

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL June 1, 2010 - 7:00 p.m.

Chairman Phinney opened the meeting at 7:01 pm.

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

Moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED** to accept the minutes of the May 4, 2010 Regular Town Council Meeting. **7 yeas.**

Open Public Communications

Representative Jane Knapp, State House District #129, reported on the following.

- Efficiency Maine home energy savings program, info is available at the Town Clerk's office
- State Referendum Election is June 8, 2010, reviewed State referendum quesitons. Rep. Knapp urged people to go vote. Visit the website, www.maine.gov/sos/cec/elec/upcoming for more State election info

Councilor Csoros commented that it is disruptive when the rug is pulled out from under us mid-year (referring to the mid-year school funding curtailments). Councilor Csoros asked how much Rep. Knapp thinks we will get shorted this year. Rep. Knapp responded she has no way to know and she does have a great deal of sympathy for this. The revenue projections are sometimes not accurate and this is what they depend on.

Councilor Communications

Councilor Robinson reported that the Ordinance Committee met on May 20th and discussed many items with one on tonight's agenda.

Councilor Loveitt reported that the Maine Department of Transportation / Maine Turnpike Authority Committee continues to meet. Their preliminary report will be out in July and the final report is expected in September or October.

Councilor Caldwell reported that the Finance Committee met on May 27th with a lengthy agenda. They talked about foreclosure on liens and several other items that will come to the Council. Councilor Caldwell spoke with Georgia Humphrey, GOCAT Station Manager, today, the streaming contract has been signed and streaming should be available in 60 days.

Chairman's Report

Chairman Phinney reported that he attended the Memorial Day parade with his family, it was a very nice parade and everyone did a great job. There was an article in last months edition of *Down East* magazine about Gorham and Councilor Phinney urged people to read it if they get a chance.

Town Manager's Report

Town Manager David Cole reminded everyone that Election Day is next Tuesday, June 8th, there are many items on the State and local ballots. Mr. Cole urged everyone to vote, and reported that absentee ballots are now available.

School Committee Report

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

- Thanked the Town Council for meeting with the School Committee at the May 18th budget workshop
- The last day of school for students is Wednesday, June 16th
- There will be no June meeting of for the New Elementary School Building Committee and their next meeting will be July 7th
- Administrators for the elementary schools for next year have been announced: new elementary school principal will be Jane Esty and asst. principal will be Polly Brann, Village School principal will be Brian Porter and asst. principal will be Jodi Lemieux, Narragansett School principal will be Brad Smith and a determination has not yet been made on whether there will be an asst. principal there.
- Next School Committee meeting will be June 9th

New Business

Public Hearing #1 Chairman Phinney opened the public hearing to consider issuance of a Special Amusement Permit for PineCrest Bed & Breakfast Inn, LLC. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7850 Councilor Mattingly asked to be recused because he is the owner of PineCrest Bed & Breakfast Inn, LLC. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to recuse Councilor Mattingly from acting on this item because he is the owner of PineCrest Bed & Breakfast Inn, LLC. **6 yeas.** The proposed order was moved by Councilor Loveitt, seconded by Councilor Robinson and voted. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Special Amusement Permit for PineCrest Bed & Breakfast Inn, LLC. **6 yeas, 1 abstention (Mattingly).**

Public Hearing #2 Chairman Phinney opened the public hearing to consider issuance of a Mass Gathering License to Life Church. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7851 Moved by Councilor Robinson, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve issuance of a Mass Gathering License to Life Church for the Kids Karnival event on June 26, 2010. **7 yeas.**

Public Hearing #3 Chairman Phinney opened the public hearing to consider renewal of a Liquor License for Ocean Garden Restaurant. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7852 Moved by Councilor Loveitt, seconded by Councilor Robinson and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve renewal of a Liquor License for Ocean Garden Restaurant. **7 yeas.**

Public Hearing #4 Chairman Phinney opened the public hearing for the proposed 2010/2011 fiscal year budget. (Items #7853 & #7854). School Committee Chairman Dennis Libby spoke in favor of adopting the school budget as presented. Chairman Phinney closed the public hearing.

Item #7853 Moved by Councilor Loveitt, seconded by Councilor Miner and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order was moved by Councilor Loveitt and seconded by Councilor Miner. Councilor Loveitt disclosed that his daughter teaches within the Gorham school system. Chairman Phinney asked if anyone had an issue with this and no issues were raised. Moved by Councilor Robinson, seconded by Councilor Csoros and **VOTED** to reduce the school budget by \$100,000. **3 yeas (Csoros, Robinson & Miner), 4 nays - motion fails**. The proposed order was then voted. **BE IT ORDERED** by the Town Council of the Town of Gorham, Maine, in Town Council assembled that the following school budget items be adopted and approved for fiscal year 2010-2011:

That **\$12,917,634** be authorized to be expended for Regular Instruction;
that **\$4,845,970** be authorized to be expended for Special Education;
that **\$483,666** be authorized to be expended for Career and Technical Education;
that **\$532,924** be authorized to be expended for Other Instruction;
that **\$1,955,218** be authorized to be expended for Student and Staff Support;
that **\$674,667** be authorized to be expended for System Administration;
that **\$1,634,490** be authorized to be expended for School Administration;
that **\$1,576,591** be authorized to be expended for Transportation and Buses;
that **\$2,472,569** be authorized to be expended for Facilities Maintenance;
that **\$3,050,248** be authorized to be expended for Debt Service and Other Commitments; and that \$0 be authorized to be expended for All Other Expenditures.

BE IT FURTHER ORDERED:

1. That **\$30,143,977** appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$10,296,525** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

2. That **\$744,512** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER ORDERED, that **\$1,706,614** be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$1,102,481.91** as required to fund the budget recommended by the school committee.

The school committee recommends **\$1,706,614** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,102,481.91**: The state's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new state Essential Programs and Services (EPS) model.

Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

BE IT FURTHER ORDERED, that the school committee be authorized to expend **\$30,143,977** for the fiscal year beginning July 1, 2010 and ending June 30, 2011 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

BE IT FURTHER ORDERED, that in addition to amounts approved in the preceding orders, shall the School Committee be authorized to expend federal stabilization funds and such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

Note: It is currently estimated that the School Committee will receive **\$755,079** in federal stabilization funds, which are included in the expenditures authorized by this order.

BE IT FURTHER ORDERED, that the Town will appropriate **\$219,050** for adult education and raise **\$109,050** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. **6 yeas, 1 nay (Csoros).**

Item #7854 Moved by Councilor Miner, seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Robinson and seconded by Councilor Mattingly. Moved by Councilor Caldwell, seconded by Councilor Loveitt and **VOTED** to amend the proposed order to add \$100,000 to the town budget to give municipal employees a 2 % raise across the board. **3 yeas (Miner, Caldwell & Loveitt), 4 nays - motion fails.** Moved by Councilor Caldwell, seconded by Councilor Robinson and **VOTED** to amend the proposed order to add \$900 to line #12102026 which is the consultant line for the Police Department. **6 yeas, 1 nay (Miner).** Moved by Councilor Robinson, seconded by Councilor Loveitt and **VOTED** to add 4 hours to the Assistant Code Enforcement Officer

position for approximately \$5,300. **6 years, 1 nay (Csoros)**. The proposed order was then voted. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled vote to adopt the 2010-2011 Fiscal Year Budget with the following departmental totals:

General Government	\$ 1,181,349
Public Safety	\$ 3,470,757
Public Works/Solid Waste/Engineering & Insp Services	\$ 2,317,667
Health & Welfare and Social Service Agencies	\$ 83,835
Recreation/Community Center/Cable	\$ 315,229
Libraries and Museum	\$ 429,445
Planning and Development	\$ 271,965
Debt & Interest	\$ 1,200,314
Capital Items	\$ 167,044
Insurance	\$ 1,950,870
Other Town Services and Unclassified	\$ 117,690
	Subtotal
	\$11,506,165
Cumberland County Property Tax	\$ 766,668
	Total
	<u>\$12,272,833</u>

BE IT FURTHER ORDERED that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and,

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of **\$1,128,800.00** to be funded from the town's undesignated fund balance; and,

BE IT FURTHER ORDERED that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on **November 15, 2010** shall commence bearing interest on **November 16, 2010**, and that the final half of all real estate and personal property taxes that remain unpaid on **May 15, 2011**, shall commence bearing interest on **May 16, 2011** at the interest rate of **7.0%** per annum as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and,

BE IT FURTHER ORDERED that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and,

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate of **3.0%** per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and,

BE IT FURTHER ORDERED that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an

abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers. **7 yeas.**

Item #7855 Moved by Councilor Miner, seconded by Councilor Loveitt and **VOTED** to waive the reading of the proposed order. **7 yeas.** Moved by Councilor Loveitt, seconded by Councilor Mattingly and **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. **6 yeas, 1 nay (Mattingly).** This Item was reconsidered after action for Item #7856. **Item #7855 Reconsideration** Moved by Councilor Caldwell, seconded by Councilor Miner and **VOTED** to reconsider Item #7855. **6 yeas, 1 nay (Csoros).** Moved by Councilor Mattingly, seconded by Councilor Loveitt and **VOTED** to postpone action on this item. **7 yeas.**

Item #7856 The proposed order was moved by Councilor Caldwell and seconded by Councilor Loveitt. Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to amend the proposed order to remove reference to send this to the Ordinance Committee and have the Town Manger bring the amendment to a future Town Council meeting for Public Hearing and Town Council approval. **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Town Manager to draft an amendment to Article XIII of the Administrative Code that would change the status of the Recreation Advisory Board from a standing committee to a committee that is appointed as needed and bring the proposed amendment to a future Town Council meeting for Public Hearing and Town Council approval. **7 yeas.**

Item #7857 The proposed order was moved by Councilor Mattingly and seconded by Councilor Csoros. Moved by Councilor Caldwell seconded by Councilor Loveitt and **VOTED** to amend the proposed order to nominate David Cole. **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled nominate David Cole to serve as a member of Maine Municipal Association's Legislative Policy Committee for the July 2010 – June 2012 term. **7 yeas.**

Item #7858 The proposed order to accept a bid for the Chick Property Phase 1 construction project was moved by Councilor Loveitt and seconded by Councilor Robinson. Moved by Councilor Caldwell, seconded by Councilor Loveitt and **VOTED** to substitute the proposed order with the following order - **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Bid number 3 (a combined bid) and alternate 1, from R. J. Grondin and Sons for the Phase 1 Chick Property project, in accordance with the bid specifications. **1 yea (Caldwell), 6 nays - motion fails.** Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to amend the proposed order to substitute the following order - **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Bid number 3 (a combined bid) and alternate 1 and alternate 2, from R. J. Grondin and Sons for the Phase 1 Chick Property project, in accordance with the bid specifications. **6 yeas, 1 nay (Miner).** Councilor Robinson moved the question, seconded by Councilor Caldwell 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 accept Bid number 3 (a combined bid) and alternate 1 and alternate 2, from

R. J. Grondin and Sons for the Phase 1 Chick Property project, in accordance with the bid specifications. **5 yeas, 2 nays (Csoros & Miner).**

Item #7859 Moved by Councilor Miner, seconded by Councilor Robinson 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 May 18, 2010. **7 yeas.** Zoning Board of Appeals & Board of Sewer Appeals: Charles Haws to a three year term to expire on 04/01/2013.

Item #7860 The proposed order was moved by Councilor Robinson and seconded by Councilor Mattingly. Moved by Councilor Loveitt seconded by Councilor Miner and **VOTED** to amend the proposed order to change the word "Ecomaine" to "Economic". **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled not adopt a new list of permitted uses for the Industrial Zone, as referred to the Ordinance Committee on February 3, 2009 (See Council order #7677); and,

BE IT FURTHER ORDERED that the Ordinance Committee is authorized to review several items recommended for consideration by the Town Manager and Economic Development Director and to make a recommendation to the Town Council. **7 yeas.**

Item #7861 The proposed order was moved by Councilor Loveitt and seconded by Councilor Mattingly. Moved by Councilor Loveitt seconded by Councilor Mattingly and **VOTED** to amend the proposed order to specify the trail is from New Portland Road down to Hutcherson Drive. **7 yeas.** The order as amended was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse an application for a grant to develop approximately 1.5 miles of trails from New Portland Road down to Hutcherson Dr. with a local match requirement of 20%. **6 yeas, 1 nay (Csoros).**

Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to adjourn the meeting at 9:35 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk