

**REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL
August 3, 2010 - 7:00 p.m.**

Chairman Phinney opened the meeting at 7:03 pm.

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

Absent: Councilor Loveitt

Moved by Councilor Robinson, seconded by Councilor Caldwell and **VOTED** to accept the minutes of the July 6, 2010 Regular Town Council meeting and the July 20, 2010 Special Town Council meeting. **6 yeas.**

Open Public Communications

Representative Jane Knapp, State House District #129, thanked Councilor Matt Mattingly for organizing the taste walk in Gorham and commented that participating businesses were overly generous. Rep. Knapp reported on the following:

- Things were quiet at the State House on Monday due to campaigning
- The Secretary of State has made organ donor registration available online
- The state is moving ahead with the medical marijuana dispensary
- New state laws went into effect July 12th, unless there was a special designation
- Asthma sufferers can check the Department of Environmental Protection website for air quality information.

Councilor Csoros asked for information on motorcycle noise statutes. Rep. Knapp responded that she recalls this issue came up when she served on the Council and it is difficult to quantify. There is a modification of the exhaust that makes more noise. At the time of the State inspection, motorcycles should not have this modification. She will get more information on this.

Harold McFarland, 75 Libby Ave., commented that the dump on Route 25 (Plan It Recycling) is sky high. Mr. McFarland stated that 11 years ago his road was a narrow road with tall trees and a dry railroad bed, now the trees are disappearing and the railroad bed has dirty water all the time. The road today, turning south from Route 25, is beautiful with storm drains, sidewalks and granite curbing. Go 100 feet south and there are no sidewalks or curbing. There are humongous ditches along both sides of the road that collect trash and aren't mowed. Mr. McFarland spoke about an issue many years ago with a previous owner's unpaid sewer bill. He was told by the Town he had to pay it or a lien would be put on his home. He does not think that the Town has any feelings about putting a lien on property. He would like the Town to mow the ditches and beautify the area.

Councilor Communications

Councilor Csoros asked Chief Shepard about the noise standards for motorcycles. Chief Shepard explained the new law that went into effect July 12th which will be discussed at a scheduled supervisor's meeting. The State has revised the language so it will be easier to enforce the law. Councilor Robinson asked if a motorcycle passes the inspection will this mean that the motorcycle is in compliance with noise standards. Chief Shepard explained that a motorcycle can not emit any more noise than when it

came from the showroom as a new motorcycle. Law Enforcement can stop a motorcycle if they think the noise is too loud. The State is looking into requiring that the inspection sticker be displayed on motorcycles.

Councilor Csoros asked Public Works Director Bob Burns for an update on improvements to the Libby Ave./New Portland Rd. intersection. Mr. Burns reported that the State Department of Transportation has deferred to their current plan for a roundabout at that intersection. They will be putting up advanced warning signs sometime this summer and are also looking into putting up larger stop signs. Councilor Csoros asked if stop signs could be put up on both sides of the road.

Councilor Robinson reported that the Lions Club expressed their thanks to everyone that participated in the car show. The Ordinance Committee met this morning and discussed a couple of issues, the South Gorham study, shotgun only hunting, and existing fraternity houses. The Ordinance Committee will be meeting again next month.

Councilor Caldwell reported that the Finance Committee met and reviewed year end finances and the list of foreclosed liens. An item will be on the September agenda regarding foreclosed liens. Councilor Caldwell went on the site walk of the new elementary school and suggested that the Town Council also have a tour. The Elementary School Naming Committee is down to three proposed names and they should come to the Town Council next month. Councilor Caldwell thanked everyone that participated in the taste of Gorham walk.

Councilor Mattingly reported that the taste walk went off without a hitch and Lucky Thai won the Golden Spoon award. The map sale raised approximately \$1,000 for Gorham high school students who will graduate next year. Councilor Mattingly appreciates all of the support. Councilor Mattingly commented that on Saturday morning he had an opportunity to help some folks in Gateway Commons clean up after the tornado. It was nice to see everyone come out and neighbors helping neighbors.

Chairman's Report

Chairman Phinney thanked the Police, Public Works and Fire Departments for their work on the storm. Everyone did a wonderful job. There was no loss of life. The cleanup is going smoothly.

Town Manager's Report

Town Manager David Cole thanked Town staff for their responsiveness during the storm. The roads were cleared quickly and he is proud of how they responded.

Mr. Cole announced that nomination papers will be available on Monday August 9th for 3 positions for the Town Council and 2 positions for the School Committee. Nominees need to collect at least 25 signatures and papers are due back in September 20th.

Mr. Cole stated that he is quite pleased to announce that this meeting is being broadcast via live streaming video on the Internet at www.gorham-me.org. Meetings can now be viewed live and replayed via the Town website.

Councilor Miner asked Bob Burns to give a synopsis on the tornado damage for Town property. Mr. Burns reported that the Tannery Brook property, Wentworth Dr. (approx. 30 acres) was hit hard by the tornado as well as 40 acres on the Chick property.

Loggers are now working at both properties taking out wood chips on Wentworth Dr. and wood chips and saw logs from the Chick Property.

School Committee Report

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

- First day of school for grades K-6 and 9 will be August 30th, all other grades will begin on August 31st. Bus routes will be posted on the school website and in the *Gorham Times*. Please contact the transportation department at 893-2547 with any questions.
- The federal government has not renewed Medicaid funding to State governments for the upcoming year. With this, there is talk about another State curtailment in funding of general purpose aid for education
- Work continues on the new elementary school and the next committee meeting will be September 1st at 6 pm in the upstairs conference room next to the Superintendent's office
- The next School Committee meeting will be August 25th at 7:00 pm in Council Chambers and will be broadcast via live video streaming.

Councilor Robinson asked about school buses driving around town during the summer. Chairman Libby responded that there are not any regular bus runs during the summer and he will check into this. Councilor Mattingly commented that he was glad to see that the town was not using stimulus funds for operating expenses and asked if additional stimulus funds would cause a State curtailment. Chairman Libby explained that the federal stimulus money came in two ways, one directly to the schools through the State and the other went to general purpose aid to the State. He is not sure what future stimulus funds may be used for. Chairman Phinney asked Chairman Libby to let the Town Council know when he has additional information.

New Business

Public Hearing #1 Chairman Phinney opened the public hearing to consider approval of a new liquor license for JAAAMM's Associates, LLC d/b/a Church Banquet Center Sons of Italy Lodge. Chairman Phinney closed the public hearing.

Item #7881 Moved by Councilor Miner, seconded by Councilor Robinson and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a new liquor license for JAAAMM's Associates, LLC d/b/a Church Banquet Center Sons of Italy Lodge located at 29 School Street. **6 yeas.**

Item #7882 Moved by Councilor Robinson, seconded by Councilor Mattingly and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the bid of Shaw Brothers, Inc. for \$1,127,533.50 for the reconstruction of North Gorham Road, in accordance with the bid specifications. **6 yeas.**

Item #7883 Moved by Councilor Robinson, seconded by Councilor Mattingly and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the bid of \$485,000.00 from Gorham Sand & Gravel, Inc. to reconstruct Finn Parker Road, provided that right-of-way issues can be resolved. **6 yeas.**

Item #7884 The proposed order was moved by Councilor Robinson and seconded by Councilor Csoros. Dan Foley, 20 Preble St., asked if the Town Council is aware of any other liens on this property. Mr. Cole indicated that Mr. Foley should speak with an attorney. Mr. Foley asked what the Town will do with the profit if a bid comes in above what is owed to the Town. Mr. Cole explained that legally the Town is authorized to keep the proceeds and the Town Council would make the decision. The proposed order was then voted. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorizes the Town Manager and Finance Director to solicit sealed bids for the purpose of selling tax acquired property located at 27 Preble Street subject to the following conditions:

1. Minimum bid required will be \$35,000.
2. Bidders must provide a check, payable to the Town of Gorham, equal to 5% of the amount of the bid that will be applied to the final purchase price. Unsuccessful bidders will have their checks returned to them.
3. The Town will issue a quit-claim deed with restrictions that prohibit this property from being owned or used by a fraternity or sorority.
4. The property will be sold "as-is" and the purchaser will be responsible for any clean up and improvements.
5. The Town shall reserve the right to accept or reject any bid, to negotiate with any bidder, or prospective purchasers, and to waive technicalities as solely determined by the Town to be in the Town's best interest.

BE IT FURTHER ORDERED that the Town Council is providing notice to prospective purchasers that this building has identified code violations that must be corrected before the building can be occupied; and,

BE IT FURTHER ORDERED that the use of the building must fully comply with any applicable Federal, State, or local laws or regulations. **6 yeas.**

Item #7885 Moved by Councilor Caldwell, seconded by Councilor Robinson and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled vote for Sophia Wilson for Vice President and for Michelle Beal, Marston Lovell, and Robert Yandow for Executive Committee members of the Maine Municipal Association. **6 yeas.**

Item #7886 Moved by Councilor Robinson, seconded by Councilor Csoros and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled receive the Preliminary Design Report for the South Street County Road Sanitary Sewer and Water Main Utility Service Expansion from the Portland Water District dated July 14, 2010. **6 yeas.**

Item #7887 Moved by Councilor Caldwell, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Emma Lane, located in Nottingham Woods subdivision off Wood Road, as a public way; and,

BE IT FURTHER ORDERED that Emma Lane be classified as a Rural Access Road. **6 yeas.**

Item #7888 Moved by Councilor Robinson, seconded by Councilor Mattingly and, **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled agree to remove the following items from the Ordinance Committee's list of referred items and indefinitely postpone any further action, as recommended by the Ordinance Committee. The items are:

1. Review the Land Use and Development Code and make recommendations to the Town Council.
2. Review the boundaries for all zones.
3. Revise the Suburban Residential District to encourage more compact forms of development.
4. Develop proposals to enact limitations on large scale developments in the Rural District. **6 years.**

Moved by Councilor Caldwell, seconded by Councilor Mattingly and **VOTED** to adjourn the meeting at 8:29 pm. **6 years.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk