

**REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL  
November 10, 2009 - 7:00 p.m.**

Chairman Robinson opened the meeting at 7:04 pm.

Roll Call of the 2008/2009 Town Council: **Present:** Chairman Robinson, Councilors; Caldwell, Csoros, Loveitt, Miner & Phinney Town Manager, David Cole and Town Clerk, Christina Silberman **Absent:** Councilor Moulton

Moved by Councilor Loveitt, seconded by Councilor Phinney and **VOTED** to accept the minutes of the October 6, 2009 Regular Town Council Meeting. **6 yeas.**

**Open Public Communications**

There were no communications from the public.

**Councilor Communications**

Councilor Loveitt reported that the Maine Department of Transportation/Maine Turnpike Authority Committee continues to be a very thoughtful, well done committee regarding the possibility of transportation improvements from Portland to points west. They had a long meeting 2 weeks ago. Councilor Phinney and Mr. Cole were there as well. They reviewed the workings of the committee up to this point. There was a very nice planning document that was prepared by Smart Growth Maine for the town of Standish that was presented and has to do with South Gorham. Councilor Loveitt expects that we will be dealing with South Gorham and possible adjustments to our planning there. The Council may wish to see this presentation.

**Chairman's Report**

Chairman Robinson congratulated Brenda Caldwell for reelection and Matt Mattingly for winning a seat. He also thanked Councilor Moulton for serving for three years. Councilor Robinson thanked the Town Council for the opportunity to serve as chairman last year. A lot of things were accomplished in the last year. Even though there are tough economic times, Gorham was the only town in Cumberland County that lowered the tax rate. The opening of the Gorham By-Pass was the highlight of the year. Chairman Robinson wished his best to Town Planner Deb Fossum in her retirement and thanked her for her 15 years of service.

**Town Manager's Report**

Mr. Cole reported that he issued a 5 year service pin to Tom Poirier, who has recently been promoted to Town Planner and 10 year service pins to Sears Edwards of the Police Department and Jen Elliott of the Town Clerk's Department. Mr. Cole thanked them for their dedicated service to the Gorham community. Mr. Cole reported that the Town of Gorham has earned the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the sixth straight year in a row. Only ten other municipalities in the state have earned this award. The community should be proud. This award indicates that we do a very good job with financial reporting.

**School Committee Report**

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

- Gorham voters reelected Jim Hager and Marie South to the School Committee
- Seasonal and H1N1 immunizations have been given
- A curtailment of approximately \$454,000 from this year's General Purpose Aid from the State is expected and a \$1.2-\$1.5 million curtailment is estimated for next year
- The ground breaking ceremony for the new elementary school was held October 16<sup>th</sup>
- The next School Committee meeting will be November 18<sup>th</sup>.

Councilor Loveitt asked who receives the H1N1 vaccine? Chairman Libby replied that the vaccine is available to students and staff that wish to be vaccinated. Councilor Loveitt commented that the reduction to general purpose aid is very serious. This cut is the equivalent of a \$1.50 increase on the tax rate. He would like to know how our legislative delegation is handling this. Councilor Robinson asked what the percentage is for LD1 now. The voter's voted that the state funding level should be 55%. Chairman Libby replied that after the curtailment, the projected funding level will be 45%.

Kay Rand, Managing Director of Bernstien Shur Government Solutions, under contract with Central Maine Power, updated the Town Council on the status of the Maine Power Reliability Program.

### **Department Report – Finance Department**

Finance Director, Maureen Finger reported on the Finance Department. The Finance Department is part of the town administration budget. There are two full time employees. Ms. Finger reviewed the following functions of the Finance Department and gave brief descriptions of each function; payroll, accounts payable, accounts receivable, cash management, tax bill prep/collections/liens, general ledger maintenance, budget administration, debt administration, trust fund administration, maintain fixed asset records, process sewer turnovers, handle sewer abatements and assist in insurance renewals. Ms. Finger stated that there are strong financial management practices that have been implemented and maintained by the town. The Town's bond rating is now AA. Since fiscal year 2003, the town has earned the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

### **Election Report**

The Gorham Annual Election was held on November 3, 2009 and the voting districts were in the following locations with the following votes cast by district: Ward 1 – Gorham Middle School = 2,669, Ward 2 – Gorham Municipal Center = 1,755, Central (absentee and early voting ballots) – Gorham Municipal Center = 2,418. Total local ballots cast = 6,842. Approximate Voter Turnout = 51%.

#### **Town Council**

	<b>Ward 1</b>	<b>Ward 2</b>	<b>Central</b>	<b>Total</b>
CALDWELL, D. BRENDA	1,299	894	1,589	3,782
MATTINGLY, MATTHEW L.	1,472	836	1,196	3,504
MOULTON, SHONN R.	1,285	593	894	2,772

#### **School Committee**

	<b>Ward 1</b>	<b>Ward 2</b>	<b>Central</b>	<b>Totals</b>
HAGER, JAMES J., JR.	1,748	1,025	1,652	4,425
SOUTH, ROSE M.	1,694	1,021	1,637	4,352

Chairman Robinson asked how much it cost to have the Election Workers conducting the Early Voting Pilot here in Gorham. Mr. Cole replied that we will gather that information for him.

### **SWEARING IN OF THE NEWLY ELECTED TOWN COUNCILORS**

The Town Clerk administered the oath of office to Councilor D. Brenda Caldwell and Councilor Matthew Mattingly.

Roll Call of the 2009/2010 Town Council: **Present:** Councilors Caldwell, Csoros, Loveitt, Mattingly, Miner, Phinney & Robinson, Town Manager, David Cole and Town Clerk, Christina Silberman

### **Old Business** (NOTE: Old business was taken up after Item #7770)

**Item #7759** This order was properly moved and seconded on September 22, 2009. Moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED** to amend the order to send this to the Capital Improvements Committee for possibility of doing other roads in addition and a larger bond. **1 yea (Miner), 6 nays-amendment fails.** The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a bid from R. J. Grondin for a road project on Barstow Road; and,

**BE IT FURTHER ORDERED** that the Town Council reallocate funds from the Vacuum Truck Reserve Fund and the Capital Reserve Fund to combine with road project funds for this project. **7 nays-order fails.**

### **New Business**

The Town Clerk, acting as Chairman pro tempore, conducted the election for Town Council Chairman for the 2009/2010 Town Council.

**Item #7767** Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to elect Michael Phinney as the Chairman of the Gorham Town Council for 2009-2010. **7 yeas.** Prior to this vote it was moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** that nominations cease.

The Town Clerk then turned over the gavel to Chairman Phinney to conduct the remainder of the meeting.

**Item #7768** Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to elect Brenda Caldwell as the Vice-Chairman of the Gorham Town Council for 2009-2010. **7 yeas.** Prior to this vote it was moved by Councilor Loveitt, seconded by Councilor Mattingly and **VOTED** that nominations cease.

**Item #7769** Moved by Councilor Robinson, seconded by Councilor Miner and **VOTED** to appoint members as presented to the following Council Committees for 2009-2010: Finance Committee; Brenda Caldwell, Chairman, Phillip Csoros & Noah Miner  
Ordinance Committee; Matthew Robinson, Chairman, Burleigh Loveitt & Matthew Mattingly,  
Appointments/Personnel Committee Noah Miner, Chairman, Phillip Csoros & Matthew Robinson,  
Economic Development/Capital Improvements Committee; Matthew Mattingly,  
Chairman, Noah Miner & Matthew Robinson,

Representative to the Greater Portland Council of Governments; Burleigh Loveitt, Regular Member and Phillip Csoros, Alternate Member, Ad Hoc Representative to the Recreation Advisory Board; Matthew Robinson, & Ad Hoc Representative to the Cable TV Committee; Brenda Caldwell. **7 yeas.**

**Item #7770** Moved by Councilor Robinson, seconded by Councilor Caldwell and **ORDERED** that the Town Council adopt by reference the same Council Rules as were adopted for the year 2008-2009 as the Council Rules for 2009-2010. **7 yeas.**

Old Business was taken up at this time.

**Public Hearing #1** Chairman Phinney opened the public hearing to consider approval to renew a liquor license for Sebago Brewing Company. There were no comments from the public. Chairman Phinney closed the public hearing.

**Item #7771** Moved by Councilor Robinson, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of a liquor license for Sebago Brewing Company. **7 yeas.**

**Public Hearing #2** Chairman Phinney opened the public hearing to consider adopting revisions to the General Assistance Ordinance. Chairman Phinney closed the public hearing.

**Item #7772** was moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED.**

Whereas, the State establishes maximum levels of assistance for local General Assistance Ordinances; and,

Whereas the Town's local ordinance must be adjusted annually to reflect the new maximum levels of assistance,

**NOW THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Town's General Assistance Ordinance to reflect the new state maximum levels of assistance. **7 yeas.**

**Item #7773** was moved by Councilor Miner and seconded by Councilor Csoros. Chairman Phinney read a letter from Shonn Moulton who is not in favor of this item. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Finance Committee to review the requirement for the First Parish Congregational Church to provide annual maintenance on the historic E. Howard Tower Town Clock found in Town Council Order #7399, approved March 6, 2007 and the March 26, 2007 letter from the First Parish Congregational Church that collectively detail the agreement between the Town and the Church regarding the historic Town Clock and make any appropriate recommendations to the Town Council. Councilor Robinson moved the question. **7 yeas.** The proposed order was then voted. **2 yeas (Caldwell & Miner), 5 nays-order fails.**

**Item #7774** Moved by Councilor Caldwell, seconded by Councilor Miner 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 I to require that the

principle buildings meet the “build to” requirements of the Code, to the Planning Board for public hearing and their recommendation. **7 yeas.**

**Item #7775** Moved by Councilor Loveitt, 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, Chapters I, III and IV to have certain applications and approvals expire after a period of inactivity, to the Ordinance Committee for their review and recommendation. **7 yeas.**

**Item #7776** Moved by Councilor Robinson, seconded by Councilor Loveitt 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 I, to allow smaller lots for sewage pumping stations within subdivisions, to the Planning Board for public hearing and their recommendation. **7 yeas.**

**Item #7777** Moved by Councilor Loveitt, seconded by Councilor Caldwell 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 I, to allow open space areas that do not meet minimum lot size requirements in the Development Transfer Overlay District to the Ordinance Committee for their review and recommendation. **7 yeas.**

**Item #7778** Moved by Councilor Miner, seconded by Councilor Loveitt 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 I and Chapter II, Section III, paragraphs C, D, E and G and add a new paragraph, M, regulating signs, to the Planning Board for public hearing and their recommendation. **7 yeas.**

**Item #7779** Moved by Councilor Robinson, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the staff to submit an application for a Federal Energy Efficiency and Conservation Block Grant Project up to a maximum of \$85,000 with a 10% local match. **6 yeas, 1 nay (Csoros).**

**Item #7780** Moved by Councilor Robinson, 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 Robinson, seconded by Councilor Caldwell and **VOTED** to come out of executive session. **7 yeas.**

Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to grant an abatement of all taxes, interest and costs based on poverty, pursuant to Title 36 M.R.S.A., Section 841 to applicant A0904. **7 yeas.**

Moved by Councilor Miner, seconded by Councilor Robinson and **VOTED** to adjourn the meeting at 9:32 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: \_\_\_\_\_  
Christina Silberman, Town Clerk