

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL October 6, 2009 - 7:00 p.m.

Chairman Robinson opened the meeting at 7:08 pm.

Roll Call of the Town Council: 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 Csoros and **VOTED** to accept the minutes of the September 1, 2009 Regular Town Council Meeting and the September 22, 2009 Special Town Council Meeting. **6 yeas, 1 abstention (Phinney).**

Open Public Communications

Representative Jane Knapp reviewed the upcoming State Referendum Election and provided some material to the Town Council. Rep. Knapp indicated Legislators can put in emergency legislation to the Legislative Council and they decide what will be entered into the session. A lot of time will be spent on the budget.

Councilor Moulton commented on health insurance issues. He thinks that the state of Maine is one of the worst places to get health insurance. Rep. Knapp explained that legislation proposed to allow out-of-state insurance companies to come into Maine was defeated.

Councilor Miner asked if question 2 passes, is there a possibility of emergency legislation to delay the enactment of the referendum to give more time to absorb the financial impacts. Rep. Knapp explained that this is a Secretary of State question; usually if referendums are enacted there is a certain time frame for it to go into effect. If this happens, hopefully the Legislative Council would allow some emergency legislation to help the towns.

Rep. Knapp urged people to feel free to contact her and she will be happy to help people if she can. Councilor Robinson thanked Rep. Knapp for coming in and for keeping us informed.

Matt Mattingly, South St., commented that he is thinking about starting a tradition. There are organizations and businesses in town that routinely take extra steps to do things that help the town and improve the quality of life. He would like to see the town come up with a way to formally thank these businesses. Mr. Mattingly thanked Sebago Brewing Company, YourSpace, and the Gorham Educational Foundation and encouraged everyone to continue to support them and thank them for their work.

Councilor Communications

Councilor Caldwell reported that the Finance Committee met on September 21st and they discussed the Grondin TIF and the fee schedule on tonight's agenda. They also reviewed the financial reports. Councilor Caldwell attended the School Planning Committee meeting on September 25th and they reviewed the bids for the new White Rock School.

Councilor Loveitt commented on the excise tax referendum and stated that he is somewhat irritated that the Maine Heritage Foundation and others seem to indicate that

municipal government is full of waste and fraud. Everyone would like to pay less in taxes overall. The excise tax reduction will miss 68% of the vehicles registered in Gorham. It is his perspective that there is not one million dollars worth of waste in the Gorham budget. Therefore, the town budget will be cut drastically or a vote for the excise tax is a vote for an increase in property taxes. Councilor Loveitt thanked Mr. Cole, Chief Lefebvre and others for the effort that they have put in to make the application for stimulus funds for a new fire station in West Gorham and in Little Falls. No applications from Maine were funded. Councilor Loveitt reported that they are continuing to meet on a regular basis with the Maine Turnpike Authority and the Maine Department of Transportation to discuss the turnpike extension. A public hearing will be held here on Thursday, October 8th. This is an important formal process and people interested in transportation should be aware of this public hearing.

Councilor Csoros commented on the excise tax referendum. The tax liability for the town is like a 10 story building and we get to the top with a ladder made of tax revenue. About half of the revenue is from excise tax and the other half from property tax. All this excise tax referendum will do is remove one rung of that ladder temporarily. We will make some temporary cuts and then can increase the property tax at the next budget cycle. Overall the total tax burden will not change, it will shift. Councilor Csoros is more concerned with question 1 passing to legitimize gay marriage. This will significantly and permanently add to the tax burden to allow same sex couples to be granted benefits and have those marriages acknowledged.

Councilor Phinney stated that he is concerned about question 2. It will make property taxes increase greatly. Councilor Phinney complimented the Recreation Department on the Robie School facility. He attended a function there recently. It is a treasure to the Town of Gorham and there are not many places like it in town. He would like to see this facility used to the utmost.

Councilor Miner reported that Ecomaine will have a landfill open house on Saturday and people can check the Ecomaine website for more information.

Chairman's Report

Chairman Robinson commented on the excise tax referendum. To say this is just a shift can't be. We will lose almost one million dollars in revenue. To raise one million dollars is an additional ten dollars on the property tax rate. The town has worked hard to keep a flat tax rate and was one of the few to lower the tax rate this year. There is no way to cut one million dollars. LD1 is still not funded from 2005. The number one concern on the ballot is question 2 for us.

Chairman Robinson reported he is still working on the vandalism issue at the old Hannaford field to find a volunteer group to address the vandalism.

The Cumberland County Budget Advisory Committee, of which Chairman Robinson is a member, has met every Wednesday. It is interesting. Cumberland County says they are going to come in with a flat tax increase to municipalities.

Chairman Robinson judged the chili and chowder cook-off at the PTA building along with Councilor Caldwell and Mr. Cole. Thatcher's won for best chowder and the Dance Studio of Maine won for best chili.

Chairman Robinson discussed the fraternities in Gorham. They came to the town of Gorham at the beginning of year and we thought the neighborhood would work things out. The Ordinance Committee is moving an item up to the top of their list to work on an ordinance to address the shenanigans.

Chairman Robinson felt it was disheartening to hear that nobody from Maine received any of the federal stimulus money. Gorham's proposal was strong and he is curious about the other proposals.

Chairman Robinson mentioned the press about the sex offender ordinance and he wants people to know that we did talk to the Town Attorney and our police will follow the guidelines set by the state.

Chairman Robinson complimented the Portland School Committee that bought Dell laptops for their students. He thinks PC's are better to learn on because it is the format that 95% of businesses use.

Town Manager's Report

Town Manger, David Cole, reported that the Town Clerk has announced that absentee ballots are now available for the November 3rd election. The Clerk's office will be at the North Gorham Library on October 27th from 3 – 7 pm for to conduct absentee voting.

Mr. Cole stated that the bids on the new school were very good. There were also good bids on the bond anticipation note that went to TD Bank.

Mr. Cole expressed appreciation for the kind words regarding the fire station grant. He thanked the Council and the community for their support.

Mr. Cole followed up with information on the excise tax referendum. New laws become effective 30 days after the Governor certifies the vote. The Governor has to certify the vote within 10 days of the election. The most likely date that the new law would be effective is December 13th. It could be delayed for approximately two months because of the severe financial consequences, that would put the implementation date to around Feb 20th. The consequence in the remainder of the budget year is projected to lose \$542,000 in revenue or the equivalent of \$1,083,000 over a full budget cycle. The school budget can not be cut in this existing year, as confirmed by Town Attorney Bill Dale. The town could not issue another tax bill.

Mr. Cole stated that the open house at Ecomaine on Saturday will be interesting for parents and their kids to see the science behind the landfill.

Councilor Csoros asked if the Town Attorney cited any statute regarding his opinion regarding not making adjustments to the school budget or issuing additional tax bills. Mr. Cole explained that the citizens of Gorham have approved the school budget and the Town Council can not trump this. Councilor Csoros asked if we could have another referendum vote to adjust the school budget. Mr. Cole will look into this. Councilor Robinson also stated that the Town Council would have to be willing to open up the school budget and the excise tax is on the municipal side. Councilor Csoros stated that everything will have to be on the table to be fair.

Chairman Robinson reported that he received a letter from Superintendent Sharp and Mr. Libby asking for a Councilor to serve on a committee to review the possibility of expanding the high school.

School Committee Report

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

- Possible state budget curtailments to the current year budget
- The MLTI computers can run on both Apple and Windows based platforms. There was no comparison in the cost savings for the value of programs. Portland missed the cutoff for the MLTI computers which is why they went with Dell.
- The bond anticipatory note (BAN) for the new elementary school is a bond to tide the town over until the State issues their bond for the entire project.
- New playground equipment was purchased for White Rock School and installation began today. This equipment will be relocated after the new school is complete.
- Seasonal flu immunizations have begun and H1N1 flue immunizations will be held when the vaccine is available.
- The Elementary School Building Committee bid opening was on September 22nd. On September 25th the committee met and recommended acceptance of the apparent low bidder. Davis and Hanscom has been selected as the contractor. Mr. Libby thanked all the contractors for their bids. The Groundbreaking Ceremony will be October 16th at 4:30 with a rain date of October 19th.
- Formation of an exploratory committee to review possible expansion of the High School.
- The next School Committee Meeting will be October 14th at 7 pm.

Chairman Robinson asked if the school project went to the lowest bidder. Chairman Libby answered yes and explained the process. Chairman Robinson asked about the High School renovation meeting schedules. Councilor Loveitt asked if Grondin's got the dirt bid and Chairman Libby answered yes. Councilor Caldwell will consider serving on the new committee to study expansion of the High School.

Department Report – Town Clerk's Department

Town Clerk, Christina Silberman, thanked the Town Council for the opportunity to report on the Town Clerk's office. Ms. Silberman reviewed the staff members and some history on the Town Clerk position. She explained the various functions of the Town Clerk's office and the numbers of various transaction in the last fiscal year. Chairman Robinson thanked the Town Clerk and the staff for all of their hard work.

Old Business

Item #7746 was moved by Councilor Moulton and seconded by Councilor Phinney. Phil Grondin thanked the town for the work for the new school and thanked the Town Council for their consideration. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an amendment to the Olde Canal Business Park Municipal Development and Tax Increment Financing (TIF) District by changing the expiration of the district from June 30, 2028 to June 30, 2033; and,

BE IT FURTHER ORDERED that the Town Manager is authorized to submit the requested amendment to the Maine Department of Economic and Community Development for their approval. **7 years.**

Item #7749 was moved by Councilor Moulton and seconded by Councilor Phinney. Susan Duchaine, Design Dwellings, commented that she has had mixed feelings about the new position. On two occasions the new Zoning Administrator has been a big help to her, she is very hands on. Ms. Duchaine stated that she has no problem with the 2-2.5%, this is very consistent with most other towns. She is glad to see that excess money will be refunded. Ms. Duchaine has an issue with an item in the proposal that talks about “in lieu of” in regards to bonding roads. Zoning Administrator Sandra Mowery explained the process. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Fee Schedule by adjusting the fees as presented effective November 1, 2009; and

BE IT FURTHER ORDERED that the Town Council refer a proposal to amend the Land Use and Development Code to make it consistent with the proposed fee adjustment to the Planning Board for public hearing and their recommendations. **7 years.**

The following Planning fees for Subdivisions are proposed to be adjusted, effective November 1, 2009. Please note that the term unit includes dwelling units.

Current fee:	New fee to be
Subdivision Application: 1-3 lots \$2000. 4+ lots or units \$500 each	1-3 lots or dwelling units \$1,500. 4-30 lots or dwelling units \$150/ lot or dwelling unit. 31+ lots or dwelling units \$100/lot or dwelling unit.
Public Notice: \$50	Public Notice: included in App. Fee
Final application: \$100	Final app. included in App. Fee.
Plan Review Fee: \$500/lot or unit	Development Review Fee (Includes Engineer, Legal and Peer review). Estimate obtained up front from Engineer. Fee is \$500 plus the Engineer’s estimate. Additional funds required if needed, excess funds refunded to developer.
Inspection and Compliance Fee: 1-40 lots or units: \$700/lot or unit. 41+ lots or units: \$600/lot or unit.	Inspection and Compliance Fee: 2.5% of the estimated costs of improvements escrowed and paid upfront with additional required if needed. Excess funds refunded to developer.

New fee for:

1. Administrative Site Plans: Inspection and Compliance \$750/application
2. Gravel Pit amendments: Application fee: \$1,200/application

Note: Where the term units are used it shall be understood that it includes dwelling units.

New Business

Public Hearing #1 Chairman Robinson opened the public hearing to consider approving the renewal of Automobile Graveyard/Junkyard Permits. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7760 Moved by Councilor Csoros, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of the following Automobile Graveyard/Junkyard Permits;

Chet's Auto Sales, Inc., Dumbo Enterprises, Hopkins Salvage, LKQ Corp., M & D Realty, Inc., Moody's Collision Centers, Reichert's Auto Body, Inc., South Street Auto Body, Inc., & Young's Auto Salvage. **7 yeas.**

Public Hearing #2 Chairman Robinson opened the public hearing to consider issuance of a Mass Gathering Permit for The Gorham Art Fair. Jeremy Green, the Art Guru, read a statement from Carson Lynch inviting people to attend the Gorham Art Fair on November 7th. Chairman Robinson closed the public hearing.

Item #7761 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 issuance of a Mass Gathering Permit for The Gorham Art Fair. **7 yeas.**

Item #7620 was moved by Councilor Loveitt and seconded by Councilor Miner. Ginger Proulx explained the request. Moved by Councilor Miner to amend the proposed order for the keeping of farm animals in the urban residential district instead of directly addressing the acreage. No second, 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 from James and Ginger Proulx to amend the Land Use and Development Code Chapter I, Section VI (C)(2) to allow the keeping of farm animals on lots smaller than six (6) acres to the Ordinance Committee for their recommendation. **5 yeas, 2 nays (Moulton & Csoros).**

Item #7763 Moved by Councilor Loveitt, seconded by Councilor Moulton and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled abate taxes on property leased to GPX International Tire Corp. by Grondin Properties, LLC (tax map 12, lot 18) because of an error in the assessment in the following amounts; 1) for the tax year based on April 1, 2006, \$2,745.87 & 2) for the tax year based on April 1, 2007, \$2,878.40. **7 yeas.**

Item #7764 was moved by Councilor Loveitt and seconded by Councilor Caldwell. Moved by Councilor Miner, seconded by Councilor Moulton and **VOTED** to amend the proposed order to read "Ordered that the Town Council of Gorham, in Town Council assembled establish an Adopt-A-Highway program, pursuant to Title 23, M.R.S.A., section 1117, to allow organizations to adopt the interior of a roundabout on Route 112 (the Gorham Bypass) and agree to keep it maintained and place a sign not to exceed 2 feet x 2 feet in the interior of the adopted roundabout consistent with State rules". **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of Gorham, in Town Council assembled establish an Adopt-A-Highway program, pursuant to Title 23, M.R.S.A., section 1117, to allow organizations to adopt the interior of a roundabout on Route 112 (the Gorham Bypass) and agree to keep it maintained and place a sign not to exceed 2 feet x 2 feet in the interior of the adopted roundabout consistent with State rules. **7 yeas.**

Item #7765 was moved by Councilor Moulton and seconded by Councilor Phinney. Moved by Councilor Moulton, seconded by Councilor Caldwell and **VOTED** to move the question. **5 yeas, 2 nays (Miner & Csoros).** The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled schedule a public hearing on December 1, 2009 to receive comment on conducting a limited review of the Comprehensive Plan for the purpose of determining if

areas of South Gorham, located along the Route 22/114 overlap and along Route 114 from the intersection of Route 22/114 north to the intersection of Route 114/112 (Gorham ByPass), should be rezoned and designated for more intensive growth. **5 yeas, 2 nays (Miner & Csoros).**

Item #7766 Moved by Councilor Phinney, seconded by Councilor Loveitt and **ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the polls be open for the November 3, 2009 Annual Municipal and State Referendum Election between the hours of 7:00 a.m. and 8:00 p.m.; and,

BE IT FURTHER ORDERED that absentee ballots will be processed on Monday, November 2, 2009 at 9:00 am and on Tuesday, November 3, 2009 at 7:00 am, 9:00 am, 11:00 am, 1:00 pm, 3:00 pm, 5:00 pm, 7:00 pm, and 8:00 pm.

BE IT FURTHER ORDERED that the Registrar of Voters be in session between the hours of 8:30 a.m. and 4:30 p.m. on Wednesday, October 28, 2009, 8:30 a.m. and 7:00 p.m. on Thursday, October 29, 2009, 7:30 a.m. and 4:30 p.m. on Friday, October 30, 2009 and 8:30 a.m. and 4:30 p.m. on Monday, November 2, 2009 for the purpose of registering citizens to vote and correcting the voter list; and,

BE IT FURTHER ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following Wardens and Ward Clerks for the November 3, 2009 Annual Municipal and State Referendum Election and that the Town Clerk is authorized to make changes to these appointments as needed. Ward 1: Warden – Linda Deering, Ward Clerk – Laurel Smith, Ward 2: Warden – Pat Clay, Ward Clerk – Nancy Kenty, Central: Warden – Connie Loughran, Ward Clerk – Christina Silberman. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Moulton and **VOTED** to take up an item not on the agenda. **7 yeas.**

Moved by Councilor Phinney, seconded by Councilor Moulton, and **VOTED** to set the date for the regular November Town Council meeting for November 10th at 7 pm. **7 yeas.**

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

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk