

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL January 5, 2010 - 7:00 p.m.

Chairman Phinney opened the meeting at 7:05 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 Caldwell, seconded by Councilor Mattingly and **VOTED** to accept the minutes of the December 1, 2009 Regular Town Council Meeting. **7 yeas.**

Open Public Communications

State Representative Jane Knapp reported to the Town Council on the following

- The second session of the Legislature will start on January 6, 2010
- Distributed a summary of the Governor's supplemental budget
- 2010 hunting and fishing licenses are available
- Larger trucks are now allowed on the interstate
- Lifeguard applications are being accepted for state parks
- Tuition discount for New England Board of Higher Education Regional Student Program.

Rep. Knapp stated that her e-mail address is listed on the newsletter and she would be happy to answer any questions or receive comments.

Councilor Communications

Councilor Caldwell reported that the Finance Committee met on December 3rd and they went over the financial reports to date. They were right on track. They met with the auditor and are pleased with the report. Councilor Caldwell expressed her appreciation to all that were involved in putting the New Year's Gorham event together. It was a wonderful evening, lots of entertainment to choose from, buses to take you from place to place, and it ended with a fantastic fireworks display. It brought the community together with many families attending. She hopes the project continues.

Councilor Loveitt reported that the Maine Turnpike Authority / Maine Department of Transportation Research Committee is meeting at a fevered pitch. A report should be out this spring.

Councilor Miner reported that on the last Thursday in December he attended a meeting of the Ecomaine Executive Board. One item of interest for the Gorham community is that Ecomaine owns property on Route 25 across from Dunkin Donuts and there have been concerns with hunters with rifles on the property. The property will now be posted as shotgun hunting only. Councilor Miner stated that the town might wish to consider expanding the shotgun only zone in the future. Councilor Miner also reported that Ecomaine's excellence awards are coming up and you can nominate someone for an Eco excellence award by contacting Shelly Dunn at Ecomaine.

Councilor Robinson reported that he attended the firefighter / rescue holiday get together. This is a fundraiser and everyone that attends bring gifts for families in need and local businesses donated items that were raffled off. They raised over \$2,500 and this money stays local. Councilor Robinson also reported that he visited a nice memorial of 911 on

Freedom St. in Manhattan last month and he recommended that anyone that is down that way visit the memorial.

Chairman's Report

Chairman Phinney reported that the Municipal Center Building Committee met last week and will meet again this week. He stated that he hoped everyone had a nice Christmas and wished everyone a Happy New Year. Chairman Phinney acknowledged that a lot of people worked hard on the New Year's Gorham event and commended them for their work. Chairman Phinney has also attended some of the parties / fund raising events and thanked the people involved in these fundraisers for their work.

Councilor Miner asked to be notified of any future Municipal Center Building Committee meetings. The meeting times will be included in the Town Manager's weekly report.

Town Manager's Report

Town Manager David Cole reported that he has issued a 5 year service pin to Kate Capponi and 10 year service pins to Daleleen Leighton and Ken Fickett, all of the Fire Department. Mr. Cole stated that the 2008/2009 annual town report is posted on the town website. The last three years of annual reports are on the website. Mr. Cole congratulated Fire Chief Bob Lefebvre for being named Cumberland County Fire Chief of the year and stated that this is very well deserved.

School Committee Report

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

- The final flu vaccine clinic will be January 14th
- The improved school website, www.gorhamschools.org
- The legislative session starts tomorrow and the Governor has submitted recommendations for the supplemental budget
- Chairman Libby and Supt. Sharp attended The Cumberland County Superintendent's Assoc. meeting held on December 10th
- The next meeting of the New Elementary School Project Committee is January 6th
- Vocational education programs - Portland (PATHS) and Westbrook (WRVC) are discussing merging and/or sharing resources
- The next School Committee meeting will be January 14th

Councilor Robinson asked about the school cuts that were reported last month and stated that he would like a list of where the cuts came from. Chairman Libby explained that cuts have not been finalized and the cuts will become clearer as they begin to work on the next budget. Chairman Phinney asked that the School Committee keep the public well informed on the budget process. The State is passing more costs on to local government and people should be aware that the town will be forced to cut programs or raise taxes next year because of the Governor's budget cuts.

Dr. Mark Publicker, Medical Director of Mercy Hospital Rehab Center, reported to the Town Council on the recently approved citizen initiative to create a regulated system of distribution for medical marijuana. Dr. Publicker has many concerns with the new law. Councilor Robinson thanked Dr. Publicker for coming in and providing information and asked for clarification on how kids would get marijuana prescriptions. Dr. Publicker

explained the law and how marijuana could be prescribed. Chairman Phinney thanked Dr. Publicker for coming.

New Business

Public Hearing #1 Chairman Phinney opened the public hearing to renew a liquor license for PineCrest Bed & Breakfast Inn, LLC. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7788 Councilor Mattingly recused himself from participating on this item; he is the owner of PineCrest Bed & Breakfast Inn, LLC. Moved by Councilor Robinson, seconded by Councilor Csoros and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of a liquor license for PineCrest Bed & Breakfast Inn, LLC. **6 yeas, 1 recused (Mattingly).**

Public Hearing #2 Chairman Phinney opened the public hearing on a proposal to amend the Land Use and Development Code, Chapter I, Section V; Chapter II, Section III, Paragraph C, D, E and G; and, add a new paragraph M, regulating signs. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7789 The proposed order to amend the Land Use and Development Code, Chapter I, Section V and Chapter II, Section III regarding signs was moved by Councilor Loveitt and seconded by Councilor Csoros. Susan Robie, Planning Board Chairman, explained the reason for the proposed changes. Moved by Councilor Miner and seconded by Councilor Csoros to amend the proposed order to change the reference to the Planning Board to the Code Enforcement Officer in three places in the proposed changes. The proposed amendment was withdrawn. Moved by Councilor Loveitt, seconded by Councilor Mattingly and **VOTED** to postpone action on this item until the February Town Council meeting. **6 yeas, 1 nay (Caldwell).**

Public Hearing #3 Chairman Phinney opened the public hearing on a proposal to amend Chapter I, Section IX of the Land Use and Development Code to require that the principal building meet the “build to” requirement of the Code. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7790 Moved by Councilor Robinson, seconded by Councilor Miner and **VOTED** to waive the reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Loveitt, seconded by Councilor Robinson, and voted.

Whereas, the Town Land Use and Development Code is intended to require the principal building to front the street; and,

Whereas, in some instances, secondary or ancillary structures have fronted a street with the principal structure set farther away; and,

Whereas, the Land Use and Development Code needs to be clarified to ensure that the intended principal building fronts the street,

Now therefore be it **ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an amendment to Chapter 1, Section IX of the Land Use and Development Code to require the principal building to meet the “build to” requirement of the Code, as proposed. **7 yeas.**

Item #7791 The proposed order regarding a request from Paul Gore to rezone two (2) parcels of land on Bartlett Road was moved by Councilor Robinson and seconded by Councilor Loveitt. Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to postpone action on this item until the February Town Council meeting and ask staff to contact other property owners from the Westbrook line to Bartlett Road and from New Portland Road north to the current boundary of the industrial zone to ask if they are interested in rezoning their lots also and to notify them of this item at the February Town Council meeting. **6 yeas, 1 nay (Miner).**

Item #7792 The proposed order was moved by Councilor Loveitt and seconded by Councilor Miner. Moved by Councilor Csoros and seconded by Councilor Miner to amend the proposed order to send this to the Finance Committee. Chairman Phinney ruled that this amendment is out of order because this item was already acted upon by this Town Council at their November meeting. Clyde Grant, Green St., provided and read a letter to the Town Council asking that the agreement be amended so the Town pays for the annual maintenance of the Town Clock. Mark Faunce, moderator of the First Parish Congregational Church, explained the Church's request. Moved by Councilor Loveitt seconded by Councilor Caldwell and **VOTED** to amend the proposed order to say that the town will assume responsibility for the maintenance of the clock. **6 yeas, 1 nay (Csoros).** Councilor Caldwell moved the question, seconded by Councilor Miner and **VOTED. 7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the agreement between the Town and the First Parish Congregational Church, found in Town Council Order #7399 approved March 6, 2007, by changing the party responsible for the annual maintenance of the Clock from the Church to the Town. **6 yeas, 1 nay (Csoros).**

Item #7793 The proposed order was moved by Councilor Miner and seconded by Councilor Robinson. Moved by Councilor Caldwell, seconded by Councilor Miner and **VOTED** to amend the proposed order to change the match amount of \$100,900 to \$51,150, to change the local match amount from 30% to 20%, to insert a new paragraph to read "Be it further Ordered that the Town Council appropriate \$91,140 from the Capital Reserve Account to make additional sidewalk improvements to the southwest corner of Route 25 & 114 if the grant is approved; and," and to delete the last paragraph. **5 yeas, 2 nays (Loveitt & Csoros).** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize an application for a Community Development Block Grant for sidewalk improvements at the intersection of Routes 114 & 25 with a 20% local match and,

Be It Further **ORDERED** that the Town Council appropriate \$51,150 from the Capitol Reserve Account for the Town's 20% local match specifically for this project and contingent on the grant being approved and with the funds being returned to the Capital Reserve Account if the grant is not approved, and

Be it further Ordered that the Town Council appropriate \$91,140 from the Capital Reserve Account to make additional sidewalk improvements to the southwest corner of Routes 25 & 114 if the grant is approved; and,

Be It Further **ORDERED**, that the Town Council authorizes the Town Manager to execute any documents necessary for the grant. **4 yeas, 3 nays (Loveitt, Csoros & Phinney).**

Item #7794 The proposed order was moved by Councilor Miner and seconded by Councilor Robinson. Moved by Councilor Miner to amend the order to ask the Capital Improvements Committee to review the Main St. Master Plan - motion fails for lack of a second. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse an application to PACTS to make improvements to the sidewalks at the intersection of Routes 114 and 25. **5 yeas, 2 nays (Csoros & Loveitt).**

Item #7795 Moved by Councilor Loveitt, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Portland Water District to prepare a Request for Proposal for engineering services to design a sewer line, and a pump station if necessary, to serve South Gorham via Route 114, between Route 22 and Gorham Village. **7 yeas.**

Item #7796 Moved by Councilor Loveitt, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to the approved labor agreement with the Maine Association of Police, authorize the Town to enter into an agreement with US Bank for a procurement card system. **7 yeas.**

Item #7797 Moved by Councilor Robinson, seconded by Councilor Loveitt and **ORDERED** that the Town Council, pursuant to Title 30-A, M.R.S.A., Section 2761 (3), authorize Police Officers; Lawrence M. Maxfield-Fearon, Sears E. Edwards and Wayne E. Coffin, to represent the Town of Gorham in District Court in the prosecution of alleged violations of those local Ordinances that the Police Department is empowered to enforce, if duly certified in accordance with Title 25, M.R.S.A. 2308, A (8) or successor statutes. **7 yeas.**

Item #7798 Moved by Councilor Robinson, seconded by Councilor Csoros 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 Miner, seconded by Councilor Csoros and **VOTED** to come out of executive session. **7 yeas.**

Moved by Councilor Miner, seconded by Councilor Csoros and **VOTED** to not grant an abatement of taxes based on poverty to applicant A1001 because the applicant has assets to contribute to the public charge. **6 yeas, 1 nay (Phinney).**

Moved by Councilor Robinson, seconded by Councilor Caldwell, and **VOTED** to adjourn the meeting at 11:31 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk