

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL March 2, 2010 - 7:00 p.m.

Chairman Phinney opened the meeting at 7:02 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 Mattingly, seconded by Councilor Robinson and **VOTED** to accept the minutes of the February 2, 2010 Regular Town Council Meeting. **6 yeas, 1 abstention (Loveitt).**

Open Public Communications

State Representative Jane Knapp reported that the Labor Committee met to discuss an Act to Clarify Construction Subcontractor Status of the Maine Worker Compensation act. A lot of work was done by the committee to make this more tolerable. Rep. Knapp would like to hear from contractors and subcontractors regarding the proposal. The Natural Resources Committee met and discussed overboard discharges and a bill on ethanol. This is a federal mandate and the committee discussed what the State could do to educate people. The Appropriations Committee is working diligently on the budget. Councilor Robinson expressed appreciation to Rep. Knapp for coming to the Council meetings. He asked about the ethanol bill and if certain additives would be tested and if any brands or products would be recommended to the public. Rep. Knapp indicated that she would like to receive more information on this. Rep. Knapp has one more item but will wait until after the Fire Chief's presentation. Chairman Phinney thanked Rep. Knapp.

Councilor Communications

Councilor Robinson reported that the Ordinance Committee met on February 22nd and discussed many items including the animal ordinance and windmills. They will meet later this month and will have items on the April agenda.

Councilor Miner reported that the Appointments Committee will meet soon and they are still accepting applications for anyone interested in serving on town boards. Information is available on the website, www.gorham-me.org, or from the Town Clerk.

Chairman's Report

Chairman Phinney thanked the Fire, Police and Public Works employees for their extra time and hard work last week to clean up after the storm. Things went very smoothly in Gorham thanks to the workers.

Town Manager's Report

Town Manager, David Cole, reported that two of the three properties approved for tax sale have paid their outstanding property taxes in full and the other property is proceeding to auction. Mr. Cole will be going to Boston tomorrow with Maureen Finger, Finance Director, and Hollis Cobb, School Dept. Finance Officer, to meet with Moody's and Standard & Poor's for a presentation in preparation for the issuance of bonds.

School Committee Report

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

- The current proposed school budget reflects an increase of \$693,824 over the FY10 budget and these are preliminary numbers. The School Committee's all day budget meeting will be held on March 13th.
- The energy usage report shows an average cost of \$1.39 per square foot.
- The New Elementary School Project Committee met on February 3rd to look at exterior colors. The next meeting will be April 7th to look at interior colors.
- A Digital Educator Series meeting on Digital Parenting is being held tonight to help parents teach kids to be responsible technology users. This meeting will be taped and replayed on GOCAT.
- The next School Committee meeting will be March 10th at 7 pm.

Councilor Csoros thanked Chairman Libby for the energy data and acknowledged the work to gather the information. Councilor Csoros asked if there are any plans to incorporate the portable classrooms into the buildings. Chairman Libby replied that when the new elementary school opens, the elementary school portables will not be needed any longer but will continue to be used at the high school. Councilor Loveitt thanked Chairman Libby for the information and asked if electricity is included in the energy cost. Chairman Libby replied that all forms of energy, including electricity, are included. Councilor Loveitt stated that he is pleased to see the tangible result at Gorham Middle School regarding use of the ground source heat pumps.

Fire Department Presentation

Fire Chief, Bob Lefebvre, presented an award to 4 year old Joseph Lamoin for his actions during a fire at his home on February 8th. Joseph had taken a fire prevention class at his daycare 2-3 weeks previously. He awoke at approximately 5 am and discovered smoke in his room and used what he had learned to crawl to his mother's room to wake her up and everyone escaped. Joseph's actions resulted in saving and preventing injury to his entire family. The Fire Chief presented a plaque to Joseph along with gift certificates to Toys R Us and Wal-Mart. Chief Lefebvre thanked Joseph for his superior actions.

Rep. Jane Knapp presented Joseph with a certificate from the State Legislature in recognition of his actions.

Chief Lefebvre recognized Childhood Adventures, the daycare that Joseph attends, for offering the fire prevention training. Firefighter Daleleen Leighton presented a plaque recognizing Kelly Burnhardt and her staff at the daycare.

The Fire Chief recognized Firefighter Leighton for her work in teaching fire prevention at daycares and in schools for the past 18 years, for which she spends many hours of her own time. Councilor Caldwell and Chairman Phinney also thanked Daleleen for her work.

Chief Lefebvre gave a Power Point presentation on the current condition of the squad truck that is out of commission due to a blown motor. The heavy rescue vehicle is 24 years old and is designed with a custom body made to carry specialized rescue equipment. The Fire Chief reviewed the pros and cons and costs of repairing or replacing the vehicle. Chief Lefebvre indicated that repairing the vehicle is an option but

this has not been recommended due to a concern that other components, especially the transmission, will not hold up to the horsepower of a new motor. Chief Lefebvre stated that this vehicle is no longer a reliable emergency vehicle and they have outgrown the vehicle's storage capacity.

Town Councilors asked for clarification on some points and inquired about the age of the Fire Department fleet. It was suggested that a capital plan be discussed in committee to address replacing these aging vehicles.

New Business

Public Hearing #1 Chairman Phinney opened the public hearing to consider approval to renew a liquor license for Gorham Country Club. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7815 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 renewal of the liquor license for Gorham Country Club. **7 yeas.**

Public Hearing #2 Chairman Phinney opened the public hearing to consider issuance of a Special Amusement Permit for The Church Banquet Center Sons of Italy Lodge. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7816 Moved by Councilor Miner, seconded by Councilor Csoros and **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the issuance of a Special Amusement Permit for Church Banquet Center Sons of Italy Lodge at 29 School Street pending issuance of a certificate of occupancy, maintenance of the current property tax payment plan and issuance of a State of Maine liquor license. **7 yeas.**

Moved by Councilor Mattingly, seconded by Councilor Loveitt and **VOTED** to take up an item not on the agenda. **7 yeas.**

Item #7816A Moved by Councilor Robinson, seconded by Councilor Miner and **VOTED** that the Gorham Town Council does hereby grant a 30 day extension on approval of the liquor license for The Church Banquet Center Sons of Italy Lodge. **7 yeas.**

Public Hearing #3 Chairman Phinney opened the public hearing on a proposal to amend the Animal Control Ordinance, Section 13, Tags and Stickers. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7817 Moved by Councilor Mattingly, seconded by Councilor Miner and **VOTED** to waive the reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Caldwell, seconded by Councilor Loveitt and voted.

WHEREAS, the Town adopted an Animal Control Ordinance on April 7, 2009; and,

WHEREAS, the State has made recent changes regarding issuing tags and stickers; and,

WHEREAS, these changes are intended to make the Town's Ordinance consistent with State requirements,

NOW THEREFORE BE IT ORDAINED, that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Animal Control Ordinance, Section 13, Tags and Stickers as follows:

(Note: Deletions are struck through)

Section 13. Tags and Stickers

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. §3922-B. ~~The tag remains with the dog for as long as the dog is kept in the Town of Gorham. At each license renewal, the Town Clerk shall provide a sticker indicating the year for which the license is valid. The sticker must be attached to the back of the tag. The owner shall make sure that the tag is securely attached to the back of the tag. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure within twenty-four hours upon request by the Animal Control Officer. If a sticker and tag are lost, the owner shall obtain a new license, tag and sticker. The Town Clerk shall issue another license tag and sticker upon presentation of the original license and payment of one dollar.~~ **7 years.**

Public Hearing #4 Chairman Phinney opened the public hearing on a proposed ordinance to provide a moratorium on medical marijuana dispensaries. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7818 Moved by Councilor Miner, seconded by Councilor Mattingly and **VOTED** to waive the reading of the proposed order. **7 years.** The proposed order to provide a moratorium on medical marijuana dispensaries was moved by Councilor Loveitt and seconded by Councilor Mattingly. Moved by Councilor Mattingly, seconded by Councilor Loveitt and **VOTED** to amend the proposed order and change the effective date to March 2, 2010. **7 years.** Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to postpone action on this item until the April Town Council meeting. **7 years.**

Item #7819 The proposed order was moved by Councilor Miner and seconded by Councilor Csoros. Jim Means, a resident of Pine Ridge off McLellan Rd., spoke in support of the proposed weight limits. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled receive a petition from Mary Jane LeCours asking the Town to impose weight limits on McLellan Road. **7 years.**

Item #7820 Moved by Councilor Loveitt, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept a proposal for TRIO financial software and hardware as proposed in the memo from the Finance Director to the Town Manager dated February 22, 2010; and,

BE IT FURTHER ORDERED that the Town Council authorize the Town Manager and Finance Director to proceed with the conversion of the financial system at a pace that is reasonable and prudent; and,

BE IT FURTHER ORDERED that the Town Council appropriate \$75,000 from the Finance Server / Computer Upgrade reserve account for this project. **7 years.**

Item #7821 Moved by Councilor Loveitt, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to adjust fees for rescue service to the Finance Committee for their review and recommendation. **7 years.**

Item #7822 Moved by Councilor Caldwell, seconded by Councilor Loveitt and **VOTED** to waive the reading of the proposed order. **7 years.** Moved by Councilor Caldwell, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled appoint the following list of Election Workers, per Title 21-A M.R.S.A, sec. 503, with terms to expire April 1, 2012;

Democrat Workers: Judith Arsenault, Marilyn Amoroso, Patricia Clay, Katherine Corbett, Geraldine Day, Frances Doucette, Peggy Douglass, Cynthia Doyle, Anne Emerson, Mary L. Fraser, Katherine Garrard, A. Merrill Henderson, Colleen Hoyt, Christine Kimball, Alida Landry, Barbara McGarvey, Nicholas McKenny, Virginia Morrow, Harold Parks, Susan Parsons, Cassie Pelletier, Asher Platts, Ethel Robillard, Thomas Rootes, Tina Ruel, Robin Sanford, Melinda Shain, Barbara Skinner, Robert Skinner, Helen Smith, Judith L. Stevens, Mary E. Sturtevant, Ellen Vellieux, Patricia M. Weeks & Michael Wojtal

Republican Workers: Janet Bell, Dorothy Burnham, Donna Carll, Gladys Carter, Nancy Connolly, Kenneth Curtis, George Deering, Linda Deering, Rhonda Desrochers, Janice Edwards, Linda Frinsko, Diane Godfrey, Mary Golden, Martha Harris, Nancy M. Hawkes, Madelyn Hunt, Mary L. Jordan, Nancy Kenty, Elizabeth Labrecque, Janice Labrecque, John Labrecque, Marina Lewis, Jenifer McCullough, Raymond Mitchell, Mary Nelson, Rosamond Phinney, Heidi Pratt, Scott Pratt, Kristen Smith, Laurel Smith & Virginia T. Williams

Unenrolled Workers: Louis Calabraro, Theresa Calabraro, Edward Gowen, & Sharon Grant. **7 years.**

Item #7823 Moved by Councilor Robinson, seconded by Councilor Loveitt and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Land Use & Development Code, Chapter 1, to allow open space areas that do not meet minimum lot requirements in the Development Transfer Overlay District to the Planning Board for public hearing and their recommendation. **7 years.**

Item #7824 Moved by Councilor Robinson, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept Barnfield Lane, located in Stoneleigh Estates subdivision off Longfellow Road, as a public road; and,

BE IT FURTHER ORDERED that Barnfield Lane be classified as a rural access road. **7 years.**

Moved by Councilor Loveitt, seconded by Councilor Miner and **VOTED** to adjourn the meeting at 9:41 pm. **7 years.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk