

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL June 2, 2009 - 7:00 p.m.

Chairman Robinson opened the meeting at 7:01 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 Loveitt, seconded by Councilor Phinney and **VOTED** to accept the minutes of the May 5, 2009 Regular Town Council Meeting and the May 19, 2009 Special Town Council Meeting. **7 years.**

Open Public Communications

Jeremy Greene, of the Art Guru, thanked the town for having the parking lines painted in the Village area. The neighbors and other businesses agree that it is an improvement.

Councilor Communications

Councilor Loveitt reported that he and the Town Manager attended a western corridor turnpike meeting that was well run and productive. Councilor Loveitt reported that John Toothaker has expressed great appreciation to Angela from the Code Office.

Chairman's Report

Chairman Robinson thanked the Lions Club for the placement of the flags along Main Street. They received a lot of donations. This is a good community program and it will be ongoing. He thanked Dennis Libby (School Committee Chairman), Hollis Cobb (School Department Finance Officer) and the School Committee for their help in providing the information the Council requested. He also thanked Chief Shepard for the program where graffiti in town is cleaned up. Chairman Robinson has suggested to Cumberland County that they charge inmates for their lodging when incarcerated as the state of Oregon now does.

Town Manager's Report

Town Manager, David Cole, congratulated the Lions Club on the flag project. He also thanked Recreation Director Cindy Hazelton and all the volunteers for their work on the Memorial Day Parade. Mr. Cole reported that the Maine Department of Transportation will close the Gorham Bypass on June 8th for approximately 3 weeks.

School Committee Report

School Committee Chairman, Dennis Libby, thanked the Town Council for the May 19th budget workshop and reported on the following:

- The White Rock building project continues to work through the Planning Board process and should go out to bid in mid to late August. The next White Rock Building Project Committee meeting will be June 3rd at 6:00 pm
- The next School Committee meeting will be June 10th at 7 pm.

New Business

Public hearing #1 Chairman Robinson opened the public hearing to consider approval to renew the liquor license for Ocean Garden Restaurant. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7721 Moved by Councilor Phinney, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of the liquor license for Ocean Garden Restaurant. **7 yeas.**

Public hearing #2 Chairman Robinson opened the public hearing on the June 9, 2009 Special Referendum Election to authorize the submission of an application for a grant to develop 2 fire stations. The Town Manager introduced the project and explained that because of the federal stimulus money that is available, the Town has an opportunity to get these projects done without incurring any additional expense to the taxpayers. Fire Chief Bob Lefebvre gave a power point presentation on the project. The project would involve three towns, Gorham, Windham and Buxton and would close 4 fire stations and replace them with two. This would achieve cost savings in building utility and maintenance costs and manpower. The Town Manager addressed some questions that have been raised from an e-mail circulating in the community. Mr. Cole clarified that there is no guarantee that the grant funds will be obtained and if not, than the project will not go forward.

David Alexander, Wilson Rd., spoke against the project and stated that the White Rock Station was created in 1948 with funds from White Rock residents because they did not want to be dependent on coverage from Little Falls. He does not see how this will improve service for people in White Rock or in the Village. Rick Willey, Elizabeth St., stated that his insurance agent confirmed that the project will not have an effect on insurance rates and asked if a rescue will be left at the current Central Station. Mr. Cole replied that placement of equipment has not yet been determined. Mr. Willey would like to have a rescue unit remain at the Central Station. Chief Lefebvre explained the deteriorating condition of the current South Windham Station. Chairman Robinson closed the public hearing. There was no Town Council action for this public hearing.

Public Hearing #3 Chairman Robinson opened the public hearing for Item #7722 and Item #7723 for the proposed 2009 / 2010 fiscal year budget. School Committee Chairman Dennis Libby, Queen St., stated that the school budget has decreased the tax burden. It is clear that the school and municipal portions of the budget have been very fiscally responsible to the taxpayers. Jan Labrecque, North Gorham and trustee of the North Gorham Library, commented that she appreciates the Town's help with the library. The proposed budget cut would reduce funding from \$12,000 to \$10,000. This is a substantial decrease to their budget and she would like the Town Council to reconsider this cut. Avery Jenkins, Trauma Intervention Program (TIP) at Community Counseling Center, asked the Town Council for financial support for the TIP program that partners with six surrounding communities, including Gorham, to provide critical care needs. Heidi Dunlap Thuotte, White Rock, spoke in support of the TIP program. Clint Cushman, Code Enforcement Officer, reported that he recently permitted a 20 million dollar project that requires a building inspector to come by every afternoon for about an hour and a half to supervise the project and a Libby Ave. project was approved for 20 plus lots and will be submitting an application for 20 building permits resulting in a significant number of inspections. The revenues for the Code Enforcement Office are \$154,406 and the budget is \$135,000. Chairman Robinson closed the public hearing.

Item #7722 Moved by Councilor Loveitt seconded by Councilor Caldwell and **VOTED** to waive further reading of the proposed order. **6 yeas, 1 nay (Miner) - motion fails, must be unanimous.** The proposed order was moved by Councilor Phinney, and seconded by

Councilor Loveitt. Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to amend the proposed order and change the amount in the third paragraph from the end from \$29,677,716 to \$29,417,269. **7 yeas**. Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to reduce the school department budget by \$712,340.00. **1 yea (Csoros), 6 nays – motion fails**. Prior to this vote, Councilor Loveitt disclosed that his daughter teaches at the White Rock School and he does not think any action taken here will directly affect her. Moved by Councilor Loveitt seconded by Councilor Phinney and **VOTED** to move the question. **7 yeas**.

BE IT 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 2009-2010:

That **\$12,604,107** be authorized to be expended for Regular Instruction;
that **\$4,693,097** be authorized to be expended for Special Education;
that **\$371,065** be authorized to be expended for Career and Technical Education;
that **\$527,162** be authorized to be expended for Other Instruction;
that **\$2,209,348** be authorized to be expended for Student and Staff Support;
that **\$638,292** be authorized to be expended for System Administration;
that **\$1,625,255** be authorized to be expended for School Administration;
that **\$1,381,925** be authorized to be expended for Transportation and Buses;
that **\$2,775,499** be authorized to be expended for Facilities Maintenance;
that **\$2,591,520** be authorized to be expended for Debt Service and Other Commitments;
and that **\$0** be authorized to be expended for All Other Expenditures.

BE IT FURTHER ORDERED:

1. That **\$26,935,604.41** 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 **\$9,476,649.00** 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 **\$672,545** 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 **\$2,244,692.00** be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$1,653,129.48** as required to fund the budget recommended by the school committee.

The school committee recommends **\$2,244,692.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,653,129.48**: 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 **\$29,417,269.00** for the fiscal year beginning July 1, 2009 and ending June 30, 2010 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 amounts approved in the preceding orders, shall the School Committee be authorized to expend federal stabilization funds and such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

Note: It is currently estimated that the School Committee will receive **\$535,572.00** in federal stabilization funds, which are included in the expenditures authorized by this order.

BE IT FURTHER ORDERED, that the Town will appropriate **\$260,447** for adult education and raise **\$157,447** 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. **6 yeas, 1 nay (Csoros).**

Item #7723 Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to waive further reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Phinney and seconded by Councilor Loveitt. Councilor Caldwell disclosed that her husband is an employee at Baxter Memorial Library and she does not feel this will be a conflict for her. Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to amend the proposed order to implement a 2% wage increase for employees (\$98,296). Moved by Councilor Miner, seconded by Councilor Moulton and **VOTED** to amend the proposed amendment to implement a 3 % wage increase. **2 yeas (Miner & Moulton), 5 nays- motion fails.** The original amendment was then **VOTED. 6 yeas, 1 nay (Csoros).** Moved by Councilor Phinney and seconded by Councilor Loveitt to amend the proposed order to increase the budget by adding a police officer position that was going to be cut (\$44,960), adding a firefighter/EMT position that was going to be cut (\$43,319), and retaining the Town Clerk's Department's current office hours (\$27,130). Moved by Councilor Miner, seconded by Councilor Csoros and **VOTED** to divide the question into

three separate questions. **5 yeas, 2 nays (Loveitt & Phinney)**. Part 1 of the amendment to add the Police Officer was **VOTED. 5 yeas, 2 nays (Miner & Csoros)**. Part 2 of the amendment to add the firefighter/EMT was **VOTED. 6 yeas, 1 nay (Csoros)**. Part 3 of the proposed amendment to retain the Town Clerk’s Department’s current office hours was **VOTED. 6 yeas, 1 nay (Moulton)**. Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to amend the order to add \$100 to the Little Falls Library, add \$2,000 to the North Gorham Library, add \$1,000 to the Recycling Committee, add \$500 to the Parks and Conservation Commission and add \$500 to the Appeals Board. **6 yeas, 1 nay (Moulton)**. Moved by Councilor Phinney, seconded by Councilor Loveitt and **VOTED** to amend the order and add \$50,000 to road projects. **4 yeas, 3 nays (Moulton, Miner, & Csoros)**.

Chairman Robinson called for a brief recess. Chairman Robinson resumed the meeting.

Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to amend the proposed order to restore the Code Enforcement Officer’s hours (\$12,796), cap the tax rate at a \$15.90 and add the remainder to the Manager’s Contingency Account. **7 yeas.**

Moved by Councilor Caldwell, seconded by Councilor Loveitt and **VOTED** to amend the proposed order to reallocate any budget lines where appropriate in the budget. **7 yeas.**

Moved by Councilor Moulton, seconded by Councilor Csoros and **VOTED** to amend the proposed order to remove the Zoning Administrator position (\$105,000). **3 yeas (Moulton, Miner, & Csoros), 4 nays – motion fails.** Moved by Councilor Moulton, seconded by Councilor Phinney and **VOTED** to move the question. **6 yeas, 1 nay (Miner)**. The order as amended was then voted.

ORDERED that the Town Council of the Town of Gorham, Maine in Town Council assembled vote to adopt the 2009-2010 Fiscal Year Budget with the following departmental totals:

General Government	\$	1,200,570
Public Safety	\$	3,448,075
Public Works/Solid Waste/Engineering & Insp Services	\$	2,302,667
Health & Welfare and Social Service Agencies	\$	81,835
Recreation/Community Center/Cable	\$	318,303
Libraries and Museum	\$	429,945
Planning and Development	\$	344,700
Debt & Interest	\$	1,229,092
Capital Items	\$	241,564
Insurance	\$	1,862,269
Other Town Services and Unclassified	\$	170,476
	Subtotal	\$ 11,629,496
Cumberland County Property Tax	\$	789,829
	Total	\$ 12,419,325

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 541,862.00 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 12, 2009** shall commence bearing interest on **November 13, 2009**, and that the final half of all real estate and personal property taxes that remain unpaid on **May 13, 2010**, shall commence bearing interest on **May 14, 2010** at the interest rate of **9.0%** per annum 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 of **5.0%** 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. **7 yeas.**

Item #7724 Moved by Councilor Loveitt, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposed ordinance to manage post-construction stormwater to the Ordinance Committee for their review and recommendation. **7 yeas.**

Item #7725 Moved by Councilor Moulton, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled go into Executive Session, pursuant to Title 1, M.R.S.A. Section 405 (6)(D) to discuss a proposed contract labor contract. **7 yeas.**

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

Moved by Councilor Moulton, seconded by Councilor Caldwell and **VOTED** to approve a labor contract with the Gorham / Windham Professional Fire Fighters for a 3 year contract from July 1, 2009 to June 20, 2012, as presented. **7 yeas.**

Moved by Councilor Loveitt, seconded by Councilor Moulton and **VOTED** to adjourn the meeting at 10:34 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk