

REPORT OF THE REGULAR MEETING OF THE GORHAM TOWN COUNCIL February 1, 2011 - 7:00 p.m.

Chairman Robinson opened the meeting at 7:01 pm.

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

Moved by Councilor Gagnon, seconded by Councilor Caldwell and **VOTED** to accept the minutes of the January 4, 2011 Regular Town Council Meeting and the January 25, 2011 Special Town Council Meeting. **6 yeas, 1 abstain (Miner).**

Open Public Communications

There were no comments from the public.

Councilor Communications

Councilor Gagnon thanked everyone that participated in the Town Fair Planning Committee. They have raised roughly \$5,000 above the seed money. Councilor Gagnon stated that they are happy with how things are going. They would like more donations and more people to participate in the celebration of the 275th anniversary of the founding of Gorham. Councilor Gagnon thanked the donors.

Councilor Phinney reported that the Ordinance Committee met last week and discussed the fraternity and windmill ordinances. The fraternity ordinance will be coming to the Council soon and they will be meeting again to discuss the windmill ordinance.

Councilor Pressey reported that the Appointments Committee is seeking applicants for vacancies on town boards and committees. The deadline to apply is Friday, February 4th and the Committee will meet to review applications on Monday February 7th at 7 pm.

Councilor Miner reported on the Ecomaine Board of Directors. They are paying off the single sort recycling machinery lease early. They discussed a study to determine interest in municipal composting. Composting material is not good for the incinerator. Councilor Miner indicated that the Presumpscot Regional Land Trust and the Conservation Commission is interested in being involved in discussions with the Ordinance Committee on the transfer of development rights. The Capital Improvements Committee, Gorham Economic development Corporation and the Gorham Business Exchange met and had a brainstorming discussion on how the community can improve the business climate in Gorham.

Councilor Caldwell reported that the Finance Committee met last Thursday. They discussed the new format for financial reports that will be quite different because of the new software. Councilor Caldwell expressed thanks to whoever shoveled the doorway at the Historical Society.

Chairman's Report

Chairman Robinson recognized the scout troop in the audience who are here to work on their merit badges. Chairman Robinson reported that he has received letters and comments from the public indicating that the Public Works crew is doing a good job with snow removal and he thanked the Public Works crew. Chairman Robinson, Town Manager David Cole, Councilor Caldwell, USM President Botman and USM Director of

Public Affairs Bob Caswell met on Jan. 24th. They discussed a lot of things such as doing things together that are more cost effective and sharing services. USM is a good neighbor with an open dialogue with the Town and they look for ways to work together.

Town Manager's Report

Town Manager David Cole reported that he has issued a 20 year service pin to Linda Straw at Baxter Memorial Library and he thanked Linda for her service. Mr. Cole announced that trash pickup scheduled for tomorrow (Feb. 2nd) will be postponed until Saturday, Feb. 5th and that the Municipal Center and Baxter Memorial Library will be closed tomorrow due to the inclement weather. Councilor Phinney commented that school would be closed tomorrow also.

School Committee Report

School Committee Chairman, Dennis Libby, wished everyone a Happy New Year and reported on the following:

- School will be closed tomorrow due to the storm
- Rose Marie South has resigned from the School Committee. Chairman Libby thanked Ms. South for her 10+ years of service
- Governor LePage's proposed supplemental budget does not include a curtailment to General Purpose Aid for K-12 education. As a precaution, the School Department has a spending freeze on all but essential items.
- Fiscal Year 2012 budget work continues internally. The proposed budget will be released on Feb. 16th and there will be a full day budget workshop on March 5th. Preliminary numbers indicate a reduction \$465,000 in State General Purpose Aid and an increase in debt service payments of \$890,000 due to the new school.
- Work is progressing on the new elementary school. There is a recommendation for the naming of the new school on tonight's agenda. The next Building Committee meeting will be March 2nd at 6 pm
- The next School Committee meeting will be Feb. 9th at 7 pm

Councilor Phinney asked about the debt service payment increase and is the state reimbursing part of this. Chairman Libby replied that the payment with principal and interest is \$890,000 and the state will reimburse part of this. Chairman Libby will have the reimbursement figures when the budget is released and stated that the State is responsible for 90% of the cost of the new school

Chairman Robinson thanked Rose Marie South for her service on the School Committee, she has done a good job and he is sorry to see her go. Councilor Phinney also thanked Ms. South for her work and commented that it is nice to hear that the State is not starting out proposing cuts to school funding. Chairman Robinson commented that it is disheartening to see that the State has not met the LD1 funding requirements.

New Business

Public Hearing #1 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code to allow the keeping of farm animals in the Urban Residential District. Ginger Proulx, Libby Ave, thanked the Council for considering amending this ordinance and spoke in favor of the changes. Chairman Robinson closed the public hearing.

Item #7956 Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order to amend the Land Use and Development Code to allow the keeping of farm animals in the Urban Residential District was moved by Councilor Phinney and seconded by Councilor Caldwell. Chairman Robinson indicated that the Town received a letter from Joanne Costa in opposition to the proposed changes. Moved by Councilor Pressey, seconded by Councilor Phinney and **VOTED** to amend the proposed order and send this item to the Ordinance Committee for review. **7 yeas**. The amended order was then voted. **WHEREAS**, the Land Use and Development Code currently requires a minimum lot size of 6 acres to keep farm animals in the Urban Residential Zone; and,

WHEREAS, 6 acres is a relatively large lot for the Urban Residential Zone and is a burdensome requirement to meet,

WHEREAS, the Town Council would like to accommodate citizens who live in the Urban Residential Zone and want to keep small quantities of farm animals in a responsible manner that does not create unreasonable problems for their neighborhood ; and,

NOW, THEREFORE BE IT ORDERED that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Ordinance Committee to review the proposed amendments to the Land Use and Development Code, Chapter I, Section VI, to allow farm animals in the Urban Residential District. **7 yeas**.

Public Hearing #2 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code to prohibit street frontage on the Bernard P. Rines limited access highway being used to meet street frontage requirements. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7957 Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to waive the reading of the proposed order. **7 yeas**. The proposed order was moved by Councilor Phinney and seconded by Councilor Mattingly. Moved by Councilor Pressey, seconded by Councilor Gagnon and **VOTED** to amend the proposed order and rephrase the second sentence in the definition of street frontage to read "Limited access roads, which cannot be used for access onto abutting lots, shall not be used to meet street frontage requirements, including but not limited to the Bernard P. Rines Highway section of Route 112. " **7 yeas**. Moved by Councilor Phinney, seconded by Councilor Gagnon and **VOTED** to amend the proposed order and strike the last sentence of the definition, "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.". **7 yeas**. The amended order was then voted.

WHEREAS, the current Land Use and Development Code recognizes street frontage from any public street; and,

WHEREAS, the amount of street frontage is a primary component of access to a parcel of land; and,

WHEREAS, the Bernard P. Rines Highway is a limited access road, with no access onto abutting land from this road,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Land Use and Development Code, Chapter I, Section V, as follows:

Street Frontage The width of a lot measured along the a street line, provided that access to the lot is possible from that street. Limited access roads, which cannot be used for access onto abutting lots, shall not be used to meet street frontage requirements, including but not limited to the Bernard P. Rines Highway section of Route 112. **7 yeas.**

Public Hearing #3 Chairman Robinson opened the public hearing on a proposal to consolidate the Ordinance Restricting Vehicle Weight on Posted Roads into the Streets and Sidewalks Ordinance.. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7958 The proposed order was moved by Councilor Phinney, seconded by Councilor Gagnon and voted.

WHEREAS, the Town has an ordinance on Streets and Sidewalks and a separate Ordinance Restricting Vehicle Weight on Posted Roads; and,

WHEREAS, it would be administratively more efficient to consolidate the Ordinance Restricting Vehicle Weight on Posted Roads into the Streets and Sidewalks Ordinance,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled consolidate the Ordinance Restricting Vehicle Weight on Posted Roads into the Streets and Sidewalks Ordinance. **7 yeas.**

Item #7959 The proposed order was moved by Councilor Miner and seconded by Councilor Mattingly. Dave Hill, 65 New Portland Rd, stated that his property abuts the proposed trail and he is not in favor of it. Jack Snow, New Portland Rd, also spoke against the proposal. Chairman Robinson explained that this is a concept plan and the Council is being asked to support the concept. Mr. Cole elaborated that there are trails around town already in existence and Gorham Trails is trying to pull some of these trails together and is asking the Council to approve the concept. Councilor Phinney cautioned that placement of the trail will not necessarily have to come back to the Town Council for approval. Mr. Cole explained that they would need a Department of Environmental Protection permit. The Town Council's endorsement of the concept would allow Gorham Trails to seek funding. Bill Rayne, Narragansett St., friend of Gorham Trails, spoke in favor of the concept. Moved by Councilor Gagnon, seconded by Councilor Phinney and **VOTED** to amend the proposed order to refer this item to the Capital Improvements Committee for further review. **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 Capital Improvements Committee to review the concept of a cross-town bicycle / pedestrian trail, starting at the roundabout at the intersection of Narragansett Street (Route 202) and the Bernard P. Rines Highway (Route 112) and following, where practical, the former Sanford and Eastern Railroad right-of-way to the Westbrook city line. **7 yeas.**

Item #7960 The proposed order was moved by Councilor Gagnon and seconded by Councilor Caldwell. School Committee Chair Libby and Naming Committee Chair Kathy Garrard reviewed the process that was used in choosing the school name. The proposed order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to the recommendation of the New Elementary

School Naming Committee, name the new elementary school the "Great Falls Elementary School". **6 yeas, 1 nay (Phinney).**

Item #7961 Moved by Councilor Phinney, seconded by Councilor Miner and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town of Gorham to participate in a joint application for a Community Development Block Grant with the Towns of Cape Elizabeth, Scarborough, Standish and Naples for a grant to support a staff person from the Family Crisis Services Agency to provide a joint enhanced Police Intervention Collaboration program for domestic abuse; and,

BE IT FURTHER ORDERED that no local funds are needed for this grant. **7 yeas.**

Item #7962 Moved by Councilor Phinney, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the Town to submit a request to the Portland Area Comprehensive Transportation Study (PACTS) to provide \$60,000 for technical assistance to communities participating in the Phase 2 Action Plan of the Gorham East-West Corridor Study with participating communities eligible for \$8,000 in federal funds with a \$2,000 local fund matching requirement. **7 yeas.**

Item #7963 The proposed order was moved by Councilor Caldwell and seconded by Councilor Phinney. Moved by Councilor Phinney seconded by Councilor Caldwell and **VOTED** to amend the proposed order to schedule a public hearing on March 1 to consider approval of the amendment. **7 yeas.** The amended order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled schedule a public hearing for March 1, 2011 to consider amending Article XV of the Administrative Code to change the Cable TV Committee from a standing committee to a committee appointed as needed; and,

BE IT FURTHER ORDERED that the Cable TV Policy, adopted by the Town Council on September 1, 2009, be amended for the purpose of making it consistent with any changes made to the Administrative Code. **7 yeas.**

Item #7964 Moved by Councilor Mattingly, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled endorse the position of the Gorham School Board, voted at their meeting of November 10, 2010 and corresponded in a letter dated November 12, 2010 from the Gorham School Department to the Maine School Board Association, supporting more competition in providing health insurance to school systems in Maine as a way to lower costs to the employees and to the School Department while maintaining quality health care in the system; and,

BE IT FURTHER ORDERED that the Town notify the Town's State Senator and Representatives and urge them to support any effort that would implement the School Board and the Town Council's position. **7 yeas.**

Item #7965 Moved by Councilor Caldwell, seconded by Councilor Phinney and **VOTED** to waive reading of the proposed order. **7 yeas.** Moved by Councilor Caldwell, seconded by Councilor Phinney and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept perpetual care funds as presented, with a correction to the lot number on the last entry to state lot 351 A-D and lot 352 C&D. **7 yeas.**

Abbiati, David Hillside Cemetery, section R, lot 39 A & B (2 gravesites)	\$700.00
Almeida, Laura Hillside Cemetery, section R, lot 29 D (1 gravesites)	\$400.00
Cousins, Christy L. Eastern Cemetery, section H, lot 370 A & B (2 gravesites)	\$300.00
Davis, Marian Hillside Cemetery, section R, lot 42 C & D (2 gravesites)	\$700.00
Hagerman, Roy W. & Mary L. Hillside Cemetery, section R, lot 40 D (1 gravesite)	\$400.00
Hinkley, Priscilla Hillside Cemetery, section R lot 27 C & D (2 gravesites)	\$700.00
Hubbard, Eugene Hillside Cemetery, section R, lot 42 A & B (2 gravesites)	\$700.00
Nelson, Cathy Hillside Cemetery, section R, lot 22 B (1 gravesite)	\$400.00
Sanville, Paul Eastern Cemetery, section H, lot 369 B & C (2 gravesites)	\$300.00
Sanville, Peter Eastern Cemetery, section H, lot 369 A and lot 370 C & D (3 gravesites)	\$400.00
Strout, Ronald F. & Deborah P. Eastern Cemetery, section H, lot 369 D	\$400.00

UPDATES TO PERPETUAL CARE

Beever, John & Jane Hillside Cemetery, section N, lots 5, 6, 12, & 13 A-D (12 gravesites) lots 7 & 14 exchanged for lots 5 & 12 paid in 5/13/99.

Paulin, Kim & Roberts, Steven W. Eastern Cemetery, section H, Lot 351 A-D and lot 352 C & D (6 gravesites) funds accepted February 2009, correction to lot numbers.

Moved by Councilor Phinney seconded by Councilor Pressey and **VOTED** to take up an item not on the agenda. **7 yeas.**

Item #7966 Moved by Councilor Phinney seconded by Councilor Mattingly and **ORDERED** that the Town Council, in Town Council assembled, accept Wagner Farm Road, located in Wagner Farm Subdivision, off Libby Avenue, as a public road; and,

BE IT FURTHER ORDERED that Wagner Farm Road be classified as an Urban Access Road. **7 yeas**

Moved by Councilor Phinney, seconded by Councilor Mattingly and **VOTED** to adjourn the meeting at 8:53 pm. **7 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk