

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL September 7, 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 & Town Clerk, Christina Silberman

Moved by Councilor Caldwell, seconded by Councilor Mattingly and **VOTED** to accept the minutes of the August 3, 2010 Regular Town Council meeting and the August 25, 2010 Special Town Council meeting. **7 yeas.**

Open Public Communications

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

- September is National Voter Registration Month, there is an Election on November 2nd and she encouraged people to register and vote.
- Circuit Breaker Property Tax and Rent Refund Program applications are now available, go to www.maine.gov for information, apply before May 31, 2011
- Maine Office of Securities has cautioned consumers regarding possible investment fraud, contact the Office of Securities to verify investors' credentials
- The Maine Forest Service is offering help from a forester if you have a small woodlot and the information is confidential if the lot is less than 1,000 acres
- State and Federal officials warn that fire danger is high
- Applications are now available for the low-income home energy assistance program, contact the Community Action Program (PROP) for an application
- Call 211, a resource for assistance agencies and services.
- The Keep ME Warm Fund is a fuel assistance program, call 211 or go to www.211maine.org for information.

Councilor Communications

Councilor Loveitt reported that the East/West Corridor Study Committee is still working and a report will be finalized this fall. Councilor Loveitt indicated that there are three seats open on the Town Council this fall. One councilor is seeking reelection and there will be two open seats. He encouraged citizens to consider supporting their community through service on the Town Council.

Councilor Miner announced that Ecomaine will have an open house for the public to learn about converting trash to energy and recycling on Saturday Sept. 25th from 8:30-11:30. Councilor Miner reported that he met with Sandra Mowery, Zoning Administrator, and discussed the grant application for a paved asphalt rail trail from Dodge Oil to the Industrial Park. This is a great project and Councilor Miner feels that the Town Council should support this fully.

Councilor Robinson apologized that he was unable to make it to the tour of the new elementary school. Councilor Robinson, along with Councilors Mattingly and Caldwell, will be judging the Gorham Business & Civic Exchange's Chili & Chowder Cook off on September 16th at 5:30 pm at the Masonic hall. Councilor Robinson reported that the Ordinance Committee is working on the fraternity and sorority issues and he believes there will be something on the October agenda. Councilor Robinson reminded

everyone that Saturday is the anniversary of the Sept. 11, 2001 attacks and asked that people never forget.

Councilor Csoros announced that he is not seeking reelection on the Town Council and thanked voters for their support. (Councilor Csoros is moving to Texas.) He stated that Gorham is a fantastic community to live in and he feels privileged to have been a part of it. Councilor Csoros thanked his fellow Councilors and expressed appreciation for the Town Manager's work. He commented that town staff and Department Heads are very responsive and genuinely care about this town and he thanked all of the volunteers.

Chairman's Report

Chairman Phinney presented Councilor Csoros with a plaque expressing appreciation for his service on the Town Council. Councilor Robinson also thanked Councilor Csoros for his service and wished him well.

Town Manager's Report

Town Manager, David Cole, reported on Police Chief Shepard's surgery. The Chief went home Friday and appears in good spirits and is doing fine. Lt. Chris Sanborn has been appointed Acting Police Chief. Mr. Cole stated that tax bills went out last week. The tax rate was kept at 15.9 mils. This is the fourth year in a row that the tax rate has not increased. Mr. Cole announced that he issued a five year service pin to Freeman Abbot, Asst. Code Enforcement Officer, and thanked Freeman for his service.

School Committee Report

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

- The opening of school was relatively uneventful, except for the heat wave and he thanked staff and students for coping with the heat. School enrollment numbers show little variation and he will have exact numbers at the next meeting
- The Federal Government passed the "jobs bill". This has closed a majority of the State budget shortfall and will infuse funding to schools for job restoration and creation
- Maine School Management Association has announced that the curtailment has been called off, however, they are planning for any possible changes
- Chairman Libby thanked Norm Justice, School Facilities Manager, and Lyndon Keck of PDT Architects for setting up the tour of the new elementary school a few weeks ago. The Building Committee met last week and they are starting to choose interior colors.
- The next School Committee meeting is tomorrow, September 8th at 7 pm.

Old Business

Item #7884 Moved by Councilor Caldwell, seconded by Councilor Mattingly and **VOTED** to reconsider Order #7884 to be taken up after Item #7891. **6 yeas, 1 nay (Miner).**

New Business

Public Hearing #1 Chairman Phinney opened the public hearing on a proposal to amend the Town's Shoreland Zoning Ordinance. David Kent, 20 Grant Rd, stated that he did not receive a notice about the Planning Board meeting on this issue and missed that meeting. Mr. Kent expressed concern with the accuracy of the State's mapping.

He doesn't understand how half of the buildings on his property are in the zone when all of his buildings are all lined up in a row along a ridge. Chairman Phinney closed the public hearing.

Item #7890 Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order on a proposal to amend the Town's Shoreland Zoning Ordinance was moved by Councilor Miner and seconded by Councilor Loveitt. Moved by Councilor Loveitt, seconded by Councilor Mattingly and **VOTED** to postpone action on this item and send it to the Ordinance Committee for review. **7 yeas**.

Public Hearing #2 Chairman Phinney opened the public hearing on a proposal to amend the Land Use and Development Code to allow streets to be constructed to a maximum length of 2,500 feet if dwelling units are served by a sprinkler system. There were no comments from the public. Chairman Phinney closed the public hearing.

Item #7891 Moved by Councilor Robinson, seconded by Councilor Csoros and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order was moved by Councilor Robinson and seconded by Councilor Csoros. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to amend the order to remove the 2,500 foot length and change it to an indefinite length. **6 yeas, 1 nay (Robinson)**. Moved by Councilor Miner to amend the proposed order to send it to the Ordinance Committee – motion failed for lack of a second. The order as amended was then **VOTED**.

WHEREAS, the Town's Land Use and Development Code currently allows streets to be constructed to a maximum length of 1,500 feet because of safety concerns related to fire and emergency response; and,

WHEREAS, allowing longer roads usually allows public services like water and sewer, trash collection, plowing, sanding and general road maintenance to be provided more cost effectively; and,

WHEREAS, dwelling units that are served by sprinkler systems have been proven to be highly effective at reducing loss of property and lives and moderating public safety issues; and,

WHEREAS, the Planning Board recommended approval at their meeting of August 2, 2010,

NOW THEREFORE BE IT ORDAINED, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve an amendment to the Land Use and Development Code, Chapter II, Section V to allow an indefinite length of dead end streets if the dwelling units are served by a sprinkler system. **6 yeas, 1 nay (Robinson)**.

Changes to the Land Use And Development Code, Chapter II, SECTION V (F)(4)(b)

Note: Additions are underlined and deletions are ~~struck through~~.

- (3) In those Zoning Districts where otherwise allowed by the District, zoning frontage requirements may be reduced in the case of permanent turning circles, where no future road is either feasible or provided for on the plan.
- (4) Temporary turning circles may be allowed where future road extensions are planned if designed to allow discontinuance of the turning circle while

not creating any lots with less than the required frontage for the zone in which located.

- (5) Loop roads that provide the sole vehicular access to developable or improved land shall meet the required centerline radii of 150' and minimum tangent distance between curves of 100' and shall be constructed and paved to specified street standards.
- b) Dead end streets, paved private ways and streets except industrial, commercial, or service streets that serve as the sole vehicular access shall not exceed in length a distance of fifteen hundred (1500) feet, as measured along the proposed street centerline, from the ROW line of the intersecting town way to the furthest centerline point of a turning circle or loop road or the terminus of the hammerhead, **except that a road constructed after September 1, 2010 may be constructed to any length if all of the dwelling units on said street are to be serviced by a residential sprinkler system that meets the specifications of the Town of Gorham's Sprinkler Ordinance for residential property.**
- (1) **For purposes of determining road length, public road length and private road length will be added together to determine compliance with the maximum road length, even if they are separate and distinct roads.**

RECONSIDERATION of Order #7884 approved by the Town Council (6-0) on August 3, 2010, authorizing the solicitation of bids and establishing conditions for the sale of property at 27 Preble Street. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to amend Order #7884 to add "rooming house" to the list of exclusions. Peter Wentworth spoke in favor of the proposed amendment and asked for clarification on the bid process. Tim Atwood also spoke in favor of the amendment. Councilor Csoros moved the amendment. **7 yeas**. The amendment was then voted. **6 yeas, 1 nay (Miner)**. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorizes the Town Manager and Finance Director to solicit sealed bids for the purpose of selling tax acquired property located at 27 Preble Street subject to the following conditions:

1. Minimum bid required will be \$35,000.
2. Bidders must provide a check, payable to the Town of Gorham, equal to 5% of the amount of the bid that will be applied to the final purchase price. Unsuccessful bidders will have their checks returned to them.
3. The Town will issue a quit-claim deed with restrictions that prohibit this property from being owned or used by a fraternity, sorority or rooming house.
4. The property will be sold "as-is" and the purchaser will be responsible for any clean up and improvements.
5. The Town shall reserve the right to accept or reject any bid, to negotiate with any bidder, or prospective purchasers, and to waive technicalities as solely determined by the Town to be in the Town's best interest.

BE IT FURTHER ORDERED that the Town Council is providing notice to prospective purchasers that this building has identified code violations that must be corrected before the building can be occupied; and,

BE IT FURTHER ORDERED that the use of the building must fully comply with any applicable Federal, State, or local laws or regulations. **6 yeas, 1 nay (Miner)**.

Item #7892 was moved by Councilor Csoros and seconded by Councilor Loveitt. Councilor Mattingly recused himself from participating on this item. 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 II, Sections II and VIII to modify off-street parking, buffer areas and screening to the Planning Board for public hearing and their recommendation. **6 yeas, 1 abstention (Mattingly)**.

Item #7893 was moved by Councilor Robinson and seconded by Councilor Loveitt. Moved by Councilor Loveitt seconded by Councilor Caldwell and **VOTED** to send this to the Capital Improvements Committee for their review with the Manager and other interested parties, as they determine. **7 yeas**. The amended order was then voted. **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled send the Capital Improvements Planning Document, dated July 30, 2010, to be used as a guide for Capital Improvement Projects, to the Capital Improvements Committee for their review with the Manager and other interested parties, as they determine. **7 yeas**.

Item #7894 was moved by Councilor Csoros and seconded by Councilor Miner. Moved by Councilor Loveitt, seconded by Councilor Caldwell and **VOTED** to amend the proposed order to add "Be it further ordered that any single-family dwelling unit, before bids are accepted, be brought back to the Town Council for final action. **7 yeas**. The order as amended was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize staff to solicit sealed bids for properties acquired by foreclosed tax liens that have not made any payments since January 1, 2008 (over two and a half years) after first providing one final opportunity of at least 30 days for property owners to pay all outstanding taxes and costs, as recommended by the Finance Committee; and,

BE IT FURTHER ORDERED that any single-family dwelling unit, before bids are accepted, be brought back to the Town Council for final action. **7 yeas**.

Chairman Phinney called for a ten minute recess. Chairman Phinney resumed the meeting.

Item #7895 Moved by Councilor Miner, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled grant permission to Risbara Brothers Construction Co. to construct a gravel base and sidewalk over Town land to connect Wagner Farm Subdivision and Gateway Commons Subdivision with a walking path, consistent with the Planning Board approval of the Wagner Farm Subdivision project. **7 yeas**.

Item #7896 was moved by Councilor Robinson and seconded by Councilor Loveitt. Fire Chief Lefebvre explained the need for the replacement vehicle and the cost. Moved by Councilor Robinson, seconded by Councilor Mattingly and **VOTED** to amend the proposed order to allocate \$35,000 for the purchase of a replacement vehicle for the Deputy Fire Chief. **7 yeas**. The order as amended was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled allocate \$35,000 for the purchase of a replacement vehicle for the Deputy Fire Chief. **6 yeas, 1 nay (Caldwell)**.

Item #7897 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, on behalf of the Town of Gorham, to sign a Discharge of Mortgage to Gordon's Sand & Gravel Inc. that had been used as a performance guarantee because a new performance guarantee has been accepted by the Town. **7 yeas.**

Item #7898 was moved by Councilor Miner and seconded by Councilor Csoros. Moved by Councilor Loveitt, seconded by Councilor Robinson and **VOTED** to amend the proposed order to insert the words "by ordinance" after "...access to the lot is possible". **7 yeas.** The amended 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, Section V, definitions, to the Planning Board for public hearing and their recommendation. **7 yeas.**

Proposed amendment to the Land Use and Development Code, Chapter I, Section V, definitions

Note: Additions are underlined, deletions are struck through.

Street Frontage The width of a lot measured along ~~the~~ a street line, provided that access to the lot is possible, by ordinance, from that street. Limited access roads, including but not limited to the Bernard P. Rines Highway section of Route 112, that cannot be used for access onto abutting lots, shall not be used to meet street frontage requirements. When a lot abuts more than one street that is not a limited access road, any one of them, but only one, may be designated by the owner as the street that will meet the street frontage requirements, provided that the lot meets the street frontage requirements on that street, the lot meets the front, side and rear yard setback requirements and that the principal building is numbered on that street.

Applicability Date: Notwithstanding the provisions of 1 MRSA, Section 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any building permit application that has not received all required Town approvals prior to September 7, 2010.

Item #7899 Moved by Councilor Miner, 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 1, M.R.S.A., section 405 (6)(D) to discuss labor negotiations with the Police Union. **7 yeas.**

Moved by Councilor Caldwell, seconded by Councilor Miner and **VOTED** to come out of Executive Session. **7 yeas.**

Moved by Councilor Miner, seconded by Councilor Caldwell and **VOTED** to approve the amendment to Appendix A of the Labor Contract between the Town of Gorham and the Maine Association of Police, as proposed. **7 yeas.**

Moved by Councilor Csoros, seconded by Councilor Robinson and **VOTED** to adjourn the meeting at 9:57 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk