

## REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL November 9, 2010 - 7:00 p.m.

Chairman Phinney opened the meeting at 7:05 pm.

Roll Call of the 2009/2010 Town Council: **Present:** Chairman Phinney, Councilors; Caldwell, Loveitt, Mattingly, Miner & Robinson Town Manager, David Cole and Town Clerk, Christina Silberman **Absent:** Councilor Csoros

Moved by Councilor Mattingly, seconded by Councilor Caldwell and **VOTED** to accept the minutes of the October 5, 2010 Regular Town Council Meeting and the October 26, 2010 Special Town Council Meeting. **6 yeas.**

### **Open Public Communications**

Sherry Fontaine, 26 Church St., reported an issue on School St. where it meets Church St. where large trucks are parking in the no parking zone to unload and are blocking the view of turning traffic creating a safety issue.

Representative Jane Knapp, House District 129, thanked citizens for "rehiring" her and sending her back to Augusta and reported on the following:

- Election of the Officers for the House of Representatives will be on Friday at 1 pm and is open to the public
- State purchase of the Montreal, Maine and Atlantic Railway line
- Maine Chamber of Commerce has launched a free web service, [www.internhelpme.com](http://www.internhelpme.com), to help students find internships.
- Extended Unemployment Benefits to be reduced
- State encourages residents to be aware of lead poisoning dangers
- National Weather Service encourages winter weather awareness, weather conditions are available online at [www.maine.gov/mema/weather/genweath.htm](http://www.maine.gov/mema/weather/genweath.htm)
- Dept. of Health and Human Services has launched a new website, [www.maine.gov/dhhsdashboard](http://www.maine.gov/dhhsdashboard), to browse various data collected by the Department.

Rep. Knapp congratulated the new Town Councilors and thanked retiring Councilor Loveitt.

### **Councilor Communications**

Councilor Miner reported that Ecomaine met on October 14<sup>th</sup>, assessments are down again this year by about \$2,500.

Councilor Mattingly thanked everyone for supporting him in the Senate race.

Councilor Robinson thanked voters for their support in reelecting him to the Town Council and offered congratulations to the other winning candidates. Councilor Robinson reported that he spoke to the Windham-Gorham Rod & Gun Club and reviewed the map and the reasoning behind the proposed changes to the shotgun zone. Councilor Robinson attended the Gorham Art Fair on November 6<sup>th</sup> and it was a nice event. Councilor Robinson thanked the *Gorham Times* and the *American Journal* for the Election Coverage and commented that he thought they were very fair and honest. He was unhappy with the election coverage by the *Press Herald*. Councilor Robinson commented that Thursday he and his wife Melissa will celebrate their 20<sup>th</sup> anniversary.

## Chairman's Report

Chairman Phinney thanked everyone who ran this election cycle and congratulated the winners. This is a good Council and they should get a lot done. Thanked the State Representatives and stated that is nice to have Rep. Knapp here to report on a consistent basis. Councilor Phinney thanked Councilor Burleigh Loveitt for his service. He commented that Councilor Loveitt has accomplished a lot and the town is a better place due to his service.

## Town Manager's Report

Town Manager David Cole reported on the public meeting held on November 3<sup>rd</sup> regarding the east/west corridor study discussing significant changes in road projects. This was a very good meeting with good discussion and he thanked the attendees. Mr. Cole urged people to continue to pay attention to this study.

## School Committee Report

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

- Welcomed new Councilors Gagnon and Pressey and returning Councilor Robinson
- Nov. 8<sup>th</sup> school closing due to power outages and closed streets
- A new web system through the Sebago Alliance called Blackboard Connect that can be used to send emails, make attendance phone calls, and help improve communication
- Reassignment of the administrative team for the K-5 levels
- New attendance zones and the transportation policy will be discussed at tomorrow's School Committee meeting
- Maine School Board Association considered and endorsed a proposal to review how health care is determined
- Elementary project update, building should be completed on time
- The next School Committee meeting will be Nov. 10<sup>th</sup> at 7 pm

Chairman Libby indicated that the School Department will allow this year's holiday tree to be located at Narragansett School.

Chairman Phinney asked Chairman Libby to clarify "attendance zones". Chairman Libby explained that the new attendance zones will determine which school children will attend next year when the new elementary school is open.

Councilor Mattingly elaborated on the issue of the health insurance contract for schools.

Moved by Councilor Mattingly, seconded by Councilor Caldwell and **VOTED** to take up an item not on the agenda. **6 yeas**. Moved by Councilor Mattingly seconded by Councilor Caldwell and **VOTED** to name the Council Chambers the Burleigh H. Loveitt Council Chambers. **5 yeas, 1 abstention (Loveitt)**.

Chairman Phinney presented the Burleigh H. Loveitt Council Chamber dedication plaque to Councilor Loveitt. Chairman Phinney then presented Councilor Loveitt with a plaque thanking him for his years of service on the Town Council. Councilor Loveitt expressed his appreciation and stated that the Council's accomplishment would not have been made without the very able Town Manager and staff.

## Election Report

The Gorham Annual Municipal Election was held on November 2, 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 = 3,117, Ward 2 – Gorham Municipal Center = 1,786, Central (absentee ballots) – Gorham Municipal Center = 1,836. Total number of voters = 6,739. Approximate Voter Turnout = 53%.

OFFICE/CANDIDATE NAME	WARD 1	WARD 2	CENTRAL	TOTAL
<b>Town Council</b>				
Gagnon, Philip T., Jr.	1559	714	852	3125
Haws, Charles E.	863	418	504	1785
Pressey, John A.	1031	706	670	2407
Robinson, Matthew J.	1878	998	1022	3898
Smith, Ronald H.	1133	554	702	2389
<b>School Committee</b>				
Courier, Kyle P.	2212	1156	1261	4629
Marchand, Roger L.	2048	1114	1230	4392

**SWEARING IN OF THE NEWLY ELECTED TOWN COUNCILORS**

The Town Clerk administered the oath of office to newly elected Councilors Philip T. Gagnon, Jr., John A. Pressey, and Matthew J. Robinson.

Roll Call of the 2010/2011 Town Council: **Present:** Councilors Caldwell, Gagnon, Mattingly, Miner, Phinney, Pressey & Robinson, Town Manager, David Cole and Town Clerk, Christina Silberman

**New Business**

The Town Clerk, acting as Chairman pro tempore, conducted the election for Town Council Chairman for the 2010/2011 Town Council.

**Item #7915** Moved by Councilor Caldwell, seconded by Councilor Mattingly and **VOTED** to elect Matthew Robinson as the Chairman of the Gorham Town Council for 2010-2011. **7 yeas.** Prior to this vote it was moved by Councilor Caldwell, seconded by Councilor Mattingly and **VOTED** that nominations cease. **7 yeas.**

The Town Clerk then turned over the gavel to Chairman Robinson to conduct the remainder of the meeting.

**Item #7916** Moved by Councilor Mattingly, seconded by Councilor Phinney and **VOTED** to elect Brenda Caldwell as the Vice-Chairman of the Gorham Town Council for 2010-2011. **7 yeas.** Prior to this vote it was moved by Councilor Phinney, seconded by Councilor Mattingly and **VOTED** that nominations cease. **7 yeas.**

**Item #7917** Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to appoint members to the following Council Committees for 2010-2011: Finance Committee; Brenda Caldwell, Chairman, Noah Miner & Philip Gagnon, Jr., Ordinance Committee; Michael Phinney, Chairman, Matthew Mattingly & John Pressey, Appointments/Personnel Committee John Pressey, Chairman, Brenda Caldwell & Philip Gagnon, Jr., Economic Development/Capital Improvements Committee; Noah Miner, Chairman, Matthew Mattingly & Michael Phinney, Representative to the Greater Portland Council of Governments; John Pressey with Philip Gagnon, Jr. as alternate, Ad Hoc

Representative to the Cable TV Committee; Brenda Caldwell. **7 yeas.**

Chairman Robinson asked if there were any objections from the Council to allow Burleigh Loveitt to continue to serve on the East-West Corridor Study Steering Committee for the Maine Turnpike Authority/Maine Department of Transportation along with the Town Manager, David Cole. There were no objections.

**Item #7918** Moved by Councilor Phinney, seconded by Councilor Miner and **ORDERED** that the Town Council adopt by reference the same Council Rules as were adopted for the year 2009-2010 as the Council Rules for 2010-2011. **7 yeas.**

Moved by Councilor Miner, second by Councilor Caldwell and **VOTED** to take item #7929 out of order and hear it after the public hearing items. **7 yeas.**

**Public Hearing #1** Chairman Robinson opened the public hearing to consider approval to renew a liquor license for Sebago Brewing Company. There were no comments from the public. Chairman Robinson closed the public hearing.

**Item #7919** Moved by Councilor Phinney, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the renewal of a full liquor license for Sebago Brewing Company. **7 yeas.**

**Public Hearing #2** Chairman Robinson opened the public hearing on a proposal to amend Schedule C, no through trucks allowed, of the Streets and Sidewalks Ordinance by adding Robie St., Lincoln St. and Preble St. There were no comments from the public. Chairman Robinson closed the public hearing.

**Item #7920** Moved by Councilor Phinney, seconded by Councilor Mattingly and **VOTED** to waive the reading of the proposed order. **7 yeas.** The proposed order was moved by Councilor Phinney, seconded by Councilor Caldwell and voted. **Whereas**, the Town of Gorham has a Streets and Sidewalks Ordinance to regulate traffic conditions in the community; and,

**Whereas**, schedule C of the ordinance prohibits 3, 4 and 5 axle through trucks on identified streets; and,

**Whereas**, very large trucks have been traveling on Robie, Lincoln and Preble Streets which are narrow residential streets,

**NOW THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve amendments to the Streets and Sidewalks Ordinance Schedule C, no through trucks allowed, by adding Robie St., Lincoln St. and Preble St.

Proposed Amendment to Schedule C of the Streets and Sidewalks Ordinance.

NOTE: Additions are underlined and in **bold** – There are no deletions.

SCHEDULE C - No through trucks allowed

No three (3), four (4), or five (5) axle through trucks shall be allowed on the following streets:

Deering Road	From the Buxton Town Line to Route 22
Flaggy Meadow Road	From the Buxton Town Line to Route 25
Huston Road	From Route 237 to Route 202
New Portland Road	From Bartlett Road to Route 25 (Main Street)
Wood Road	From the Finn Parker Road to Route 25

Robie Street  
Lincoln Street  
Preble Street

From South Street to intersection of Lincoln Street and Robie Street  
From South Street to intersection of Elm Street and Lincoln Street  
From South Street to Elm Street 7 yeas.

**Public Hearing #3** Chairman Robinson opened the public hearing to consider adopting revisions to the General Assistance Ordinance. There were no comments from the public. Chairman Robinson closed the public hearing.

**Item #7921** was moved by Councilor Caldwell, seconded by Councilor Phinney and **VOTED**.

Whereas, the State establishes maximum levels of assistance for local General Assistance Ordinances; and,

Whereas the Town's local ordinance must be adjusted annually to reflect the new maximum levels of assistance,

**NOW THEREFORE BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Town's General Assistance Ordinance to reflect the new state maximum levels of assistance. **7 yeas.**

**Item #7929** was taken out of order and heard now. The proposed order to approve the concept of a cross-town bicycle-pedestrian trail was moved by Councilor Miner and seconded by Councilor Phinney. Robert Frazier, 4 Aspen Lane, explained this item. The proposed order was then voted. Moved by Councilor Phinney seconded by Councilor Mattingly and **VOTED** to send this item to the Capital Improvements Committee for their review. **7 yeas.**

**Item #7922** Moved by Councilor Phinney, seconded by Councilor Pressey and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to mend the Land Use and Development Code to allow gasoline stations in the Little Falls Village Center District and the Gorham Village Center District to advertise the price of fuel in LED lighting to the Ordinance committee for their review and recommendation. **6 yeas, 1 nay (Miner).**

**Item #7923** Moved by Councilor Miner, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend the Ordinance to Regulate Fraternity and Sorority Houses by amending "non-resident" to "non-member" and "Officer of the Fraternity" to "Officer of the Fraternity House" to the Ordinance Committee for their review and recommendation. **7 yeas.**

**Item #7924** was moved by Councilor Mattingly and seconded by Councilor Caldwell. David Kent, commented on the inaccuracies of the map. 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 Town's Shoreland Zoning Ordinance by withdrawing approval of the Town's Shoreland Zoning Map to the Ordinance Committee for their review and recommendation. **7 yeas.**

**Item #7925** Moved by Councilor Phinney, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept an easement for a fire pond located in North Branch Brook Subdivision located off Fillions Way off Files Road. **7 yeas.**

**Item #7926** Moved by Councilor Phinney, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town Manager to sign an agreement to modify the Municipal/State agreement for the Gorham Bypass project (P.I.N. #8151.20) dated May 29, 2007 to have the Town provide for winter maintenance of the Park and Ride facility and maintenance of the lights; and,

**BE IT FURTHER ORDERED** that this approval is conditional upon the State replacing existing street lights at the 3 roundabouts and Park and Ride lots with LED street lights and mouse proofing all of the lights. **7 yeas.**

**Item #7927** Moved by Councilor Phinney, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the recommendation from the Appointments Committee for an appointment to the Baxter Memorial Library Board of Trustees. **7 yeas.**

Baxter Memorial Library Board of Trustees: Mary Collins to an existing vacancy with a term to expire April 1, 2011.

**Item #7928** Moved by Councilor Phinney, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Ordinance Committee to review the Town's Mass Gathering Ordinance and recommend appropriate changes to the Town Council. **7 yeas.**

**Item #7929** was taken out of order and heard after Item #7921.

Moved by Councilor Phinney seconded by Councilor Miner and **VOTED** to take up an item not on the agenda. **7 yeas.** Moved by Councilor Phinney seconded by Councilor Miner and **ORDERED** that the Town Council appropriate \$2,000 from the contingency account to make repairs to the gazebo. **7 Yeas.**

**Item #7930** Moved by Councilor Pressey, seconded by Councilor Phinney 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 Phinney, seconded by Councilor Mattingly and **VOTED** to come out of executive session. **7 yeas.**

Moved by Councilor Mattingly, seconded by Councilor Gagon and **VOTED** not to grant an abatement of taxes based on poverty to applicant A1004 because the applicant has assets that allow them to contribute to the public charge. **7 yeas.**

Moved by Councilor Mattingly, seconded by Councilor Gagnon and **VOTED** to adjourn the meeting at 9:24 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: \_\_\_\_\_  
Christina Silberman, Town Clerk