

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL
July 1, 2008 - 7:00 p.m.

Chairman Loveitt opened the meeting at 7:02 pm.

Roll Call: Present: Chairman Loveitt, Councilors Caldwell, Csoros, Knapp, Moulton, Phinney, & Robinson, Town Manager, David Cole and Town Clerk, Christina Silberman.

Moved by Councilor Moulton, seconded by Councilor Knapp and **VOTED** to accept the minutes of the June 3, 2008 Regular Town Council meeting. **7 yeas.**

Open Public Communications

There were no public communications.

Councilor Communications

Councilor Csoros corrected a statement that he made last month when he stated that Councilor Caldwell suggested that the town pursue more cemetery space and it was actually Councilor Knapp's suggestion. He plans to propose an amendment to the Town Charter for section 901 for expenditures of \$250,000 or more to require that the impact on the tax rate be listed on the ballot.

Councilor Phinney reported that the Ordinance Committee met on June 30th and discussed a number of items that will be coming up on future agendas. They also looked at minor site plan review.

Councilor Knapp reported that she attended the new school Building Committee meeting in early June. She attended Ecomaine's annual meeting and former Governor Angus King talked about wind power and it was very interesting. She also attended the Council of Governments Annual Meeting where they announced awards.

Councilor Moulton reported that the Finance Committee will meet on July 9th at 8 am. He just came back from a trip to Germany and was very impressed by their use of nuclear, wind, and solar power. When people use wind power, Central Maine Power puts in two meters, one to count energy produced and one to count energy used. CMP will still charge you \$.07 cents per kilowatt hour even if you produce more energy than you use.

Chairman's Report

Chairman Loveitt reported that progress is being made on the Town Clock placement. He thanked Clyde Grant for his help in pulling this together. A complete package regarding the Town Clock will come to the Town Council soon.

Chairman Loveitt and David Cole continue to attend meetings on the proposed turnpike spur. This project is receiving excellent support from surrounding communities.

Chairman Loveitt talked about a letter that was in the Council packets from Lyndon Keck of Portland Design Team with respect to the energy preparations planned for the White Rock replacement school. He asked the Council if they would like a special meeting on this building. Chairman Loveitt also asked that this letter be placed on the town website.

Town Manager's Report

Mr. Cole reported that the high costs of gas and heating oil are having an impact on budgets and the Town is looking at options with Town buildings.

Mr. Cole reminded the Town Council that there are several committee meetings scheduled for next week.

School Committee Report

School Committee Chairman Jim Hager reported on the following:

- The Department of Education has notified the School Department that the alternative plan under the school reorganization plan has been accepted which allows the town to remain a separate school district.
- The State Board of Education approved the project for the new elementary school and issued a traffic permit.
- The next School Committee meeting will be Wednesday August 13th at 6:00 pm.
- Mr. Hager asked for the Town Council's support for the referendum election item.
- Gorham High School's new principal Christopher Record, started today.
- The Sebago Education Alliance day treatment program at Little Falls School finished its first year. The program had a total of 16 students. This saved \$10,000-\$20,000 per tuition versus former external placements.
- Hollis Cobb has been appointed Finance Director for the School Department.

Election Report

Town Clerk Christina Silberman reported on the School Budget Validation Referendum Election.

New Business

Public Hearing #1 Chairman Loveitt opened the Public Hearing to consider an application from Matt Mattingly for a Mass Gathering License for Pine Crest Inn to host a taste walk. Matt Mattingly, South Street, explained this event. Chairman Loveitt closed the public hearing.

Item #7586 Moved by Councilor Caldwell, seconded by Councilor Robinson and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Mass Gathering License to Matt Mattingly for Pine Crest Inn to host a taste walk. **7 yeas.**

Public Hearing #2 Chairman Loveitt opened the public hearing to consider approval to renew the liquor license for Gorham House of Pizza. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7587 Moved by Councilor Phinney, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of the liquor license for Gorham House of Pizza. **7 yeas.**

Public Hearing #3 Chairman Loveitt opened the public hearing to consider a proposal to amend the Town's Victualer's Ordinance. There were no comments from the public. Chairman Loveitt closed the public hearing.

Items #7588 The proposed order was moved by Councilor Caldwell and seconded by Councilor Knapp.

Whereas, the town of Gorham adopted an ordinance to regulate the sale of prepared food on October 6, 1998; and,

Whereas, the Town needs to clarify it's applicability to non-profit organizations and ensure that all applicants are current with their property taxes and fees.

NOW THEREFOR BE IT ORDAINED that the Victualer's Ordinance is amended as proposed; and,

BE IT FURTHER ORDERED that the current fees shall remain in effect until the new fee schedule is adopted by the Town Council. **7 yeas.**

(NOTE: Additions are underlined and deletions are struck through.)

TOWN OF GORHAM
VICTUALER'S ORDINANCE

Adopted - October 6, 1998

Amended – July 1, 2008

VICTUALER'S ORDINANCE

SECTION 1 PURPOSE

A. The purpose of this Ordinance is to regulate the sale of prepared food in the Town of Gorham. The regulations are those which the Town Council in a public meeting have clearly found to be necessary in order to protect the general welfare, public safety and health of the Town of Gorham and its citizens.

SECTION 2 LICENSE

A. Any place where food or drink is prepared or served to the public for consumption on or off the premises shall be licensed annually as a Victualer, in order to operate within the Town of Gorham.

B. Establishments must be in compliance with all local ordinances and property taxes and local fees must be paid in full prior to the issuance or renewal of a Victualer's License.

SECTION 3 EXCEPTIONS

A. A public or private school, any non-profit organization selling food or drink, **or any booster group raising** ~~for not more than one day per calendar year to raise~~ money for a charitable cause; grocery stores, except those selling food items prepared on the premises; **educational activities or public agency programs** and food and drink sold only through vending machines shall be exempt from the provisions of this ordinance.

SECTION 4 APPLICATIONS

A. Renewals: The Town Council shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to this ordinance and at such time make a decision as to (1) approval of the renewal request, or (2) for reason(s) noted, disapproval of the request. Renewals shall be valid until May 31st of the following year.

B. New Applications: New applicants may apply at any time during the year. A new license, when granted, shall be valid until May 31st immediately following said granting of license.

SECTION 5 ADVERTISEMENT **AND PUBLIC HEARING**

The Town Council shall hold a public hearing prior to the hearing of all Victualers' License applications, both new and renewal. Prior to the public hearing applications shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the meeting.

SECTION 6 SECURING, SUBMITTING OF APPLICATION FOR LICENSE

Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and when submitted to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

A Victualer's License shall be granted if the property in question complies with all federal, State and local laws and the applicant demonstrates that the Victualer's premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, **provided that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham.**

SECTION 7 CLASSES OF LICENSE/FEEES

~~Class I—Application fee \$100.00 Establishments with on-site consumption of liquor~~

~~Class II—Application fee of \$50.00 Establishments without on-site consumption of liquor~~

~~Class III—Application fee of \$25.00 Mobile vending units~~

~~Class IV—Application fee of \$10.00 Nonprofit organizations~~

The Town Council shall establish a Schedule of Application and License Fees.

SECTION 8 SUSPENSION, REVOCATION OF LICENSE

A Victualer's license may, after notice and public hearing, be suspended or revoked by the municipal officers for non-compliance with the ordinances, statutes, and regulations of the Town of Gorham and the State of Maine.

SECTION 9 REINSTATEMENT OF LICENSE

A licensed victualer may, at any time after the suspension of the license, make an application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the municipal officers as per Section 4 above.

SECTION 10 PENALTY

Any violation of this ordinance shall be punishable by a fine of not less than three hundred (\$300) dollars for the first offense and not less than five hundred (\$500) dollars for the second and subsequent violation which shall be recovered for the use of the Town of Gorham. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the Town may seek recovery of costs and any other legal and equitable remedies as may be available to the Town.

SECTION 11 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Item #7589 The proposed order was moved by Councilor Knapp and seconded by Councilor Phinney. Moved by Councilor Robinson seconded by Councilor Knapp and **VOTED** to amend the proposed order to allow a one time payment of \$8,000 for the prior years fuel adjustment. **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 amendment to the contract with R. W. Herrick, Inc. to allow for adjustments as the cost of diesel fuel changes and to allow a one time payment of \$8,000 for the prior year's fuel adjustment. **7 yeas**.

Item #7590 The proposed order to conduct a Referendum Election on September 16, 2008 was moved by Councilor Moulton and seconded by Councilor Knapp. Moved by Councilor Phinney, seconded by Councilor Csoros, and **VOTED** to amend the proposed order to delete the third paragraph that begins "The entire operating costs..." and delete the fifth paragraph that begins "The town will be responsible for..." and replace this paragraph with the following "The Town is responsible for the local share of annual principal and interest payments for this school construction project included in the total

cost of education appropriated pursuant to section 15690, subsection 1, if any, and for the annual principal and interest payments for the non-state funded portion of this school construction project.”, and to add the following paragraph at the end of the order. “and, BE IT FURTHER ORDERED that the Town Council call a public hearing for this referendum question for September 2, 2008. **7 yeas.** Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to amend the proposed order to insert the following to the end of the fifth paragraph of the amended order “that a statement appear on the ballot to show the impact of the bond on the tax rate; and,”. **6 yeas, 1 nay (Knapp).** Moved by Councilor Phinney, seconded by Councilor Csoros and **VOTED** to postpone this item until a July 15th Special Town Council meeting. **5 yeas, 2 nays (Loveitt & Knapp).**

Item #7591 Moved by Councilor Moulton, seconded by Councilor Knapp and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer the June 13, 2008 letter from Susan Robie, Planning Board Chairman, recommending changes to the Land Use and Development code, to the Ordinance Committee for their review and recommendations. **7 yeas.**

Item #7592 Moved by Councilor Phinney, seconded by Councilor Robinson and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an easement to allow the Portland Water District to site a water pump station on Town property off Huston Road. **7 yeas.**

Item #7593 Moved by Councilor Robinson, seconded by Councilor Caldwell, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled abate all taxes, interest, and costs for the 06/07 and 07/08 fiscal years for property assessed to Jocelia Hartwell and Jane Sinclair (Tax Map 68, lot 51.2) for a parcel of land that does not exist. **7 yeas.**

Item #7594 The proposed order was moved by Councilor Moulton and seconded by Councilor Csoros. Moved by Councilor Knapp, seconded by Councilor Robinson and **VOTED** to amend the proposed order to include a preamble in the plan to indicate that this is a suggested plan based on current priorities and may be revised based on community needs. **7 yeas.** The amended order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a Capital Improvement Plan as recommended by the Capital Improvements Committee and that it include a preamble in the plan to indicate that this is a suggested plan based on current priorities and may be revised based on community needs. **7 yeas.**

Item #7595 Moved by Councilor Csoros, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Capital Improvements Committee to review the feasibility of acquiring land for the development of an Industrial Park and report back to the Council at a future meeting. **7 yeas.**

Item #7596 The proposed order was moved by Councilor Phinney and seconded by Councilor Knapp. Tim Deluca, 11 Park Lane, expressed concern with field space in the town. The proposed order was then **VOTED. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appropriate \$27,000 from the Timber Harvesting Reserve Fund to supplement existing funds for the project to develop

a Site Permit for the Chick Property. **7 yeas.**

Item #7597 Moved by Councilor Robinson, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled vote for Carol Rancourt and Philip Csoros as representatives to the Maine Municipal Association's Legislative Policy Committee. **7 yeas.**

Item #7598 Moved by Councilor Phinney, seconded by Councilor Robinson and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the appointment to the Cable Television Committee as recommended by the Appointments Committee.

Robert Skinner to an existing vacancy with a term to expire 4/01/2011. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Moulton and **VOTED** to adjourn the meeting at 8:36 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk