

**REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL
August 4, 2009 - 7:00 p.m.**

Chairman Robinson opened the meeting at 7:04 pm.

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

Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to accept the minutes of the July 7, 2009 Regular Town Council Meeting. **7 years.**

Open Public Communications

Matt Mattingly of PineCrest Bed and Breakfast reported that the Taste Walk was a great success with about 200 participants. USM won the Golden Spoon award for their berry cobbler. Mr. Mattingly thanked Officer Hatch for his work with keeping the pedestrians safe. Mr. Mattingly plans to hold another Taste Walk next year.

Councilor Communications

Councilor Moulton reported that the Capital Improvements Committee met July 22nd and discussed mowing issues. They had a great discussion with Bob Burns and are looking into viable options.

Councilor Caldwell reported that the Finance Committee met July 31st and reviewed the June 2009 financial statements. They discussed the upcoming audit. There will not be a Finance Committee meeting scheduled for August.

Councilor Loveitt reported that the Ordinance Committee will meet tomorrow morning and all are welcome. He referenced a communication received from Ms. Williams who was aggravated about the fee to use a credit or debit card. This community has been very pleased to have a steady and reducing tax rate in recent years. If these fees were not offset by the card user, then the tax rate would have to go up to offset the cost to the Town. Councilor Loveitt pointed out that the town budget is formulated in March and April and any citizen who wishes to can give input on the budget during this time.

Councilor Phinney reported that the North Street Cemetery has been attended to with the cleaning and straightening of stones. They did a wonderful job and it looks very nice. Councilor Phinney thanked the Council for putting monies toward this and hopes it can continue.

Chairman's Report

Chairman Robinson reminded everyone that a Council Workshop is scheduled for August 11th. Attorney Bill Dale and the Town Planner will be there.

Last month Chairman Robinson spoke about a developer who is concerned about the new fee structure. They are working on getting the costs for a project of similar size from other communities and will look over the information and report back to the Council.

Councilor Robinson asked that replays of meetings on GOCAT TV be rotated.

Mr. Robinson stated that he has had a conversation with the County Commissioner, Mr. Feeney, and he has submitted his name to serve on the County Budget Advisory Committee.

Town Manager's Report

Town Manager David Cole reported that expenditures were kept down this year. He thanked Department Managers who worked hard to keep expenditures way down this year. Revenues were very flat. The overall financial picture is pretty good.

Mr. Cole has issued 5 year service pins to Ben Moreland and Ted Hatch (Police Dept.), a 10 year service pin to Mike D'Arcangelo (Assessor), 15 year service pins to Dana Thompson (Police Dept.) and Dean Belanger (Fire Dept.) and 20 year service pins to Terry Deering, Dave Lampron, and Dick Emery (Public Works), and Chris Sanborn, Police Dept. Mr. Cole congratulated Police Department employees Bob Mailman, Ted Hatch, Todd Gagnon and Dan Young for running in the Beach to Beacon race.

Gorham/Westbrook TRIAD presentation

Gorham Officer Ted Hatch and Westbrook Officer Christine LaBranche reported on the Gorham/Westbrook TRIAD. TRIAD is a cooperative partnership between law enforcement, elder service providers and seniors in the community. The primary mission is to reduce the criminal victimization of older citizens, enhance the delivery of law enforcement services and improve the quality of life for seniors. They have done identity theft presentations and try to educate seniors on ways to protect themselves. They are currently involved in a cell phone drop where old cell phones with chargers can be dropped off at the Gorham or Westbrook Police Department from noon-4 pm. The phones and will be cleared, have 911 programmed and are distributed to elderly people who need them. They were recently involved with a group activity to install anti theft locks. During the November Election they gave out surveys to citizens age 60 and over. The top 3 concerns from the survey were identity theft, public transportation, and crosswalks (timing/painting/highlighting). They welcome attendance and meet the second Friday each month, one month in Gorham and the next in Westbrook. The next meeting will be here at the Gorham Municipal Center on September 11th. Councilor Miner asked how the TRIAD is funded and Officer Hatch explained that the Gorham and Westbrook Police Departments have some funding, the Cumberland County Sheriffs Department contributes, local agencies can contribute and a \$1,000 grant was awarded by Wal-Mart last year. Chairman Robinson thanked the officers for the presentation.

School Committee Report

School Committee Chairman, Dennis Libby, reported on the following:

- First day of school will be August 31st for grades K-6 and 9th grade and September 1st for grades 7th, 8th, and 10th-12th.
- The Facilities/Transportation Director, Paul Roney, has resigned and a search committee has been initiated to find a replacement.
- The next Elementary School Building Committee meeting is scheduled for August 5th at 6 pm.
- A Special meeting for the School Committee will be held on August 12th and the next regular meeting will be September 9th.

Department Report – Code Enforcement Department

Code Enforcement Officer Clint Cushman reported that the Code Enforcement Department is a small department consisting of two certified Code Enforcement Officers, himself and Freeman Abbott, and an office manager Angela Fall. Building permits for single-family

homes, as well as plumbing, septic, and electrical permits, are down this year. Code Enforcement deals with customers who come in to discuss proposed projects. A permit application has been received for the Mercy Hospital project with estimated construction cost of \$800,000. The Libby Ave./Risbara subdivision project has begun to sell lots and should soon come in for permits. Code Enforcement also takes calls from abutters about issues and the department diligently works on these. They do not have the capability of writing a citation. The process is slow and requires multiple letters, serving a summons, and a court date.

The Town Manager asked about the statewide building code. Mr. Cushman responded that the state will have a statewide building code with plans to go into effect in July 2010. When finalized, it will apply to any community with a population over 2,000. It is not going to be a tremendous change from the BOCA building code we use currently. The intent is to have uniformity throughout the state. The statewide code will supersede the current building code.

Chairman Robinson asked about a situation where the court ordered a homeowner to clean up a property in April and here it is August and it is not cleaned up, shouldn't the offender be fined? Mr. Cushman responded that the property in question was cleaned up and signed off on on April 27th. They will have to start the process over again. Councilor Loveitt commented that some people have hoarding issues where a property is packed with stuff. He asked what can be done from a Code Enforcement aspect and how can the Council be more helpful? Mr. Cushman replied that Gorham does not have a local ordinance and currently goes by the state ordinance. Having our own ordinance may be something to look into. Councilor Phinney clarified with Mr. Cushman that once an offender has cleaned up and is in compliance and two days later they are not in compliance then the town has to start the process over again from square one. Chairman Robinson stated that he is always open to reviewing or creating an ordinance and hearing suggestions from Department Heads to help make things easier. Chairman Robinson thanked Mr. Cushman for his report.

New Business

Public hearing #1 Chairman Robinson opened the public hearing to consider approval of a new liquor license application for YourSpace. Sandra Warren, General Manager, explained that they took over the facility 18 months ago and are at a competitive disadvantage with the adult leagues and are losing business to other towns. Also, they hold fundraisers and all the proceeds went to the caterer for the alcohol sales. Councilor Csoros asked about the hours and alcohol being served when there are children present. Ms. Warren said that they would be serving alcohol during adult leagues. Dave Maroon, Board Member, commented that it is nice to be able to go out with your family and then be able to have a beer before you go home. They are losing people to other facilities. Councilor Caldwell asked if they are looking for just beer and wine and they responded yes. They have met with the State agent and will meet the state required food sales requirement. Councilor Miner asked where the alcohol will be served. Ms. Warren replied that there is a separate room that is enclosed that opens to the concession area. Councilor Csoros asked if alcohol will be allowed outside this area and Ms. Warren responded that the entire facility will be licensed for times when there are adult leagues playing. Chairman Robinson closed the public hearing.

Item #7734 The proposed order was moved by Councilor Loveitt and seconded by Councilor Phinney. Moved by Councilor Caldwell seconded by Councilor Loveitt and **VOTED** to amend the proposed order to specify that the approval is for a beer and wine license. **6 yeas, 1 nay (Csoros)**. The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the application for a new beer and wine liquor license for YourSpace. **6 yeas, 1 nay (Csoros)**.

Public Hearing #2 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code Chapters I, II and IV to allow Bed & Breakfast facilities in additional areas of the community. Matt Mattingly, Pine Crest Bed and Breakfast, spoke in support of this amendment. Chairman Robinson closed the public hearing.

Item #7735 The proposed order was moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED**.

WHEREAS, Bed and Breakfast facilities provide overnight accommodations, often reuse existing older housing, have relatively low neighborhood impact and contribute to and support a local economy; and,

WHEREAS, the Town Council believes that providing more opportunities for the development of Bed and Breakfast facilities, with appropriate land use regulation, is beneficial for the community,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Gorham, Maine, in Town Council assembled to approve amendments to Chapters I, II and IV to provide more opportunities for the development of Bed and Breakfast facilities, as presented. **7 yeas**.

Public Hearing #3 Chairman Robinson opened the public hearing to consider a proposal to amend the Administrative Code, Article IX-Land and Building Development Department, to update the article. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7736 The proposed order was moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED**.

WHEREAS, the Town has an Administrative Code that was adopted in August 1970; and,

WHEREAS, Article IX appears to be the original language, unchanged in 49 years; and,

WHEREAS, the language is inaccurate,

NOW THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine in Town Council assembled approve the amendment to the Administrative Code, Article IX-Land and Building Development Department, as proposed. **7 yeas**.

Item #7737 Moved by Councilor Phinney, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a 4 year extension of the contract with Cumberland County for Communication Dispatch Services, as proposed. **7 yeas**.

Item #7738 The proposed order was moved by Councilor Phinney and seconded by Councilor Moulton. Moved by Councilor Loveitt, seconded by Councilor Csoros and **VOTED** to move the question. **7 yeas**. **ORDERED** that the Town Council of the Town of

Gorham, Maine, in Town Council assembled vote for the officers of the Maine Municipal Association as proposed by the Nominating Committee. **7 yeas.**

Item #7739 The proposed order was moved by Councilor Csoros and seconded by Councilor Caldwell. Moved by Councilor Loveitt, seconded by Councilor Csoros and **VOTED** to postpone action on this item until a definition of domestic partner is provided. **3 yeas (Csoros, Loveitt, & Moulton), 4 nays-motion fails.** The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a request to make health insurance coverage available to domestic partners to the Appointments / Personnel Committee for their review and recommendation. **0 yeas, 7 nays-motion fails.**

Item #7740 Moved by Councilor Phinney, seconded by Councilor Moulton 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, Section III - Signs, to the Ordinance Committee for their review and recommendation. **7 yeas.**

Item #7741 Moved by Councilor Phinney, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Capital Improvements Committee to review the condition of the roof at Robie Gym and make recommendations to the Town Council. **7 yeas.**

Item #7742 Moved by Councilor Loveitt, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize Cumberland County, acting on behalf of the communities of Portland, South Portland, Scarborough and Gorham who are members of the Presumpscot Valley Haz-Mat Team, to pursue recovery of costs through a lawsuit against New England Motor Freight resulting from an acid leak that occurred on or about August 6, 2006. **7 yeas.**

Item #7743 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. **7 yeas.**

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

Moved by Councilor Loveitt, seconded by Councilor Moulton and **VOTED** to postpone action on application A0903 for abatement of taxes based on poverty until the September 1, 2009 Town Council Meeting. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Csoros and **VOTED** to adjourn the meeting at 9:42 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk