

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

Chairman Robinson opened the meeting at 7:02 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 Moulton, seconded by Councilor Phinney and **VOTED** to accept the minutes of the June 2, 2009 Regular Town Council Meeting. **7 yeas.**

Open Public Communications

John Patten, Boy Scout Troop Master #817, introduced the troop members who are present tonight to work towards earning their Citizenship and Community merit badge. Chairman Robinson thanked them for attending.

Matt Mattingly, Pine Crest Bed and Breakfast, invited everyone to the second annual Gorham Taste Walk that will be held on the last Saturday of July from 11 am – 2 pm. Pine Crest Bed and Breakfast will host a concert series every Sunday during the summer with live music on the side lawn from 3pm-5pm.

Dave Richards, Gorham resident, stated that he did not receive a response to a letter he sent to the Town Council regarding a rescue charge. His son fell at White Rock School and the school called his wife to pick his son up. The school also called the rescue, which responded but did not transport his son. He received a bill for \$125.00 for the rescue and he does feel he should be billed because there was no transport.

Councilor Communications

Councilor Miner reported that the Finance Committee met last month. He reminded the public that effective on July 1st there is a convenience fee to pay by credit or debit card. Citizens may wish to bring their checkbooks to avoid paying the convenience fee.

Councilor Caldwell reported that the Finance Committee met and discussed finances to date. They received a good report from the Finance Director and discussed credit and debit card fees. They will meet again on July 31st.

Councilor Loveitt reported that the Maine Department of Transportation / Maine Turnpike Authority Committee met twice last month. Once as an advisory committee and once as a steering committee. Councilor Loveitt explained the rescue fees.

Chairman's Report

Chairman Robinson would like to schedule a workshop for Tuesday July 21st at 7:00 pm to meet with the Planning Board and Town Planner.

Chairman Robinson reported that the Town Manager has responded to a letter from Mr. Smith and will meet with the Town Manager to discuss a letter from Susan Duchaine regarding the Planning Department fees and he will report back to the Council.

Town Manager's Report

Town Manager David Cole reported that they have submitted the application for the grant for the fire stations. It could take until next July to find out if the town will receive the grant. Mr. Cole thanked Chief Lefebvre and others that worked on the application.

Mr. Cole reported that he has issued a 15 year service pin to Town Planner, Deb Fossum, and he thanked her for her service to the Town.

School Committee Report

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

- Chairman Libby thanked the Town Council and the voters for approving the budget.
- 195 high school students graduated on June 7, 2009 and 34 students completed their high school education through the Adult Ed Program.
- The White Rock Building Project has received major site plan approval on condition of the approval of the Department of Environmental Protection. The project should go out to bid in late August. Their next meeting will be August 5, 2009 at 6 pm.
- The next meeting of the School Committee will be September 9, 2009 at 7 pm.

Department Report – Baxter Memorial Library

Library Director Pam Turner thanked the Town Council and gave a report about Baxter Memorial Library. The library was built in 1908 and recently celebrated its centennial. Baxter Memorial Library has 6 full time and 6 part time staff members, many dedicated volunteers, an active friends group and an advisory Board of Trustees. The library has 1,000 or more visitors per week. Last year they circulated 116,050 items, answered 14,570 reference questions, and welcomed 5,200 people to library programs. The Summer Reading Club is very popular this year with 650 children and 215 adults signed up. A renovation and expansion project was completed in 2003.

Baxter Memorial Library participates in the Minerva library exchange program. Minerva library members can borrow items from each other.

Technology is a key component of library services. The library website, www.baxterlibrary.org, allows people to find out what is happening at the library, search the online catalog, renew library books and access the Marvel Databases that has articles and research information. There are 9 public computers that are in almost constant use. The library has wireless internet access available 24/7. This is not a secure connection though so it is not a good idea to use a credit card or pay bills.

A Centennial Endowment Fund has been established and interest from this fund will be used to supplement the library's collection.

The Board of Trustees and Ms. Turner envision the library as a place that serves our community and is a welcoming and accessible information commons.

Councilor Miner asked for information regarding the Minerva program and Ms. Turner further explained the program.

Councilor Csoros thanked Ms. Turner for the service his family receives there, it is an invaluable resource.

Chairman Robinson thanked Ms. Turner and everyone for the hard work they do for Baxter Memorial Library and appreciates their service.

New Business

Public hearing #1 Chairman Robinson opened the public hearing on a proposal to amend the Streets and Sidewalks Ordinance, Chapter 2, Section 8.4, to correct an error in

wording. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7726 The proposed order was moved by Councilor Moulton, seconded by Councilor Csoros and **VOTED**.

WHEREAS, the Town adopted a new Streets and Sidewalks Ordinance on March 3, 2009; and,

WHEREAS, Chapter 2, Section 8.4 contains an error in wording that substantially impacts the intent of the ordinance,

NOW THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the amendment to the Streets and Sidewalks Ordinance, Chapter 2, Section 8.4 as presented. **7 yeas**.

Amendment to the Streets and Sidewalks Ordinance, Chapter 2, Section 8.4 - Note: additions are underlined and deletions are ~~stricken~~.

8.4 Major Excavation Projects.

- a. For major excavation projects (as defined in Section 2.10 of this ordinance), the application fee shall be fifty (\$50.00) dollars. Applicants must post a performance bond equal to 105% of the estimated excavation costs of the project (as determined by the Public Works Director or the Director's designee) or twenty thousand (\$20,000) dollars, whichever is more ~~less~~, for a minimum of twelve (12) months or the duration of the project, whichever is more ~~less~~.

Item #7727 The proposed order to allow Fire Department Employees to join the Maine Public Employee Retirement System was moved by Councilor Moulton and seconded by Councilor Phinney. Moved by Loveitt, seconded by Councilor Phinney and **VOTED** to amend the proposed order to add the Police Department employees. **7 yeas**. Moved by Councilor Loveitt, Seconded by Councilor Phinney and **VOTED** to table action on this item. **7 yeas**. (This item was taken up again and voted near the end of the meeting, after the vote to accept the Police contract.)

Item #7728 Moved by Councilor Loveitt, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine in Town Council assembled approve sending a letter to the Planning Board asking the Board to encourage the extension of sewer and water on South Street whenever allowed by the Land Use and Development Code. **7 yeas**.

Item #7729 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 the amendments to the Baxter Memorial Library Card Policy and Borrowing Rules as recommended by the Baxter Memorial Library Board of Trustees. **7 yeas**.

Amendments to Baxter Memorial Library Card Policy and Borrowing Rules - Note: additions are *italicized* and deletions are ~~stricken~~.

The Baxter Memorial Library will issue a free library card *representing his/her library account* to all residents and property taxpayers of Gorham upon completion of a library card registration form. Non-resident households may purchase a library card. The non-resident fee is determined in June of even numbered years and will be in effect as of July 1st of that year. The non-resident household fee is established by the Trustees and approved by the Town Manager. Free library cards may be issued for non-resident patrons under special circumstances, listed later in this policy.

GENERAL RULES

A library account is not required to participate in library programs or to use library resources while at the library.

A library account in good standing is required to check out or renew library materials, as well as to reserve or request materials from other lending libraries. A valid library card must be presented for all transactions associated with a given account. If the library card is not available at that moment, patrons may use valid photo identification to access their own account. To access or inquire about the status of any other family member's account, including the accounts of children of any age, the card associated with that account is required. No alternative means may be used to access or inquire about the status of another patron's account.

CHECKOUTS

A current library account in good standing is necessary to check out library materials. To help ensure accuracy and confidentiality, patrons are asked to present their library card for each transaction. If the library card is not available at that moment, patrons may use valid photo identification ~~or fill out a form at a public services desk~~. When not presenting a library card in person or when giving a library card number by telephone, the patron may be asked by a staff member to verify personal information.

RENEWALS

Patrons may renew items online using their name and all digits of their library card number or by calling the library and providing the last 6 digits of their library card number. Patrons may also renew items at the library by presenting their library card or presenting the item(s) they would like to renew. If the library card is not available at that moment, patrons may use valid photo identification ~~or fill out a form at a public services desk~~. When not presenting a library card in person or when giving a library card number by telephone, the patron may be asked by a staff member to verify personal information.

RESERVES / REQUESTS

A current library account in good standing is required to place reserves and interlibrary loan requests. Patrons may reserve or request items online using their name and all digits of their library card number or by calling the library and providing the last 6 digits of their library card number. Patrons may also reserve or request items at the library by presenting their library card. If the library card is not available at that moment, patrons may use valid photo identification ~~or fill out a form at a public services desk~~. When not presenting a library card in person or when giving a library card number by telephone, the patron may be asked by a staff member to verify personal information.

BORROWING RULES

Loan period

All Baxter Memorial Library items circulate for ~~2 weeks~~ **established loan periods**. Library items borrowed on behalf of a patron via interlibrary loan are subject to the lending ~~libraries~~ **library's** loan periods.

Returns

Library materials must be returned to one of Baxter Memorial Library's four book drops, either inside the building at the circulation desks, at the library entrance, or on the ~~walkway near South Street~~ **South Street porch**. Patrons are encouraged not to place items in outside book drops that are blocked or full as the items can be damaged or stolen. Items returned to an outside book drop are the responsibility of the patron until they are checked back into the library.

Item #7730 The proposed order was moved by Councilor Phinney and seconded by Councilor Loveitt. Moved by Councilor Csoros, seconded by Councilor Phinney and **VOTED** to correct the year in #3 from 2004/04 to 2003/04. **7 years**. The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the following personal property accounts to be written off because they are out of business:

- 1) Oakmont Precision Services \$523.65 for 2006/07
- 2) Saco Bay Millwork Company \$665.42 for 2006/07
- 3) White Rock Inc. \$1,358.00 for 2003/04 and \$1,400.00 for 2004/05. **7 years**.

Item #7731 Moved by Councilor Loveitt, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an overlit permit for the Maine Department of Transportation for a Park and Ride project, project #CM-1615(400)X. **7 years**.

Item #7732 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 V (C), to provide for the dedication and construction of roads to adjacent property, to the Planning Board for public hearing and the Planning Board's recommendation. **5 yeas, 2 nays (Miner & Csoros).**

Moved by Councilor Miner, seconded by Councilor Loveitt and **VOTED** to waive the rules to take up an item not on the agenda. **7 yeas.**

Moved by Councilor Loveitt, seconded by Councilor Phinney and **ORDERED** that the Town Council ask the Capital Improvements Committee to meet with staff to discuss and review the Town's current and future mowing operation and make appropriate recommendations. **7 yeas.**

Item #7733 Moved by Councilor Phinney, 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 1 Section 405(6)(D) to discuss a proposed labor contract with the Maine Association of Police. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to come out of Executive Session. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to approve a contract with the Maine Association of Police with a term from July 1, 2009 to June 30, 2012 as presented. **7 yeas.**

Moved by Councilor Csoros, seconded by Councilor Phinney and **VOTED** to take up tabled Item #7727. **7 yeas.**

Item #7727 The order as amended was taken off the table and voted. **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled to become a new Participating Local District (PLD) of the Maine Public Employee Retirement System for its Fire Department and Police Department, as of July 1, 2009; and,

BE IT FURTHER ORDERED that Special Plan 3C shall be offered to regular full-time employees of the Fire Department and the Police Department; and,

BE IT FURTHER ORDERED that eligible participating employees are allowed to buy back past years of service upon the employee's full payment of all associated costs; and,

BE IT FURTHER ORDERED that the Town Manager is authorized to sign the contract and any other necessary documents between the Town and the Maine Public Employee Retirement System. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Csoros and **VOTED** to adjourn the meeting. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk