

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL April 1, 2008

Chairman Loveitt opened the meeting at 7:03 pm.

Roll Call: Present: Chairman Loveitt, Councilors Caldwell, Csoros, Moulton, Phinney, Robinson & Willett, 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 March 4, 2008 regular meeting as printed and distributed. **7 yeas.**

Open Public Communications

There were no communications from the public.

Councilor Communications

Councilor Moulton reported that the Finance Committee met on March 19th. They welcomed Dana Fischer, the new Finance Director, and reviewed the financial standing of the town. Things look good except for the increased costs due to the winter and those overages are being worked on diligently. Massage Therapy fees were reviewed and a new fee structure will be presented later tonight. Staff is preparing numbers for all other fees in town and these will be discussed at the next meeting. The committee discussed the article in the American Journal regarding the proposed school budget increasing the town mil rate by 58 cents and the committee felt this was too high. The next meeting will be on April 30th at 8 am.

Councilor Robinson clarified his comment in the minutes of the last meeting regarding fundraising, the amount of \$18.07 per student does not include Kindergarteners or Seniors. Councilor Robinson reported that the Recreation Advisory Committee met on April 28th. They discussed managers for Babe Ruth and Cal Ripkin softball and have done a good job appointing people. He appreciates all the volunteers. They discussed the Memorial Day Parade and the car show. He congratulated the lacrosse league on their record numbers and reported that they are considering having two games on the weekend to allow everyone time to play. This is a good sign for youth sports.

Councilor Willett reported that she attended a Council of Governments workshop on sustainable communities. There were a lot of good ideas and she will share information with appropriate Department Heads.

Councilor Phinney reported that the Ordinance Committee met and were briefed on the status of most of the items before the Planning Board. They spent most of the time working on minor/major site plan review, and the sound ordinance is progressing.

Councilor Csoros recognized the work of the Planning Board and expressed appreciation for the work they do. He gave kudos to the Town Manager for the budget proposal. He gave credit to the Department Heads and leadership of Mr. Cole.

Chairman's Report

Chairman Loveitt reported he has been working on the turnpike extension and it is making progress. He stated that a letter was received from a constituent concerning lighting at the new Public Works Department pump station and this is being looked into. Chairman Loveitt expressed appreciation to Mr. Cole, Councilor Caldwell, and others for

the time they put in at the town booth at the Gorham Business and Civic Exchange Marketplace. He remarked that an unsigned letter expressing concerns with government and making suggestions was sent to the Council and that unsigned letters do not amount to a hill of beans. If you wish to communicate with the Council please allow us to be able to understand the context and provide an opportunity to contact the person. He expressed thanks to School Chairman Jim Hager, former Council Chairman Norm Justice and Superintendent Sharp for their negotiation efforts for replacement of the White Rock School. Their effort is far beyond what would be expected. Chairman Loveitt reported that the Ecomaine board, formerly RWS, is profitable and the community should be proud to be supporting members. He has invited Ecomaine to make a presentation at the May Town Council meeting.

Town Manager's Report

Mr. Cole stated that he has given copies of the proposed 2008/2009 municipal budget to the Council. This has been a very difficult budget to put together. Mr. Cole thanked staff members who have done a tremendous job to keep costs down. The proposed budget is \$11,859,260, a 1.5% increase. The tax rate would be \$4.54, up \$.08. Without the new debt service incurred for the road bond, this budget would be down \$.13 over the current year. This proposed budget is \$85,048 below the statewide spending cap. There will be Town Council budget workshops on Thursday April 3rd and on Tuesday April 8th.

School Committee Report

School Committee Chairman Jim Hager thanked the Town Council for their kind words and reported on the following;

- White Rock School Project - hopes to make an announcement within the week that there is a signed purchase and sale agreement. The next step will be a town wide public meeting followed by a straw vote.
- On February 27th the School Committee voted to return the Little Falls School to the Town for its use, provided that the new elementary school referendum passes and a new school is built.
- April 8th is parent info night for kindergarten at Narragansett School, this is a parents only event.
- Reminder to parents, have children check the lost and found at their schools
- A School Committee special meeting is scheduled for April 2nd in the Superintendent's conference room at 6 pm and the next regular meeting is April 9th in Council Chambers at 7 pm.
- District wide school vacation is April 21st-25th

Councilor Robinson asked about the status of recent vandalism. Mr. Hager responded that the event involved students that put up swastikas in the school and he is not aware of the final outcome.

New Business

Public Hearing #1 Chairman Loveitt opened the public hearing to consider a proposal to amend Article X, Sewer Fees, of the town's Waste Water Ordinance. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7549 The proposed order to consider a proposal to amend Article X, Sewer Fees, of the town's Waste Water Ordinance was moved by Councilor Robinson, seconded by Councilor Caldwell, and **VOTED. WHEREAS**, the Town of Gorham is developing a project to construct a new Elementary School, and will periodically need new school facilities in the future; and,

WHEREAS, the Town Council has concluded that it is in the Town's best interest to provide some flexibility on readiness to serve fees along new access roads constructed into new school facilities,

NOW, THEREFORE, BE IT ORDERED that the Town Council hereby amends Article X, Sewer Fees, of the Town's Waste Water Ordinance by adding additional language at the end of the first sentence in Sec. 2(C) as follows:

Note: Additions are underlined

Sec. 2 Sewer Fee Requirements

(C) Readiness to serve fees shall be charged to properties which abut a public sewer having available to it a connection stub; provided, however, effective April 1, 2008, no such readiness to serve fee shall be charged for any properties along any road constructed to provide access to any new municipal or school facility until such time, if ever, as any permits or approvals are obtained for private development of such abutting properties.. Such fees can be used only for payment of fixed costs that are not related to flow. **4 yeas, 3 nays (Moulton, Csoros & Phinney).**

Public Hearing #2 Chairman Loveitt opened the public hearing to consider a proposal to adjust fees for Massage Establishments and Massage Therapists. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7550 Moved by Councilor Phinney, seconded by Councilor Willett and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled establish and adjust non-refundable application fees for Massage Establishments and Massage Therapists, to be effective May 1, 2008 as follows:

Application fees for Massage Establishment: \$75.00

Application fees for Combined Massage Establishment/Therapist: \$100.00

Application fees for Massage Therapists: \$50.00

Application fees for Conditional Massage Therapists: \$50.00

Required State background checks: Applicant is responsible for this cost. **7 yeas.**

Public Hearing #3 Chairman Loveitt opened the public hearing to consider issuance of a new Victualer's License for Southern Maine Community Recreation Center (SMCRC) d/b/a Yourspace. Adam Sturtevant introduced himself and described the food that will be sold. Chairman Loveitt closed the public hearing.

Item #7551 Moved by Councilor Robinson, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a new Victualer's License for Southern Maine Community Recreation Center (SMCRC) d/b/a Yourspace. **7 yeas.**

Item #7552 was moved by Councilor Moulton and seconded by Councilor Phinney. Allene Bowler, Route 237, stated that she is turning in a petition with 136 signatures,

collected in a week's time, asking the Town Council to reconsider their vote to consolidate voting districts. The proposed order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled receive a petition asking the Town Council to reconsider their vote to consolidate voting districts. **7 yeas.**

Item #7553 Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to waive the reading of the order. **7 yeas.** The proposed order to consider authorizing the issuance of General Obligation Bonds approved by the voters on November 8, 2005 and November 6, 2007 was moved by Councilor Phinney, seconded by Councilor Willett, and **VOTED.**

WHEREAS, the voters of the Town of Gorham, Maine (the "Town") approved the issuance of up to \$1,340,000 of the Bonds of the Town at a Town referendum election duly called and held on November 8, 2005 in order to finance costs of the local share of road improvements to Libby Avenue and Brackett Road, and the voters of the town approved the issuance of up to \$3,000,000 of the Bonds of the Town at a Town referendum election duly called and held on November 6, 2007 to finance up to \$3,000,000 in costs of other improvements to roads in the Town, as more particularly described in the referendum questions approved on November 8, 2005 and November 6, 2007; and,

WHEREAS, the Town Council desires that General Obligations bonds of the Town be issued to finance such projects; and

NOW, THEREFORE, BE IT VOTED AND ORDERED by the Town Council of the Town of Gorham, Maine as follows:

Section 1. Bonds Authorized and Purpose of Issue. Pursuant to Maine law, the charter of the Town, votes duly adopted by the inhabitants of the Town of Special Referendum elections duly called and held on November 8, 2005 and November 6, 2007, and all other authority thereto enabling, the Town Treasurer is hereby authorized and empowered in the name and on behalf of the Town to borrow up to \$1,340,000 to finance costs of the local share of road improvements to Libby Avenue and Brackett road and to borrow up to \$3,000,000 to finance the costs of other improvements to roads in the Town, as more particularly described in the referendum questions approved on November 8, 2005 and November 6, 2007. The Town Treasurer is hereby authorized to issue and sell general obligation bonds (the "Bonds") in the total aggregate principal amount not to exceed \$4,340,000 and to determine the date, maturities, denominations, interest rate or rates, place of payment, paying agent and registrar, form and other details of the bonds including the signing and delivery of said Bonds on behalf of the Town. The Bonds shall be executed in the name of the Town by its Treasurer, and countersigned by the Chairman of the Town Council, and be in such form and contain such terms and provisions, not inconsistent herewith, as the Treasurer may approve, his approval to be conclusively evidenced by his execution thereof. the Treasurer is hereby authorized to provide on behalf of the Town that any of the Bonds may be made redeemable or callable, with or without premium, prior to maturity.

Section 2. Authorized Officers. If any of the officers or officials of the Town who have signed or sealed the bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, such

bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds and such person shall not have been or be such officer or official.

If the Treasurer, Town clerk, Chairman of the Town Council or any other Town Official is for any reason unavailable to approve and execute the Bonds or any of the bond documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself performed such act.

Section 3. Sale of Bonds. The Treasurer is hereby authorized and empowered to execute and deliver such bond purchase agreements, contracts, agreements, notices of sale and certificates as may be necessary or appropriate in connection with the sale of the Bonds. In connection with the sale of the Bonds, the Treasurer is hereby further authorized to prepare, or cause to be prepared, an Official Statement for use in the offering and sale of the Bonds, such Official Statement to be in such form and contain such information as may be approved by the Treasurer, and the distribution of the Official Statement in the name of and on behalf of the Town in connection with the offering of the Bonds is hereby approved.

Section 4. Book-Entry Form. The Treasurer is hereby authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, and the Treasurer is hereby authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 5. Tax Covenants. The Town covenants and certifies that no part of the proceeds of the issue and sale of such Bonds authorized to be issued by the foregoing Orders (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause such bonds of the Town to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"). The Treasurer is hereby authorized and directed to execute any certificate or agreement to confirm the foregoing and to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such Bonds, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds will remain exempt from federal income taxation under the Code, and that the Town will refrain from any action that would cause interest on the Bonds to be subject to federal income taxation under the Code.

Section 6. Reports and Further Information. The Treasurer is hereby authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any required reports, make any annual financial disclosure and any material event disclosure, and take any other action that may be

necessary to ensure that the disclosure requirements imposed by the Securities and Exchange Commission or any rule or order thereof, if applicable, are met.

Section 7. Further Actions. The Treasurer and other proper officials of the Town be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds hereinabove authorized, including any bond insurance and/or credit enhancement agreements. Any such action taken or document executed or consent given by such officer in his capacity as an officer of the Town shall be deemed to be an act by the Town.

Section 8. Effective Date. This Bond Order shall take effect immediately. **7 years**. (Prior to this vote, Councilor Caldwell moved the question, 7 years.)

Item #7554 The proposed order was moved by Councilor Caldwell and seconded by Councilor Willett. Yolande Justice, Wood Road, spoke in opposition to extending the agreement and would like the Town Council to revisit the placement of the clock at the Municipal Center. Noah Miner, 32 Green St, spoke in favor of having the clock put back in the church. Moved by Councilor Robinson to amend the proposed order and have the Town Manager begin the process of moving the Town Clock to the Municipal Center, (motion fails for lack of a second). The proposed order was then **VOTED ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to a request from the First Parish Congregational Church to extend the expiration date of an agreement, approved by the Town Council on March 6, 2007 (Order #7399) that allows the Church to lease and install the Town Clock in the First Parish Congregational Church, approve an extension of time for the Church to fully implement the agreement: and,

BE IT FURTHER ORDERED that the new extended time to fully implement the agreement shall be September 30, 2008; and,

BE IT FURTHER ORDERED that the Town Council Chairman is requested to work with the Church to facilitate the completion of the agreement in accordance with the terms of the agreement. **6 years, 1 nay (Robinson)**.

Item #7555 Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to waive the reading of the proposed order. **7 years**. Moved by Councilor Caldwell, seconded by Councilor Phinney to remove the name, Jeanette Gould. **7 years**.

ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following list of Election Workers with terms to expire April 1, 2010;

Democrat: Nancy Banner, Patricia Clay, Geraldine Day, Francis Doucette, Peggy Douglass, Anne Emerson, Sandra Franklyn, Carol Gordon, Colleen Hoyt, Sally Kakidis, Christine Kimball, Alida Landry, Virginia Morrow, Harold Parks, Cassie Pelletier, Sarah Rioux, Ethel Robillard, Robin Sanford, Melinda Shain, Barbara Skinner, Robert Skinner, Anita Smith, Helen Smith, Susan Smyth, Judith Stevens, Mary Ellen Sturtevant, Pat Weeks, Meadow Welch, & Michael Wojtal

Republican: Janet Bell, Dorothy Burnham, Brenda Caldwell, Donna Carll, Gladys Carter, Sara Childs, Kenneth Curtis, George Deering, Linda Deering, Rhonda Desrochers, Janice Edwards, Margaret Faulkner, Linda Frinsko, Emma Gilman, Diane

Godfrey, Mary Golden, Martha Harris, Nancy Hawkes, Madelyn Hunt, Althea Irish, Burt Kenty, Nancy Kenty, Elizabeth Labrecque, Janice Labrecque, John Labrecque, Guy Labrecque, Stephen Levine, Raymond Mitchell, Rose Phinney, Heidi Pratt, Kristen Smith, Laurel Smith, Virginia Williams, Ethel Wright, & Lawrence Wright

Green Independent: Theresa Calabraro

Unenrolled: Judith Arsenault, Edward Gowen, & Sharon Grant. **7 yeas.**

Item #7556 Moved by Councilor Willett, seconded by Councilor Moulton, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled issue the 2008 Warrant for Prosecuting Unlicensed Dog Owners-Keepers to the Animal Control Officer. **7 yeas.**

Item #7557 Moved by Councilor Phinney, seconded by Councilor Willett, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled go into executive session, pursuant to Title 1, M.R.S.A., Section 405(6)(a) to conduct the annual evaluation of the Town Manager. **7 yeas.**

Moved by Councilor Moulton, seconded by Councilor Csoros, and **VOTED** to come out of executive session. **7 yeas.**

Moved by Councilor Moulton, seconded by Councilor Csoros, and **VOTED** to adjourn the meeting at 10:34 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk