

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

Chairman Phinney opened the meeting at 7:03 pm.

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

Moved by Councilor Robinson, seconded by Councilor Loveitt and **VOTED** to accept the minutes of the June 1, 2010 Regular Town Council meeting and the June 22, 2010 Special Town Council meeting. **7 yeas.**

Open Public Communications

Representative Jane Knapp, State House District #129, reported that she will be available from 6 - 7 pm at Baxter Memorial Library prior to the regular Town Council meetings to meet with constituents. The Natural Resources Committee that Rep. Knapp serves on has met 4 times. Maine is running out of landfill space and this is a major and expensive issue. Citizens can help by reducing, reusing, and recycling. Rep. Knapp encouraged people to reuse shopping bags. The plastic grocery bags are recyclable but they get caught in the machinery at Ecomaine and have to be removed by hand. Rep. Knapp complimented the citizens of Gorham for the high recycling rate here but there is still more that can be done. Councilor Miner explained that waste to energy is another option and asked if there is any talk on the Natural Resources Committee to establish fees to discourage the use of landfills. Rep. Knapp indicated that an increase in tipping fees has been discussed.

David Kent, Fort Hill Rd., commented that the polling places are not very far apart and it makes sense to have one polling place for everyone.

Councilor Communications

Councilor Mattingly reported that the 3rd annual taste walk will be on the last Sunday of the month with a free concert afterwards. Proceeds from the event will go to scholarships for Gorham High School students.

Councilor Miner reported that on June 17th Ecomaine had their annual meeting. The guest speaker was Robert Spencer, a municipal composting expert, and he talked about turning waste into soil.

Chairman's Report

Chairman Phinney commented that he hoped everyone had a great 4th and has a great summer.

Town Manager's Report

Town Manager David Cole stated that Ecomaine is the State's largest recycler. Mr. Cole reported that he has issued a 10 year service pin to Officer Todd Gagnon of the Police Department. The Town has recently filed a restraining order against Plan It Recycling because of violations at the facility. Mr. Cole announced that the Town of Gorham has successfully received the Certificate of Achievement for Excellence in Financial Reporting for the seventh year in a row. This is mostly due to the very hard work of Finance Director Maureen Finger and other staff members. This is very good for the Town's bond rating.

Chairman Phinney reported on the project at the Public Safety Building. On the right, a detention pond is being built per Department of Environmental Protection requirements and on the left, a road will be built from the entrance to the public safety building to Route 202.

Election Report

Town Clerk, Christina Silberman, gave the election report.

The **Gorham** Special Referendum and School Budget Validation Election was held on June 8, 2010 and the voting districts were in the following locations with the total number of voters by district as follows: Ward 1 – Gorham Middle School = 1,910, Ward 2 – Gorham Municipal Center = 984, Central (absentee ballots) – Gorham Municipal Center = 433. Total number of voters = 3,327. Approximate Voter Turnout = 27%.

	WARD 1	WARD 2	CENTRAL	TOTAL
Referendum Question #1	Road Bond			
YES	1,036	537	247	1,820
NO	807	414	170	1,391
Referendum Question #2	Heavy Rescue Vehicle Bond			
YES	1,088	516	245	1,849
NO	757	429	171	1,357
Advisory Referendum Question #1	\$1.00 addition to mil rate for capital improvement fund			
YES	809	442	187	1,438
NO	896	449	204	1,549
School Budget Question #1	2010-2011 School Budget approval			
YES	1,428	755	308	2,491
NO	396	199	84	679
School Budget Question #2	Continue to vote on the school budget			
YES	1,467	740	282	2,489
NO	397	226	113	736

School Committee Report

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

- Thanked citizens for approving the school budget
- Summer facility projects - roof replacement/repairs, fire alarm and HVAC upgrades are underway
- Work continues on the new elementary school project and a site walk is scheduled for July 14th at 6 pm
- The School Committee will not meet on the regular schedule in July or August. The next workshop meeting will be August 25th. Meetings will be the usual 2nd Wednesday each month afterwards

Old Business

Item #7831 The proposed order regarding weight limits on McLellan Road was moved by Councilor Miner and seconded by Councilor Caldwell. Moved by Councilor Loveitt seconded by Councilor Mattingly and **VOTED** to postpone action on this item until the October Town Council meeting. **7 yeas.**

Item #7855 The proposed order was moved by Councilor Miner and seconded by Councilor Robinson. Moved by Councilor Miner, seconded by Councilor Loveitt and **VOTED** to waive the reading of the proposed order. **7 yeas.** Moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED** to strike the words “on or discuss Town business” at the end of the first sentence in section 4.1. **6 yeas, 1 nay (Loveitt).** The amended order was then voted. **ORDERED**, that the Town Council of the Town of

Gorham, Maine, in Town Council assembled adopt the Policy for Computer Use by Elected Officials, as presented. **2 yeas (Miner & Csoros), 5 nays – order fails.**

New Business

Public Hearing #1 Chairman Phinney opened the public hearing to renew the liquor license for Gorham House of Pizza. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7864 Moved by Councilor Robinson, seconded by Councilor Mattingly and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of the liquor license for Gorham House of Pizza. **7 yeas.**

Public Hearing #2 Chairman Phinney opened the public hearing on a proposal to amend Article XIII of the Administrative Code to change the status of the Recreation Advisory Committee from a Standing Committee to a Committee that is appointed as needed.. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7865 Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED. WHEREAS**, the Town's Administrative Code provides for a standing Recreation Advisory Committee; and, **WHEREAS**, the Recreation Advisory Committee initially was needed to supervise recreation activities when the Town recreation programs were run by part-time employees or volunteers; and,

WHEREAS, the Town now has a full time professional recreation staff; and,

WHEREAS, a Recreation Advisory Committee can provide valuable service for specific issues but is not needed as a standing committee,

NOW, THEREFORE, BE IT ORDAINED, that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend Article XIII of the Administrative Code to change the status of the Recreation Advisory Committee from a Standing Committee to a Committee that is appointed as needed; and,

BE IT FURTHER ORDAINED that the current Recreation Advisory Committee members' terms will expire on April 1, 2011. **7 yeas.**

Amendments to the Administrative Code, Article XIII, Recreation Department Note: Additions are underlined and deletions are ~~struck through~~.

Section 1301. Establishment

1301.01 There shall be a Recreation Department, the head of which shall be the Recreation Director, who shall be appointed by and shall report to the Town Manager.

1301.02 ~~There shall be a Gorham Recreation Advisory Board whose objectives and membership shall be as follows:~~ The Gorham Town Council may appoint a temporary Advisory Ad Hoc Committee to assist the Recreation Department. The Town Council shall determine the term of the Committee, its membership and purpose.

~~A. Objectives~~

- ~~1. To assist the Recreation Department in the development and improvement of adult education, recreation and park opportunities for the residents of Gorham;~~
- ~~2. To advise the Recreation Director on the needs and possibilities of programs and activities;~~
- ~~3. To advise and assist the Recreation Director in cooperating with various agencies and interest groups in serving the mutual goals of the organizations;~~

4. To assist and encourage the Recreation Director to collect and disseminate information concerning Adult Education and Leisure Services;
5. To advise and assist the Recreation Director in the evaluation of programs and activities;
6. To serve as a forum to discuss proposed programs, projects, or activities;
7. To assist the Recreation Director in establishing program priorities.

B. Membership of the Board

1. **Citizen Members**—The Recreation Advisory Board shall consist of eight (8) members, of which four (4) members shall be appointed by the Gorham Town Council and four (4) members shall be appointed by the Gorham School Committee.

Appointment to the Advisory Board will be for a two-year term. Advisory Board members may be reappointed, but shall be limited to two consecutive terms. On the first appointments to the Board, four (4) members (two by the Council and two by the School Committee) shall be appointed for one-year terms to stagger the terms. The one-year appointments shall not be considered toward the two consecutive term limitation.

2. **Ex-Officio Members**—The Recreation Advisory Board shall consist of two ex-officio members, of which one shall be a member of the Gorham Town Council and one shall be a member of the Gorham School Committee.

Appointment of the Town Council and School Committee members shall be for a term of one year. Ex-officio members may be reappointed, but shall be limited to four (4) consecutive terms.

Ex-officio members are accorded all rights and courtesies as Citizen Members in terms of debate and discussion, but will not have a formal vote.

Ex-officio members may not serve as either Chair or Vice Chair.

3. **Membership representative**—The Advisory Board should include:

- a. Persons who are knowledgeable in the field of Adult Education and/or Leisure Services.
- b. Persons from educational or leisure services fields.
- c. Persons who have received adult education or recreational services in Gorham.
- d. Persons interested in the improvement of services.

4. **Meetings**—The Advisory Board will meet monthly on a date agreed on by the Board.

Special meetings may be called by the Chair or by the Recreation Director.

C. Officers

1. **Officers**—The officers of the Advisory Board shall be the Chair and the Vice Chair.

2. **Election of Officers**—Election of officers shall take place at the regular scheduled meeting in May, with the new Chair taking office in June.

3. **Terms of Office**—The officers shall be elected by a majority vote of the Advisory Board present for a term of one year. The aforementioned officers may serve not more than two consecutive terms. Officers may be re-elected for additional terms after a lapse of one year.

4. **Duties of Officers**—The Chair shall preside at all meetings of the Advisory Board. When unable to attend the Chair will notify the Vice Chair.

The Vice Chair will be responsible for the minutes of the Advisory Board meetings.

5. **Parliamentary authority**—All matters of procedure not covered by these articles and by-laws shall be governed by Roberts Rules of Order, Revised.

D. Amendments

This constitution may be amended by a majority vote of the Gorham Town Council.

Item #7866 Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order was moved by Councilor Loveitt and seconded by Councilor Robinson. Moved by Councilor Miner to amend the proposed order to send this to the Ordinance Committee. **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 refer a proposal to amend the Land Use and Development Code, Chapter I, Sections: V, VI, VII, VIII, IX, X, and XIII by adding a definition of Fraternity House and by eliminating Fraternity Houses as a permitted use or a use by special exception to the Planning Board for public hearing and their recommendation. **6 yeas, 1 nay Miner**.

Item #7867 Moved by Councilor Caldwell, seconded by Councilor Robinson and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to regulate existing fraternity houses to the Ordinance Committee for their review and recommendation. **7 yeas.**

Item #7868 The proposed order was moved by Councilor Loveitt and seconded by Councilor Robinson. Fire Chief Robert Lefebvre provided information on replacement vehicle options. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to amend the proposed order to read "**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager and Fire Chief to purchase a new vehicle from Ferrara to replace the 25 year old Squad 1 based on their proposal of \$444,300". **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager and Fire Chief to purchase a new vehicle from Ferrara to replace the 25 year old Squad 1 based on their proposal of \$444,300. **7 yeas.**

Item #7869 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 request to extend the Shotgun Only Hunting Zone in Gorham further east, to the Ordinance Committee for their review and recommendation. **7 yeas.**

Item #7870 The proposed order was moved by Councilor Loveitt and seconded by Councilor Robinson. David Kent, Fort Hill Rd., expressed concern over excessive regulations. Moved by Councilor Mattingly seconded by Councilor Loveitt and **VOTED** to amend the proposed order to strike section 11.2 e and f and reletter 11.2 g to be 11.2 e. **7 yeas.** The proposed order was then voted. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer an ordinance to regulate windmills to the Planning Board for public hearing and their recommendation. **6 yeas, 1 nay (Csoros).**

Item #7871 The proposed order was moved by Councilor Robinson and seconded by Councilor Loveitt. Councilor Mattingly disclosed that he does have an application for a special exception before the Planning Board. The order was then voted. **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 Planning Board for public hearing and their recommendation. **4 yeas, 3 nays (Mattingly, Miner & Phinney).**

Item #7872 The proposed order was moved by Councilor Miner and seconded by Councilor Loveitt. David Kent, Fort Hill Rd., expressed concern with the accuracy of the mapping. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Shoreland Zoning Ordinance to the Planning Board for public hearing and their recommendation. **5 yeas, 2 nays (Csoros & Mattingly).**

Item #7873 Moved by Councilor Loveitt seconded by Councilor Robinson and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager to notify the Portland Water District that the Town does not want to acquire the property off Tow Path Road that was formally used as a sewer treatment facility. **7 yeas.**

Item #7874 The proposed order was moved by Councilor Loveitt and seconded by Councilor Caldwell. Councilor Miner disclosed that his daughter attends the preschool. The proposed order was then voted. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a three year extension of a lease with the Gorham Cooperative Preschool for use of a building at the intersection of Ball Park Road and Access Road. **7 yeas.**

Item #7875 Moved by Councilor Miner, seconded by Councilor Robinson and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled vote for David Cole to serve as a representative to the Maine Municipal Association Legislative Policy Committee. **7 yeas.**

Item #7876 Moved by Councilor Robinson, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an updated mutual aid agreement for police activities with municipalities in Cumberland County. **7 yeas.**

Item #7877 Moved by Councilor Mattingly, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint additional board and committee members as recommended by the Town Council Appointments Committee at their meeting on July 6, 2010 for Joshua Kaufman to the Zoning Board of Appeals and Board of Sewer Appeals with a term to expire April 1, 2013. **7 yeas.**

Item #7878 Councilor Loveitt recused himself from this item because it concerns his wife. Moved by Councilor Robinson, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the resignation of Deborah Loveitt from the Baxter Memorial Library Board of Trustees; and, **BE IT FURTHER ORDERED** that the Town Council express their appreciation for her service on the Baxter Memorial Library Board of Trustees. **6 yeas, 1 recused (Loveitt).**

Item #7879 Moved by Councilor Robinson, seconded by Councilor Miner 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 Mattingly and **VOTED** to come out of executive session. **7 yeas.**

Moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED** to deny the application of applicant A1013 for an abatement of taxes based on poverty because the applicant has sufficient assets to contribute to the public charge and because taxes are not delinquent. **7 yeas.**

Moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED** to adjourn the meeting at 9:58 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk