

**SECOND AMENDED REPORT OF THE REGULAR MEETING  
OF THE GORHAM TOWN COUNCIL  
April 6, 2010 - 7:00 p.m.**

Chairman Phinney opened the meeting at 7:06 pm.

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

Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to accept the minutes of the March 2, 2010 Regular Town Council Meeting. **7 yeas.**

**Open Public Communications**

Tom Donnelly, 70 Hillview Rd., expressed concerns with speeding traffic near his home on the corner of Route 202 and Hillview Rd. There are many children living in this area and he would like the town to find a way to calm traffic.

**Councilor Communications**

Councilor Csoros commented that a few months ago the Town appropriated \$800,000 for a traffic study and to retime the lights. He has received positive feedback from citizens that traffic is flowing much better. Mr. Csoros commended the Council and stated that this was money well spent. Councilor Csoros noted that last year the Town Council did away with open space and middle school impact fees and this has invited more development in Gorham as permit fees are up 25% this year.

Councilor Miner reported that the Ecomaine Board met on March 18<sup>th</sup>. Ecomaine will have a budget workshop on April 8th. Mr. Miner also reported that the Appointments / Personnel Committee has met and has recommendations for board and committee appointments on tonight's agenda.

Councilor Loveitt reported that the Maine Department of Transportation/Maine Turnpike Authority joint East/West Corridor Study Steering Committee is nearing the end of their work. Public hearings and presentations are currently being made and the public may be interested in attending these. Councilor Loveitt complimented Georgia Humphrey, GOCAT Director, for her efforts in providing the information to the Council about streaming video on the internet. Councilor Loveitt shared that he witnessed a random act of kindness recently when a Gorham Police Officer stopped to assist a woman who was walking along the road carrying a heavy load. You can not find better community relations than this. It is great to see town employees overtly providing assistance.

Council Caldwell reported that the Finance Committee met on April 1<sup>st</sup>. They had a good discussion on rescue fees & streaming video. They reviewed and forgave outstanding taxes on an abandoned mobile home in Friendly Village. They reviewed the financial reports through February.

**Chairman's Report**

Chairman Phinney reported on Maple Sugar Sunday which a number of working farms in Gorham participated in. This was a great way for the Town to see the products they produce. The Gorham Business and Civic Exchange trade show was a great time and it is good for the community to get together and see the local businesses in town.

## Town Manager's Report

Town Manager, David Cole, reported that the Council has received the proposed municipal budget of \$11,493,565. This is a 1.2 % reduction from the current budget. This was a difficult, fairly tight budget. This is approximately \$286,000 below the LD1cap. The amount of property taxes needed to support this budget is \$4.56 which is down one cent from the current budget. The County taxes are down 3% from the current year. State revenue sharing took a big hit with \$212,000 less in revenue sharing. Retirement is a big cost driver due to Police and Fire joining Maine State Retirement. There are no wage increases for employees included in this budget. Budget workshops are scheduled for April 8<sup>th</sup> & April 13<sup>th</sup> and a tentative school budget workshop is scheduled for May 18<sup>th</sup>.

## School Committee Report

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

- Governor Baldacci signed legislation to enact the State budget. There is a reduction of revenue's from last year's levels. The School Committee will take action on their budget on April 14<sup>th</sup>
- Field space will continue to be available on the Chick property during development
- The new elementary school project is ahead of schedule, the next building committee meeting is April 7<sup>th</sup>
- The next School Committee meeting is April 14<sup>th</sup>

Councilor Mattingly commented that Chairman Libby has provided estimated budget numbers in previous months and asked for budget numbers. Chairman Libby replied that they are expecting approximately \$500,000 less in revenues. Increases due to the interest payment on the new school are approximately \$700,000. They anticipate a \$300,000 increase in local funds or approximately 18 cents on the mil rate.

Chairman Phinney reminded citizens that when voters approve a bond for something like a new school the bond payment goes directly on the budget and there is an impact on the budget for years.

## Old Business

**Item #7808** Moved by Councilor Mattingly to waive the reading of the proposed order - motion fails for lack of a second. The item was properly moved & seconded at the February meeting. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to amend the proposed order to change the amount from \$3,000,000 to \$6,000,000. **2 yeas (Mattingly & Loveitt), 5 nays-motion fails.** The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a referendum for a bond to make repairs to local roads to be held on June 8, 2010, and;

**BE IT FURTHER ORDERED** that the Town Council hold a public hearing on this referendum on May 4, 2010.

**BE IT FURTHER ORDERED** that the question be phrased as follows;

Shall a capital expenditure of a sum of money not to exceed \$3,000,000 be authorized for costs of improvements to roads in the Town, said sum of money to be raised by the issuance of general obligation bonds and/or notes of the Town in a total aggregate principal amount of up to \$3,000,000, hereby authorized, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as the Municipal Officers shall determine?

(Total estimated debt service of \$4,171,167, of which principal is \$3,000,000 and estimated interest, at rates ranging from 4.15% to 5.15% depending on the year of maturity, over 15 years is \$1,171,167.)

The debt payment is anticipated to increase the property tax rate by 27.1 cents. **6 years, 1 nay (Csoros).**

**Item #7818** Moved by Councilor Robinson, seconded by Councilor Loveitt and **VOTED** to waive the reading of the proposed order. **7 years.** The item, regarding a medical marijuana moratorium, was properly moved & seconded at the March Meeting. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to postpone action on this item. **7 years.**

### **New Business**

**Public Hearing #1** Chairman Phinney opened the public hearing on a proposal to amend the Land Use and Development Code, Chapter 1, Sec. V – Sec. XVI and Sec. XVIII to allow auxiliary public utility structures on lots that do not meet minimum lot size. There were no comments from the public. Chairman Phinney closed the public hearing.

**Item #7825** Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to waive the reading of the proposed order. **7 years.** The proposed order was moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED.**

**WHEREAS**, the Town has a Land Use and Development Code that contains appropriate requirements regarding the size of residential lots; and,

**WHEREAS**, there are instances when an auxiliary structure for public utilities must be located in a development; and,

**WHEREAS**, that auxiliary structure currently must be placed on a full size lot consuming more land than is necessary which also places a burden on the developer; and,

**WHEREAS**, allowing an auxiliary public utility structure to be placed on smaller lots provides more flexibility to the developer and to the Planning Board in the design of the development;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Land Use and Development Code, Chapter 1, Sec. V – Sec. XVI and Sec. XVIII to allow auxiliary public utility structures and lots that do not meet minimum lot size as follows: Note: Additions are underlined and deletions are ~~struck out.~~)

### **SECTION V – DEFINITIONS**

Aquaculture

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. (Applies to Shoreland Area Protection, Chapter II, E.)

Auxiliary Public Utility Structure:

A structure not to exceed 500 square feet in gross floor area and 16 feet in height, operated by a public utility, including but not limited to pumping stations, excluding wireless telecommunications towers and wind turbines.

- a) Such utility structures must remain unoccupied except for required maintenance.
- b) Vegetative screening is required where such structures abut residential uses, and may be required along a public and or private way.

**SECTION VI - URBAN RESIDENTIAL DISTRICT**

**D. SPACE STANDARDS**

	<u>Watered &amp; Sewered</u>	<u>Unsewered</u>
Minimum lot size	15,000 sq.ft.**	20,000 sq.ft.
Minimum area per dwelling unit	10,000 sq.ft.	20,000 sq.ft.
Minimum street frontage	80 ft.	80 ft.
Minimum front yard	25 ft.	25 ft.
Minimum rear and side yards	15 ft.*	15 ft.*

\*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

\*\*The June 3, 1997 amendment to the minimum lot size shall apply prospectively only, from that date forward, and only to (1) lots newly created after that date as evidenced by a deed on record in the Cumberland County Registry of Deeds on or before that date or (2) lots not part of a subdivision plan approved on or before that date or lots in a proposed subdivision plan grand fathered by law on or before that date.

Maximum building height	None	None
Maximum building coverage	25%	25%

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size, building coverage, and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION VII - SUBURBAN RESIDENTIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum lot size	60,000 square feet
Minimum lot area per dwelling unit	40,000 square feet
Minimum street frontage	200 feet*
Minimum front yard local street	50 feet
Minimum front yard collector or arterial street	70 feet
Minimum side and rear yards	20 feet
Maximum building height	None

\*May be reduced up to 50% for lots fronting on turning circles provided that the lot width at the front setback line is equal to or greater than the minimum street frontage required.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION VIII - RURAL DISTRICT**

**D SPACE STANDARDS**

Minimum lot size for residential lots which are not a part of a subdivision	60,000 sq.ft. per dwelling unit
Minimum lot area per dwelling unit for residential subdivisions or multi-family housing	60,000 sq.ft.
Minimum lot size for non-residential lots	60,000 sq.ft.**
Minimum street frontage	200 ft.*

Minimum front yard	
*local street	50 ft.
*collector or arterial street	70 ft.
Minimum side and rear yard	
*residential	20 ft.
*non-residential	50 ft.
Maximum building height	None

\*May be reduced up to 50% for lots fronting on turning circles provided that the lot width at the front setback line is equal to or greater than the minimum street frontage required.

\*\*The minimum lot area per dwelling unit shall be used to calculate the net residential density or the maximum number of dwelling units that can be placed on a parcel. Individual lots in a subdivision may vary in size as long as the subdivision conforms to the overall net residential density of the parcel, no lot for a single-family home is smaller than 40,000 square feet in area, and the individual lots are laid out to reflect the development suitability of the parcel.

Notwithstanding the provisions of this subsection D,

1. A lot listed on the National Register of Historic Places need not meet the minimum lot size or street frontage requirements so long as the lot is subject to either a conservation easement or deed restriction limiting its use or development solely to non-commercial conservation or historic purposes.

2. An Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

## **SECTION IX - VILLAGE CENTERS DISTRICT**

### **SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT**

#### **D. SPACE STANDARDS**

Minimum lot size:	None*
Minimum area per dwelling unit:	*
Minimum street frontage	None*
Building setback:	New buildings constructed in the Village Center District shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback, whichever is greater.
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet
Maximum building coverage:	None*

\*Space standards for residential uses shall be the same as for those in the Urban Residential District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

### **SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT**

#### **D. SPACE STANDARDS**

Minimum lot size:	None*
Minimum area per dwelling unit:	*
Minimum street frontage	None*
Building Setback:	New buildings constructed in the Village Centers District shall be located in such a manner as to maintain the "village character" with respect to the relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an

existing building is being demolished, than the preexisting setback, whichever is less subject to the performance standards of Subsection E.

Minimum side and rear yards: 10 feet\* except as otherwise required by the buffer provisions of this Code.

Maximum building height: 35 feet

Maximum building coverage: None\*

\*Space standards for residential uses shall be the same as for those in the Urban Residential District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION X URBAN COMMERCIAL DISTRICT**

**D. SPACE STANDARDS**

1) Urban Commercial District:

Minimum lot size: None\*

Minimum area per dwelling unit: \*

Minimum street frontage: None\*

Minimum front yard: 25 feet\*

Minimum side and rear yards: 10 feet\* except as otherwise required by the buffer provisions of this Code

Maximum building height: 35 feet\*

Minimum open space: 25% of lot area.

\*Except that space standards for residential uses shall be the same as for the Urban Residential District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage requirements, and open space requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XI - ROADSIDE COMMERCIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum lot size: None

Minimum area per dwelling unit: \*

Minimum street frontage: None\*

Minimum front yard: 50 feet\*

Minimum side and rear yards: 30 feet except as otherwise required by the buffer provisions of this Code and except when the side and/or rear yards abut a residential district in which case a minimum of 30 feet for commercial uses and 50 for light industrial uses or 50% of the building or outdoor stored material height, whichever is greater, shall be required.

Maximum building height: None

Maximum building or outdoor stored material coverage: None\*

\*Except that space standards for residential uses shall be the same as those of the Suburban District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XII - INDUSTRIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum area of lot: None\*

Minimum area per dwelling unit: \*

Minimum street frontage: None\*

Minimum front yards: 50 feet

Minimum side and rear yards	30 ft.* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards about a residential district in which case a minimum of 30 ft. or 50% of the building or outdoor stored material height, whichever is greater, shall be required.
Maximum building height	None
Maximum building coverage	None*

\*Except that space standards for residential uses shall be the same as for the Suburban Residential and Rural Districts.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XIII - COMMERCIAL/OFFICE DISTRICT**

**D. SPACE STANDARDS**

1) Residential Uses

Standards for residential uses shall be the same as the standards of the Suburban Residential District.

2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

Minimum lot size 60,000 square feet

Minimum street frontage 200 feet

Minimum front yard - local or collector street 50 feet or two (2) times the building height, whichever is greater

Minimum front yard - arterial street 80 feet or three (3) times the building height, whichever is greater

Minimum side and rear yard 50 feet or two (2) times the building height, whichever is greater

Maximum building height 35 feet

Maximum floor area ratio 0.35

Minimum landscaped buffer on any side abutting an arterial street 50 feet

Minimum landscaped buffer on any side abutting a collector or local street 25 feet

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage, and floor area ratio requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XIV - OFFICE-RESIDENTIAL DISTRICT**

**E. SPACE STANDARDS FOR NON-RESIDENTIAL USES**

A structure existing at the date of adoption of this Section that does not conform to any of the following space standards may be converted or rehabilitated to an allowed non-residential use, provided that such conversion involves no exterior enlargement of the existing structure or additional area for vehicular parking or access.

Conversions involving exterior enlargement or additional parking or access areas shall adhere to all applicable space standards.

Minimum lot size 20,000 square feet

Minimum street frontage 80 feet

Building setback New buildings constructed in this district shall be located in such a manner as to maintain the relationship to the street established by existing neighboring structures. Where no such relationship exists, the minimum setback shall be 40 feet.

Minimum side and rear yards 20 feet

Maximum building height 30 feet or two stories, whichever is less.

Maximum floor area ratio 0.15

Maximum impervious coverage ratio 0.40

Maximum gross floor area per each principal structure 8,000 square feet

Maximum gross floor area per lot 20,000 square feet

Notwithstanding the provisions of this subsection E, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage, floor area ratio, and impervious coverage requirements of this district.

Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XV - MANUFACTURED HOUSING PARK OVERLAY DISTRICT**

**E. SPACE STANDARDS FOR MANUFACTURED HOME PARKS**

1. Minimum lot size:  
 Lots served by public sewer 6,500 square feet  
 Lots served by individual subsurface waste disposal system 20,000 square feet
2. Minimum lot width:  
 Lots served by public sewer 50 feet  
 Lots served by individual sub-surface waste disposal systems 100 feet

Notwithstanding the provisions of this subsection E, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XVI - NARRAGANSETT DEVELOPMENT DISTRICT**

**C. DIMENSIONAL STANDARDS**

- 1) Net Acreage - The density of all developments shall be based on the established net acreage of the proposed site. Net acreage shall be determined in accordance with Chapter I., Section V. (Net Acreage). Deductions under this net acreage provision shall be subtracted from the gross acreage of the proposed site.
- 2) Non-residential Density - The total gross floor area of all the non-residential uses shall not exceed thirty percent (30%) of the net acreage of the parcel dedicated to such uses. No more than seventy percent (70%) of the net acreage of the non-residential parcel may be covered with buildings, structures, accessory uses such as parking lots and other impervious surfaces.
- 3) Dedicated open space - Developments shall reserve thirty percent (30%) of the gross acreage as dedicated open space, excluding landscaping and buffer yard requirements.
- 4) Non-residential Space Standards
  - a) Minimum lot size - Fifty thousand (50,000) square feet.
  - b) Minimum street frontage - One hundred, fifty (150) feet.
  - c) Minimum front yard - 80 feet or three (3) times the building height whichever is greater.
  - d) Minimum side and rear yard - 50 feet or two (2) times the building height whichever is greater.
  - e) Maximum building height - 50 feet or four stories, whichever is less.
- 5) Residential Space Standards - Space standards for existing residential uses shall be the same as for the Suburban Residential District.
- 6) Notwithstanding the provisions of this subsection C, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage, net acreage, gross floor area, and dedicated open space requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XVIII – DEVELOPMENT TRANSFER OVERLAY DISTRICT**

**D. SPACE STANDARDS**

The following space standards apply to the subdivision or project and to the lots within the subdivision based upon the underlying zoning district.

<b>Standard</b>	<b>If the underlying zone is any district other than Rural</b>	<b>If the underlying zone is Rural</b>
Minimum net acreage per dwelling unit	6,000 sq. ft.	9,000 sq. ft.
Minimum lot size:		
- one-family dwelling	8,500 sq. ft.	12,750 sq. ft.
- two-family dwelling	15,000 sq. ft.	22,500 sq. ft.
- multi-family dwelling or apartment	20,000 sq. ft.	30,000 sq. ft.
- non-residential use	15,000 sq. ft.	15,000 sq. ft.



Minimum street frontage: - one-family dwelling - two-family dwelling - multi-family dwelling or apartment - non-residential use	75 feet 100 feet 120 feet 100 feet	75 feet 125 feet 150 feet 100 feet
Minimum front yard for one and two-family dwellings: - access or sub-collector street or private way - collector street or service road - arterial street	15 feet 30 feet 70 feet	15 feet 30 feet 70 feet
Maximum front yard for one and two-family dwellings: - access or sub-collector street or private way - collector street or service road - arterial street	25 feet* none none	25 feet* none none
Minimum front yard for multi-family dwellings, apartments and non-residential uses: - access or sub-collector street or private way - collector street or service road - arterial street	20 feet 30 feet 70 feet	20 feet 30 feet 70 feet
Minimum side and rear yards: - one-family dwelling - two-family dwelling - multi-family dwelling, apartment, or non-residential use	10 feet 15 feet 30 feet or height of building whichever is greater	10 feet 15 feet 30 feet or height of building whichever is greater
Maximum building height	None	None

\* Not more than ten percent (10%) of single and two-family dwellings within a subdivision may have a front yard or setback of more than twenty-five (25) feet provided that:

- 1) any lot with a front yard greater than twenty-five (25) feet may not abut another lot with a front setback of more than twenty-five feet, and
- 2) any lot with a front yard greater than twenty-five feet must be identified on the approved subdivision plan and the maximum front yard for the lot specified on the plan.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board. 7 years.

**Public Hearing #2** Chairman Phinney opened the public hearing on a proposed ordinance for disorderly property. Norman Justice, Wood Rd., commented that noises can be included as disruptive and he urged the Council to stop and think about the consequences of this ordinance. He is concerned that lawful behavior could fall under this ordinance. Chairman Phinney closed the public hearing.

**Item #7826** Moved by Councilor Miner, seconded by Councilor Csoros and **VOTED** to waive the reading of the proposed order. **7 years.** The proposed order regarding a disorderly property ordinance was moved by Councilor Csoros and seconded by Councilor Robinson. Moved by Councilor Loveitt, seconded by Councilor Mattingly and **VOTED** to amend the proposed order to insert under enforcement "shall be with the

advice and consent of the Town Council and to send this back to the Ordinance Committee for further review. **5 years, 2 nays (Csoros & Miner)**. The amended order was then **VOTED. 5 years, 2 nays (Csoros & Miner)**.

**Item #7827** The proposed order was moved by Councilor Robinson and seconded by Councilor Loveitt. Moved by Councilor Robinson to amend the order to add a clause that the debt payment is anticipated to increase the property tax rate by   % - motion fails for lack of a second. (Council rules already require this) The order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a referendum vote to be held on June 8, 2010 to acquire a heavy rescue truck; and,

**BE IT FURTHER ORDERED** that a public hearing be held on this referendum on May 4, 2010; and

**BE IT FURTHER ORDERED** that the question to appear on the ballot be as follows;

Shall a capital expenditure of a sum of money not to exceed \$450,000 be authorized for costs of acquisition of a heavy rescue truck, said sum of money to be raised by the following or such combination thereof as determined appropriate by the Town Council:

(a) the issuance of general obligation bonds and/or notes of the Town in a total aggregate principal amount of up to \$450,000, hereby authorized, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as the Town Council shall determine, or (b) equipment lease purchase financing, with the lease to be in such form and contain such terms and provisions, including interest rate(s), as the Town Council determines appropriate; and/or (c) existing reserve funds of the Town?

(Total estimated debt service of \$625,675.09, of which principal is \$450,000 and estimated interest, at rates ranging from 4.15 % to 5.15 % depending on the year of maturity, over 15 years is \$175,675.09)

(The Town Council recommends a "Yes" vote.)

The debt payment is anticipated to increase the property tax rate by .04 cents. **7 years.**

**Item #7828** Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to substitute the following proposed order.

**Whereas**, the capital investment needs of the Town of Gorham cannot be met by the customary budgetary process; and,

**Whereas** the citizens of Gorham desire safe roadways, proper building maintenance, and proper public safety and other assets; and

**Whereas** these needs are great and need special funding provisions,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council establish a \$1 surcharge upon the tax rate; and,

**BE IT FURTHER RESOLVED** that monies arising from said levy be applied exclusively to the long-term capital requirements of the Town; and,

**BE IT FURTHER RESOLVED** that monies arising from this tax shall not be applied to the operating budget nor applied to day to day usual and customary expenditure needs, and

**BE IT FURTHER RESOLVED** that this item be sent to the voters as an Advisory Referendum on June 8, 2010 with an informational public hearing to be held on May 4, 2010. **6 yeas, 1 nay (Miner)**. Moved by Councilor Csoros, seconded by Councilor Caldwell and **VOTED** to amend the order to add the words “up to” before the \$1. **0 yeas, 7 nays – motion fails**. The order was then **VOTED**.

**Whereas**, the capital investment needs of the Town of Gorham cannot be met by the customary budgetary process; and,

**Whereas** the citizens of Gorham desire safe roadways, proper building maintenance, and proper public safety and other assets; and

**Whereas** these needs are great and need special funding provisions,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council establish a \$1 surcharge upon the tax rate; and,

**BE IT FURTHER RESOLVED** that monies arising from said levy be applied exclusively to the long-term capital requirements of the Town; and,

**BE IT FURTHER RESOLVED** that monies arising from this tax shall not be applied to the operating budget nor applied to day to day usual and customary expenditure needs, and

**BE IT FURTHER RESOLVED** that this item be sent to the voters as an Advisory Referendum on June 8, 2010 with an informational public hearing to be held on May 4, 2010. **4 yeas, 3 nays (Csoros, Miner, & Phinney)**.

**Item #7829** The proposed order was moved by Councilor Loveitt and seconded by Councilor Mattingly. Mark Faunce, First Parish Church, spoke against the clause in the proposed lease giving the parties 60 days notice to remove the clock. Rev. David Butler, First Parish Church, commented that it is not a simple matter to remove the clock and tens of thousands of dollars have been spent by the church. The church would not have agreed to spend this money if this was an “at will” arrangement. Alan Beagle, First Parish Church Executive Council member and Gorham resident, stated that this reflects a lack of commitment. The Church is committed to having a secure, safe, and publicly accessible place for the clock. Moved by Councilor Csoros, seconded by Councilor Miner to amend the proposed order to sell the clock to the church for \$1. Chairman Phinney ruled the proposed amendment out of order. Moved by Councilor Csoros, seconded by Councilor Miner to amend the proposed order to send this to the Capital Improvements Committee to consider selling the clock for \$1. Chairman Phinney ruled the proposed amendment out of order. Moved by Councilor Csoros, seconded by Councilor Miner and **VOTED** to postpone action on this item until the May Council meeting. **2 yeas (Csoros/Miner), 5 nays-motion fails**. Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to amend the proposed order to add at the end “and be it further ordered that the signed lease be received back from the Church duly executed and unabridged by May 1, 2010. **6 yeas, 1 nay (Csoros)**. The amended order was then **VOTED**.

**WHEREAS**, the Town is the owner of the E. Howard Tower Clock, made by the Howard Watch and Clock Company of Boston Massachusetts, identified as Clock Number 44 (hereinafter the "Clock"); and,

**WHEREAS**, the Clock was a charitable gift to the citizens of the Town from Toppan Robie in 1886 and is now invaluable; and

**WHEREAS**, the Church owns a certain lot or parcel of land, which includes a church building, located at One Church Street in Gorham as shown on the Town's Tax Map 102 as lot 79 (hereinafter the "Church property" or the "Church building"); and

**WHEREAS**, the Church building includes a tower that has four separate clock faces; and

**WHEREAS**, installation of the Clock in the Church will allow the clock faces in the Church building to operate; and

**WHEREAS**, the Town has an obligation to ensure that the Town's property is protected, both physically and financially, and remains reasonably available for viewing by members of the public; and

**WHEREAS**, the parties wish to have the Town lease the Clock to the Church and install it in the Church building, subject to the terms and conditions set forth herein;

**NOW, THEREFORE, BE IT ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the lease as presented, and

**BE IT FURTHER ORDERED** that the Town Council authorize the Town Manager to sign the lease on behalf of the Town, and

**BE IT FURTHER ORDERED** that the signed lease be received back from the Church duly executed and unabridged by May 1, 2010. **6 years, 1 nay (Csoros).**

**Item #7830** Moved by Councilor Robinson, seconded by Councilor Mattingly and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled abate taxes on property located at 315 Fort Hill Road, shown on tax map 43, as lot 27, because of a clerical error for the tax year 2008/2009 in the amount of \$865.60 and for tax year 2007/2008 in the amount of \$865.60, plus interest and costs. **7 yeas.**

**Item #7831** The proposed order to restrict 3, 4 and 5 axle trucks on McLellan Road was moved by Councilor Miner and seconded by Councilor Csoros. Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to postpone action on this item until the May Town Council meeting. **7 yeas.**

**Item #7832** Moved by Councilor Loveitt, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the resignation of Michael W. Parker from the Planning Board effective March 31, 2010. **7 yeas.**

**Item #7833** Moved by Councilor Loveitt, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled make appointments to various Town Boards and Committees as recommended by the Appointments Committee. **7 yeas.**

Zoning Board of Appeals & Board of Sewer Appeals: Melinda Shain to a three year term to expire on 04/01/2013

Recycling Committee: Philip McCormack to a three year term to expire on 04/01/2013

Board of Health: Manny Manno to a three year term to expire on 04/01/2013

Parks & Conservation Commission: Christine Fleury, Stephanie Publicker & Jay Kiel to three year terms to expire on 4/01/2013

Recreation Advisory Board: John Labrecque & Stephen P. Leon to two year terms to expire on 04/01/2012

Board of Assessment Review: Dean Evans as a regular member to a three year term to expire on 04/01/2013 and Melinda Shain to an existing vacancy as an alternate member to expire on 04/01/2011

Planning Board: Andrew McCullough, George Fox, & Lauren Carrier to 3 year terms to expire 4/01/2013 and Christopher Hickey to an existing vacancy with term to expire 4/1/2011

Gorham Economic Development Corporation: Stephen Leon, Daniel LeVasseur, & Philip T. Gagnon, Jr. to 3 year terms to expire 4/01/2013

Cable Television Committee: Russell Hutchens & Charles Haws to 3 year terms to expire 4/01/2013 and David Abbiati to an existing vacancy with a term to expire on 4/1/2012

**Item #7834** Moved by Councilor Miner, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the gazebo, currently located at the Public Safety Building, to be relocated to the front lawn area between the Municipal Center and South Street as part of a project to do Phase 1 of the Chick Property Master Plan. **7 yeas.**

**Item #7835** Moved by Councilor Mattingly, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to create a committee, to be called Gorham Vision 2020, to find ways to move Gorham ahead into the next decade, to the Ordinance Committee for the Ordinance Committee to refine the concept and scope of the new committee and make recommendations back to the Town Council. **6 yeas, 1 nay (Csoros).**

**Item #7835** Moved by Councilor Loveitt, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to contract with a grant writer for the purpose of identifying grants and submitting applications on behalf of the Town to the Finance Committee for their review and recommendation. **6 yeas, 1 nay (Csoros).**

Moved by Councilor Robinson, seconded by Councilor Caldwell and **VOTED** to adjourn the meeting at 11:10 pm. **7 yeas.**

A TRUE RECORD OF MEETING

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