

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL MAY 6, 2008

Chairman Loveitt opened the meeting at 7:01 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 Phinney, seconded by Councilor Knapp, and **VOTED** to accept the minutes of the April 1, 2008 regular meeting and the April 15, 2008 special meeting as printed and distributed. **7 yeas.**

Open Public Communications

There were no comments from the public.

Councilor Communications

Councilor Moulton reported that the Finance Committee met on April 30th, they reviewed the financials and everything seems to be in line with prior months. They reviewed the fees for the pay per bag program and the recommended fees are on the agenda tonight. The committee reviewed the restructure of planning fees and these will be ready for public hearing in June or July. The next meeting will be May 28th at 8 am.

Councilor Robinson reported that he has received calls about trash being left on residential properties and he shared some photos. He has discussed this with the Town Manager and would like an ordinance to address this problem.

Chairman's Report

Chairman Loveitt reported that he has been in contact with the Balzer Family Clock Company. He stated that they are quantifying what is required of the town to properly house the clock in the church building. He will report to the Council going forward on this.

Chairman Loveitt expressed that he is not happy with the state tax hike and has received calls from citizens about this. Gorham is giving a good deal of effort to hold the tax rate flat. Gorham has done their job.

Town Manager's Report

Mr. Cole reported that he issued a five year service pin to Barbara Skinner in the Planning Department and he thanked Barbara for her service.

Mr. Cole recognized the Gorham Recreation Department for applying to the Maine Park & Recreation Association for a Facilities of Merit award that was won to commemorate the Town of Gorham for the renovation of this building.

Mr. Cole reported that the Town is being sued for the decision made by the Planning Board on the quarry by the Concerned Citizens of Gorham.

On April 30th there was a bid opening on the 4 million dollar bond issue. The lowest bidder, that was accepted, was Wells Fargo Bank at an interest rate of 3.689%. They are working to get the road projects out to bid and the bid opening will be on May 27th. Mr. Cole asked that citizens be patient with the construction projects.

Mr. Cole reminded the Council that the June 3rd Council Meeting will be a public hearing and vote on the municipal budget. The meeting may be recessed and reconvened the following evening depending on the amount of other items that need to be covered.

Chairman Loveitt commented that pavement has been laid on the new bypass and construction is going very well.

School Committee Report

School Committee Chairman Jim Hager reported on the following:

- The Town Council & School Committee will have a joint budget workshop on May 7th
- The town wide School Budget Referendum is scheduled for June 10th
- The White Rock Elementary Project is on track, the next meeting will be May 14th
- The White Rock Project Committee has requested September 16th as the date for the town wide referendum for the new school.
- The next School Committee meeting is May 14th

New Business

Moved by Councilor Knapp, seconded by Councilor Csoros and **VOTED** to take item #7564 out of order and hear it now. **7 yeas.**

Item #7564 (This item was taken out of order) Kevin Roche, the General Manager of Ecomaine provided a report to the Town Council on the status of Ecomaine and reviewed the highlights of the report. Chairman Loveitt thanked Mr. Roche on behalf of the Town Council for his time this evening. Mr. Cole explained that Ecomaine obtains an environmental certification that is voluntary and they are one of the few facilities in the country that does this. Mr. Cole pointed out that Ecomaine's debt service has dropped over 29 million dollars over the last four years and that the municipal assessments have been dropping slowly. Mr. Cole thanked Mr. Roche.

Public Hearing #1 Chairman Loveitt opened the public hearing to consider approval of a new liquor license for The Grill Room at Gorham Country Club. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7559 was moved by Councilor Robinson and seconded by Councilor Moulton. Councilor Caldwell pointed out that the application was cosigned by Ernest Hawkes who is now deceased. It was determined that because there is another cosigner still living to go forward with this. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a liquor license for The Grill Room at Gorham Country Club. **7 yeas.**

Public Hearing #2 Chairman Loveitt opened the public hearing to consider approval to renew a liquor license for Aramark Education Services, LLC. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7560 was moved by Councilor Moulton and seconded by Councilor Robinson. Councilor Phinney disclosed that his step-son is employed by Aramark but he feels this will not affect his judgment on this item. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of a liquor license for Aramark Education Services, LLC. **7 yeas.**

Public Hearing #3 Chairman Loveitt opened the public hearing to consider approval to renew a liquor license for Ocean Garden restaurant. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7561 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 a liquor license for Ocean Garden restaurant. **7 yeas.**

Public Hearing #4 Chairman Loveitt opened the public hearing to consider approval of a new Victualer's License for The Grill Room at Gorham Country Club. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7562 Moved by Councilor Caldwell, seconded by Councilor Csoros, 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 The Grill Room at Gorham Country Club to expire on May 31, 2009. **7 yeas.**

Public Hearing #5 Chairman Loveitt opened the public hearing to consider renewal of Victualer's licenses for 2008. There were no comments from the public. Chairman Loveitt closed the public hearing.

Item #7563 Moved by Councilor Phinney, seconded by Councilor Moulton and **VOTED** to waive the reading of the proposed order. **7 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 approve renewal of Victualer's licenses to expire on May 31, 2009 for the following;

- Amato's Gorham
- Beal's Ice Cream
- Bella Donna, Inc.
- Big Apple Gorham #1059
- Burger King #4604
- Cumberland Farms #5607
- Domino's Pizza
- Dunkin Donuts
- Gorham Diner & Variety, Inc.
- Gorham House of Pizza
- Gorham School Nutrition Program
- Gorham Senior Mealsite
- Gorham Sno Goers/Mighty Street Club House
- Gorham Summer Festival/Gorham Recreation Dept.
- Gorham Youth Soccer Association
- Hannaford Food & Drug #350
- Hansen's Farm Market
- Jan Mee II
- Java Dogs by Lisa
- Little Falls Recreation Area/Gorham Recreation Dept.
- Lucky Thai Restaurant
- Mister Bagel
- Narragansett Concession Stand/Gorham Recreation Dept.

Nicely's Market, Inc.
North East Ice Cream
Ocean Garden Restaurant
Pine Crest Inn
Robie Concession Stand/Gorham Recreation Dept.
Shaw Park Concession Stand/Gorham Recreation Dept.
Sebago Brewing Company
7-Eleven Store #32534A
Subway
The Gorham Grind
Village Concession Stand/Gorham Recreation Dept.
Wassamki Springs Campground. **7 yeas.**

Item #7564 This item was taken out of order and heard prior to Public Hearing #1.

Item #7565 was moved by Councilor Csoros and seconded by Councilor Caldwell. Virginia Wilder Cross explained this item. Moved by Councilor Moulton seconded by Councilor Knapp and **VOTED** to amend the proposed order to change the words "First Night" to "New Year Gorham". **7 yeas. ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled support the idea of a "New Year Gorham" celebration for Gorham and ask Town Departments to assist in facilitating the event without the use of Town funding as described by Virginia Wilder Cross in her letter of March 25, 2008. **7 yeas.**

Item #7566 was moved by Councilor Robinson and seconded by Councilor Knapp. Harrison Richardson explained this request because of farm animals that are allowed to roam in his neighborhood. Kurt Seiferth spoke in favor of this item. Noah Miner, 32 Green St., spoke in favor of this item and feels the current ordinance is inadequate and would like the issue of dangerous dogs addressed as well. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request to update the Town's Animal Control Ordinance to the Ordinance Committee for their review and recommendation. **7 yeas.**

Item #7567 was moved by Councilor Phinney and seconded by Councilor Moulton. Noah Miner, 32 Green St., spoke against this item and recommended that on-street parking be more clearly marked. Mr. Miner recommended that the village area be made more pedestrian friendly and stated that this open space is frequently used by people in the neighborhood. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to develop additional parking at Robie Gym to the Capital Improvement Committee for their review and recommendation. **4 yeas, 3 nays (Caldwell, Knapp, & Loveitt).**

Item #7568 Moved by Councilor Phinney, seconded by Councilor Robinson, 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 I (H) Noise Abatement and amend Chapter IV, Site Plan Review, Section IX by adding a new paragraph T., Noise Abatement to the Planning Board for public hearing and their recommendation. **7 yeas.**

Item #7569 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 an overlimit agreement with the Maine Department of Transportation for a project to reconstruct the roundabout in Little Falls (STP-1290(900)X. **7 years.**

Item #7570 Moved by Councilor Moulton, seconded by Councilor Knapp and **VOTED** to waive the reading of the proposed order. **7 years.** The proposed order was moved by Councilor Moulton and seconded by Councilor Knapp. Councilor Phinney recused himself from participating in this item as it relates to his parents. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to Title 23, M.R.S.A. 3026 and in accordance with a petition from John D. Phinney requesting the Town to discontinue two small sections of roadway on Fort Hill Road and North Street after providing notice to all abutting property owners and the Gorham Planning Board discontinue two small sections of road described as follows:

The sections of the way are as shown on a Maine Department of Transportation Right of Way Map entitled, State Highway "126" (Route 114/Fort Hill Road), Gorham, Cumberland County, Federal Aid Project No. STP-1-21(301)X, Section II, dated January 2004, on file in the Office of the Maine Department of Transportation, at its Office in Augusta, File No. 3-502, sheets 30, 31, 32 & 33 and being more fully described as follows:

Section 1 That section of the former location of Route 114 that lies northerly of the present northerly line of State Highway "126" (Route 114/Fort Hill Road) as established by said Federal Aid Project and lies between Sta. 6+868.8 and Sta. 7+106.0.

Section 2 That section of the former location of North Street that lies southerly of the center line of the former location of North Street and lies between the following limits:
Easterly Limit A line 13 meters (42.65 feet) southwesterly from and concentric with the State Highway "126" (Route 114/Fort Hill Road) Base Line and lies between Sta. 7+110.9 and 7+131.4.

Westerly Limit A line 10 meters (32.81 feet) southeasterly from and concentric and parallel with the North Street Base Line and lies between Sta. 0+543.2 and Sta. 0+578.1; and,

BE IT FURTHER ORDERED that the public easements on the described parcels are also discontinued; and,

BE IT FURTHER ORDERED that damages in the amount of one dollar (\$1.00) shall be paid to Douglass Brook, LLC. **6 years, 1 recused (Phinney).**

Item #7571 was moved by Councilor Moulton and seconded by Councilor Caldwell. David Kent spoke on this item and indicated that this is a 25% increase and he is not in favor of such a large increase. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled adjust the fee for the 15 gallon trash bag from one dollar (\$1.00) per bag to one dollar and twenty-five cents (\$1.25) per bag and the 30 gallon bag from two dollars (\$2.00) per bag to two dollars and fifty cents (\$2.50) per bag effective on November 1, 2008 or as soon as our current supply of bags is used up, whichever is sooner, as recommended by the Finance Committee. **5 years, 2 nays (Robinson & Loveitt).**

Moved by Councilor Knapp, seconded by Councilor Csoros, and VOTED to waive the rules and take up an item that is not on the agenda. **7 yeas.**

The proposed order was moved by Councilor Knapp and seconded by Councilor Csoros. Councilor Phinney recused himself from this item as it relates to his brother. Ordered that the Town Council accept a temporary easement from Arthur Parsons and Dana and Rebecca Phinney to provide for a temporary public road; and,

BE IT FURTHER ORDERED that the easement will expire in 18 months. **6 yeas, 1 recused (Phinney)**

Item #7572 Moved by Councilor Robinson, seconded by Councilor Moulton, 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 and pursuant to Title 1 MRSA, Section 405 (6)(A) to conduct an evaluation of the Town Clerk. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Willett and **VOTED** to grant an abatement of taxes, interest, and costs based on poverty to applicant A08-003 for the remaining unpaid amount. **7 yeas.**

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

Moved by Councilor Knapp, seconded by Councilor Robinson and **VOTED** to adjourn the meeting at 9:11 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk