline for project funding, they are planning for a September 2011 occupancy
- Columbus Day Holiday is on Monday, October 8th and there will be no school
- Plans for the 10th reunion of the GHS class of 1997 are available on the school website, www.gorhamschools.org

New Business

Public Hearing #1 Town Manager, David Cole, gave an explanation of this issue. Chairman Justice opened the public hearing regarding a referendum to authorize the Town to construct athletic facilities at the Gorham Middle School at a cost not to exceed \$750,000 using Recreation Impact Fees and residual Middle School Project funds. Mike Wing, Wood Road, member of the Gorham Soccer Association and Play Gorham, thanked the Council for working on this project because it is so important for the kids and the adults to have this space. Jim Hager, School Committee Chair, commented that this is an extension of the fields at the Middle School that were not developed due to a lack of funds. Chairman Justice closed the public hearing. There was no Town Council action on this item.

Public Hearing #2 Town Manager, David Cole, provided information on this issue. Chairman Justice opened the public hearing on a referendum to authorize the Town to borrow three million dollars for road projects. There were no comments from the public. Chairman Justice closed the public hearing. There was no Town Council action on this item.

Public Hearing #3 Chairman Justice opened the public hearing on renewal of a Liquor License for Gorham House of Pizza. There were no public comments. Chairman Justice closed the public hearing.

Item #7479 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 Gorham House of Pizza. **7 yeas.**

Public Hearing #4 Chairman Justice opened the public hearing on renewal of a Liquor License for Sierra's Inc. There were no public comments. Chairman Justice closed the public hearing.

Item #7480 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 the renewal of a Liquor License for Sierra's Inc. **7 yeas.**

Public Hearing #5 Chairman Justice opened the public hearing to consider approval for a Mass Gathering Permit for Beanstalk Inc d/b/a The Gorham Grind. Carson Lynch, owner of Gorham Grind, explained that he is leading a group of teachers, professors, local artists, and business owners to hold the first annual Gorham Art Fair. Mr. Lynch explained the event. Chairman Justice closed the public hearing.

Item #7481 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 issuance of a Mass Gathering Permit for Beanstalk Inc d/b/a The Gorham Grind for the Gorham Arts Festival event to be held on October 27, 2007 at Charles Robie Memorial Gymnasium. **7 yeas.**

Item #7482 Councilor Caldwell commended the Fire and EMS Study Committee for their contribution, dedication, and hard work. Steve Willis, Chairman of the Fire and EMS Study Committee, gave a power point presentation outlining the work done by the Committee and provided recommendations to the Council. Mr. Willis thanked David Cole and Bob Lefebvre for their hard work and support in this process. He also thanked the Fire Rescue Department on behalf of the Committee for their work. Chairman Justice thanked the Committee for their hard work. There was no Town Council action on this item.

Item #7483 The proposed order was moved by Councilor Loveitt and seconded by Councilor Willett. Moved by Councilor Loveitt, seconded by Councilor Willett and **VOTED** to amend the proposed order to strike the amount "\$135,000" and insert the language "\$93,000 from the Surplus Carryover Reserve account and \$42,000 from the Fund Balance". **7 yeas.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appropriate \$93,000 from the Surplus Carryover Reserve account and \$42,000 from the Fund Balance for the White Rock School Project; and

BE IT FURTHER ORDERED that said funds will be reimbursed to the Town if the project is subsequently approved by the voters and the State, provided, however, that the reimbursement requirement will be void if this project does not receive State or local approval. **7 yeas.**

Item #7484 Councilor Willett read the appointments committee recommendations. 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 appointments to Town Boards and Committees recommended by the Town Council Appointments Committee as presented. **7 yeas.**

APPOINTMENTS COMMITTEE RECOMMENDATIONS

BOARD OF APPEALS - Mark Curtis to an existing vacancy to expire on 4/1/2009

BOARD OF ASSESSMENT REVIEW - Steven Scontras to an existing vacancy as a regular member to expire 4/1/2008

BOARD OF HEALTH - Dale A. Smith to an existing vacancy to expire on 4/1/2010

CABLE TELEVISION COMMITTEE - Matt McKenzie to an existing vacancy to expire on 4/1/2010

PARKS AND CONSERVATION COMMISSION - Stephanie Publicker to an existing vacancy to expire on 4/1/2010

Item #7485 The proposed order was moved by Councilor Phinney and seconded by Councilor Dugas. Councilor Moulton disclosed that his wife is a rescue vehicle driver for the town. Moved by Councilor Loveitt, seconded by Councilor Phinney, and **VOTED** to amend the proposed order to add the following "**BE IT FURTHER ORDERED** that the Town Council authorize the purchase of a stretcher with trade-in, as recommended by the Fire Chief in his memo of September 5, 2007." **7 yeas.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in

Town Council assembled accept the bid from Sebago Lake Garage of \$35,047 for a chassis for a new rescue vehicle; and

BE IT FURTHER ORDERED that the Town Council accept the bid from PL Custom of \$136,957 for a rescue vehicle for a total cost of \$172,004.

BE IT FURTHER ORDERED that the Town Council authorize the purchase of a stretcher with trade-in, as recommended by the Fire Chief in his memo of September 5, 2007. **6 years, 1 nay (Willett).**

Item #7486 Moved by Councilor Loveitt, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a bid from Portland North in the amount of \$107,065 for a new dump truck. **7 years.**

Item #7487 The proposed order was moved by Councilor Loveitt and seconded by Councilor Dugas. Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to amend the proposed order to add "and, **BE IT FURTHER ORDERED** that the Town Council approve an overlimit permit for the Gorham Bypass bridge over Gully Brook project number HP-8151600". **7 years.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager to sign a Municipal/State Agreement and an overlimit agreement for the Libby Avenue and Brackett Road Construction Projects, Federal Aid Project number STP-8460(00)X and STP-1054(100)X and Project Identification number (PIN) 8460.00 and 10541.00, and,

BE IT FURTHER ORDERED that the Town Council approve an overlimit permit for the Gorham Bypass bridge over Gully Brook project number HP-8151600. **7 years.**

Item #7488 The proposed order was moved by Councilor Dugas and seconded by Councilor Phinney. Jennifer Everett commented that she agrees that this issue needs to be looked at. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Ordinance Committee to review the criteria in the Land Use and Development Code regarding length of roads, road connections between subdivisions, and provisions for future roads. **7 years.**

Item #7489 Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to waive the rules and dispense with the clerk reading the proposed order. **7 years.** Councilor Phinney disclosed that his mother is Rose Phinney. 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 November 6, 2007 Annual Municipal and Special Referendum / State Referendum / Cumberland County 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, October 31, 2007, 8:30 a.m. and 6:30 p.m. on Thursday, November 1, 2007, 7:30 a.m. and 4:30 p.m. on Friday, November 2, 2007, and 8:30 a.m. and 4:30 p.m. on Monday, November 5, 2007 for the purpose of registering citizens to vote and correcting the voter list; and,

BE IT FURTHER ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following Wardens and Ward Clerks for the November 6, 2007 Annual Municipal and Special Referendum / State Referendum / Cumberland County Referendum Election and that the Town Clerk is authorized to make changes to these appointments as needed.

Ward 1: Warden – Rose Phinney, Ward Clerk – Bob Skinner

Ward 2: Warden – Pat Clay, Ward Clerk – Nancy Kenty

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

Ward 4: Warden – Connie Loughran, Ward Clerk – Christina Silberman **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Dugas and **VOTED** to adjourn the meeting at 8:40 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk