

**REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL
June 3, 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, Finance Director, Dana Fischer, and Town Clerk, Christina Silberman.

Moved by Councilor Robinson, seconded by Councilor Moulton and VOTED to accept the minutes of the May 6, 2008 Regular Town Council meeting and the May 20, 2008 Special Town Council meeting. **7 yeas.**

Open Public Communications

There were no communications from the public.

Councilor Communications

Councilor Csoros reported that the Capital Improvements Committee met last week and the minutes are forthcoming. They are continuing to revise the Long Term Capital Plan for the town. Due to some input from Councilor Caldwell and others, they recognize that there is a need to set aside space for cemeteries in town.

Councilor Knapp thanked Cindy Hazelton and her staff for a great Memorial Day parade.

Councilor Moulton reported that the Finance Committee met on May 28th and looked at a new fee schedule. The Town Manager is working on comparisons of current fees with other towns. The next meeting will be July 9th at 8 am.

Councilor Robinson reported that he attended the Cable TV Advisory Committee meeting. There was good attendance and good comments. They are concerned about the franchise fees going into the general fund and they would like to schedule a workshop to review the changes regarding cable broadcasting with the Town Council.

Chairman's Report

Chairman Loveitt congratulated Cindy Hazelton and the Recreation Department and Public Safety departments for a successful Memorial Day parade event. Chairman Loveitt recognized Councilor Matt Robinson and the Gorham Lions Club for the placement of the flags along Main Street, this is an excellent addition to our community.

Chairman Loveitt welcomed the members of the School Committee present this evening.

Chairman Loveitt asked that Councilor Robinson be allowed to leave tonight's meeting without consultation when he needs to.

The turnpike spur is garnering good local and area support and there is more to come.

There will be a meeting next week with the Balzer Family Clock Co. to hammer out the details of the placement of the town clock in the church. An agreement should be in place during June and ready for July.

Chairman Loveitt reported that the budget for Ecomaine has been passed. This is a very good organization.

Town Manager's Report

The Town Manager reminded citizens that next Tuesday is Primary Election Day; this is also the local school budget vote and a state bond issue.

Mr. Cole reported that he recently issued a 15 year service pin to Millie Grant who works in the Clerk's office.

Mr. Cole thanked the Cub Scout Troop under the leadership of Mike Nault. They spent a day spreading mulch at the Municipal Center and did a great job.

School Committee Report

School Committee Chairman Jim Hager reported on the following;

- Thank you to the Town Council for the workshop with the School Committee on May 7th
- May 29th public meeting on the proposed elementary school project, the next meeting will be in the Superintendent's office at 6:00 pm on June 4th
- Gorham High School graduation will be Sunday June 8th
- Next School Committee meeting will be June 11th at 7:00 pm

The Town Clerk reminded citizens that Ward 2 voters will now vote in the Shaw Gym at the Gorham Municipal Center and that Wards 1 and 3 have been combined into a new Ward 1 and those voters will vote at the Middle School on Weeks Road. Voters may also vote by absentee ballot at the Clerk's office.

New Business

Public Hearing #1 Chairman Loveitt opened the Public Hearing on order #7574 and order #7575 for the proposed 2008/2009 fiscal year municipal budget.

David Kent, Fort Hill Road, commented that the School Committee worked very hard on their budget. He is happy with the final number of the Town Budget but is disappointed with the fees for the pay per bag plan.

Peggy Marchand, 150 South Street, spoke advocating the importance and value of the Baxter Memorial Library. The Board of Trustees and library staff understand the need for budget cuts. The townsfolk should be informed of the impact of these cuts. The reference librarian position was cut and this is a significant loss.

Mary Collins, 275 Fort Hill Road, spoke on behalf of the Baxter Memorial Library. She is a volunteer and works on home delivery service. The library is extraordinarily well managed and staffed. This library is recognized throughout the state as one of the best libraries. June 19th from 3-7 is their Spring into Summer event to thank the community for their patronage.

Chairman Loveitt closed the public hearing.

Item #7574 The proposed order was moved by Councilor Phinney and seconded by Councilor Moulton. Moved by Councilor Caldwell, seconded by Councilor Phinney and

VOTED to waive the clerk reading of the full order with the exception of the first and last paragraphs. **7 years.**

Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to amend the order to change the town contribution for the school budget to \$1,304,912 to make the total school budget \$28,091,084. **1 yea (Csoros), 6 nays - motion fails.**

Moved by Councilor Robinson, seconded by Councilor Csoros and **VOTED** to increase the school budget from last year by \$230,180 to make the new school budget \$29,002,631. **2 yeas (Csoros & Robinson), 5 nays - motion fails.**

The proposed order was then **VOTED. ORDERED**, by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the following school budget items be adopted and approved for fiscal year 2008-2009: That **\$12,534,918** be authorized to be expended for Regular Instruction; that **\$4,684,373** be authorized to be expended for Special Education; that **\$327,594** be authorized to be expended for Career and Technical Education; that **\$640,584** be authorized to be expended for Other Instruction; that **\$1,959,420** be authorized to be expended for Student and Staff Support; that **\$642,338** be authorized to be expended for System Administration; that **\$1,735,364** be authorized to be expended for School Administration; that **\$1,460,531** be authorized to be expended for Transportation and Buses; that **\$2,702,558** be authorized to be expended for Facilities Maintenance; that **\$2,680,208** be authorized to be expended for Debt Service and Other Commitments; and that **\$27,586** be authorized to be expended for All Other Expenditures.

BE IT FURTHER ORDERED:

1. That **\$25,229,769** be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$8,857,565** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

2. That **\$702,442** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER ORDERED, that **\$3,173,263** be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$2,609,825** as required to fund the budget recommended by the school committee.

The school committee recommends **\$3,173,263** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$2,609,825**: The state's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new state Essential Programs and Services (EPS) model.

Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

BE IT FURTHER ORDERED, that the school committee be authorized to expend **\$29,395,474** for the fiscal year beginning July 1, 2008 and ending June 30, 2009 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

BE IT FURTHER ORDERED, that in addition to the amounts authorized under the previous orders, the Council hereby authorizes the school committee to expend any state, federal and other grants, aid and receipts during the fiscal year beginning July 1, 2008 and ending June 30, 2009, for school purposes and adult education, provided that such grants, aid and receipts do not require expenditure of local funds not previously appropriated.

BE IT FURTHER ORDERED, that the Town will appropriate **\$282,242** for adult education and raise **\$173,242** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. **5 yeas, 2 nays (Csoros and Robinson)**

Item #7575 The proposed order was moved Councilor Phinney and seconded by Councilor Caldwell. Moved by Councilor Caldwell seconded by Councilor Phinney and **VOTED** to waive the clerk reading of the full order with the exception of the first paragraph. **7 yeas.**

Moved by Councilor Phinney seconded by Councilor Moulton and **VOTED** to amend the proposed order to remove the funds from the Cable TV Reserve Account and place them in a Capital Project Reserve Account. **6 yeas, 1 nay (Knapp).**

Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to amend the proposed order to reduce the total amount of the budget by \$104,750 to eliminate the proposed position of Director of Planning and Code. **1 yea (Csoros), 6 nays - motion fails.**

Moved by Councilor Moulton, seconded by Councilor Caldwell and **VOTED** to amend the proposed order to add \$45,000 to the sale of trash bags revenue line due to the increase in fees for the sale of trash bags. **3 yeas (Moulton, Caldwell, & Loveitt), 4 Nays - motion fails.**

ORDERED that the Gorham Town Council vote to adopt the 2008-2009 Fiscal Year Town Budget with the following totals:

General Government	<u>\$ 868,309.50</u>
Public Safety	<u>\$ 3,356,321.00</u>
Public Works/Solid Waste	<u>\$ 2,287,643.00</u>
Health & Welfare and Social Service Agencies	<u>\$ 52,835.00</u>
Recreation/Cable TV/Robie School	<u>\$ 341,872.80</u>
Municipal Center/Utilities	<u>\$ 337,970.00</u>
Baxter Library and Museum	<u>\$ 436,519.00</u>
Planning and Development	<u>\$ 477,543.00</u>
Debt & Interest	<u>\$ 1,377,059.00</u>
Capital Items	<u>\$ 237,586.00</u>
Insurances	<u>\$ 1,839,927.00</u>
Other Town Services and Unclassified	<u>\$ 168,642.00</u>
Subtotal	<u>\$11,782,227.30</u>
Cumberland County Property Tax	<u>\$ 773,735.00</u>
TOTAL	<u>\$12,555,962.30</u>
Non-Property Tax Revenues	<u>\$ 6,294,018.00</u>

BE IT FURTHER ORDERED that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of \$691,231.00 to be funded from the town's undesignated fund balance; and

BE IT FURTHER ORDERED that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on November 13, 2008 shall commence bearing interest on November 14, 2008, and that the final half of all real estate and personal property taxes that remain unpaid on May 14, 2009, shall commence bearing interest on May 15, 2009 at the interest rate of 11.0% per annum, the highest interest rate allowed as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and

BE IT FURTHER ORDERED that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate equal to the interest rate for delinquent taxes reduced by 4% per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers; and

BE IT FURTHER ORDERED to remove the funds from the Cable TV Reserve Account and place them in a Capital Project Reserve Account. **7 years.**

Chairman Loveitt called for a 10 minute recess. Councilor Robinson left the meeting during the recess. Chairman Loveitt called the meeting back to order.

Public Hearing #2 Chairman Loveitt opened the public hearing to consider approval for a new Victualer's License for Cressey Road United Methodist Church. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7576 Moved by Councilor Phinney, seconded by Councilor Knapp 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 Cressey Road United Methodist Church to expire on May 31, 2009. **6 years.**

Chairman Loveitt asked for a Consent Agenda for Public Hearings 3, 4 & 5 for items #7577, #7578 & #7579 to be heard and voted on at one time.

Public Hearings #3, #4, and #5 Chairman Loveitt opened the public hearings to consider approval for a new Victualer's License for Aramark Educational Services, LLC, a new Victualer's License for Sawyers Variety Store, Inc., and to consider renewal of Victualer's licenses for 2008. There were no comments from the public. Chairman Loveitt closed the public hearings.

Items #7577, #7578 & #7579 The proposed order was moved by Councilor Phinney and seconded by Councilor Knapp.

Moved by Councilor Phinney, seconded by Councilor Knapp and **VOTED** to amend the proposed order to approve renewal of Victualer's licenses for Sweets N' Eats and TNT Quickstop on condition that they make an agreement with the Town to pay taxes that are due.

ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a new Victualer's License for Aramark Educational Services, LLC., and approve issuance of a new Victualer's License for Sawyers Variety Store, Inc, and to approve renewal of Victualer's Licenses for the following; Bennett Enterprises, Inc., Gorham Football Boosters, Nouria Energy Retail Maine, Inc. - Lil' Mart Little Falls, & Nouria Energy Retail Maine, Inc. - Lil' Mart Route 25 to expire on May 31, 2009; and,

BE IT FURTHER ORDERED to approve renewal of Victualer's Licenses for Sweets N' Eats and TNT Quickstop to expire on May 31, 2009 on condition that they make an agreement with the Town to pay taxes that are due. **6 years.**

Item #7580 Moved by Councilor Phinney, seconded by Councilor Csoros and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Clerk to post the warrant for the School Budget Referendum Election to be held on June 10, 2008; and,

BE IT FURTHER ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following persons as Wardens and Ward Clerks for the designated voting districts for the June 10, 2008 Town of Gorham School Budget Referendum Election and State of Maine Primary / Referendum Election and if any of the following should fail to serve the Town Council hereby gives the Town Clerk the authority to appoint substitutes:

	<u>Warden</u>	<u>Ward Clerk</u>
District 1	Linda Deering	Laurel Smith
District 2	Pat Clay	Nancy Kenty
Central	Connie Loughran	Christina Silberman

BE IT FURTHER ORDERED that the Registrar of Voters be in session during regular office hours on Monday, June 2, 2008, Tuesday, June 3, 2008, Wednesday June 4, 2008, Thursday, June 5, 2008, Friday June 6, 2008, and Monday, June 9, 2008 and,

BE IT FURTHER ORDERED that the Town Clerk be authorized to process absentee ballots at the Gorham Municipal Center on Monday, June 9, 2008 at 10:00 am and on Tuesday June 10, 2008 at 9:00 am, 11:00 am, 1:00 pm, 3:00 pm, 5:00 pm, 7:00 pm and at 8:00 pm. **6 yeas.**

Item #7581 Moved by Councilor Knapp, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a Mutual Aid Agreement with the University of Southern Maine as proposed. **6 yeas.**

Item #7582 Moved by Councilor Caldwell, seconded by Councilor Knapp and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to Title 30-A, M.R.S.A., Section 2526(5), appoint Michael D'Arcangelo as the Assessor for a term to expire on May 31, 2013. **6 yeas.**

Item #7583 The proposed order was moved by Councilor Moulton and seconded by Councilor Knapp. Chairman Loveitt disclosed that his two sons work for Shaw Brothers but they do not directly affect the bid. Ordered that the Town Council of the Town of Gorham, Maine, in Town Council assembled, accept the bid of Shaw Brothers to construct Day Road, Osborne Road, and Plummer Road, pursuant to bid specifications; and,

BE IT FURTHER ORDERED that the Town Manager is authorized to sign the necessary documents to initiate the projects. **6 yeas.**

Item #7584 Moved by Councilor Csoros, seconded by Councilor Phinney, and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Finance Committee to develop a formal debt management policy for Town Council consideration at a future Town Council meeting. **6 yeas.**

Item #7585 Moved by Councilor Moulton, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled go into executive session, pursuant to Title 36 M.R.S.A., Section 841 (2) for the purpose of considering an application to abate taxes based on poverty. **6 yeas.**

Moved by Councilor Phinney, seconded by Councilor Knapp and **VOTED** to come out of executive session. **6 yeas.**

Moved by Councilor Phinney, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled deny the request for an abatement of taxes based on poverty of applicant A08-004 because the applicant has sufficient resources to contribute to the public charge. **6 yeas.**

Moved by Councilor Phinney, seconded by Councilor Moulton and **VOTED** to adjourn the meeting at 9:40 pm. **6 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk