

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

Chairman Robinson opened the meeting at 7:05 pm.

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

Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to accept the minutes of the February 1, 2011 Regular Town Council Meeting including a correction made under Councilor Communications to change Councilor Miner's reference to "Gorham Land Trust" to "Presumpscot Regional Land Trust". **6 yeas.**

Open Public Communications

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

- The Office of the State Treasurer has issued a list of unclaimed property & Rep. Knapp calls Gorham residents that are listed. Citizens can check for unclaimed property online at www.maine.gov/treasurer/unclaimed_property
- The Department of Inland Fisheries and Wildlife is accepting applications through May 13th for the annual moose lottery
- Anthem is proposing rate hike increases and public hearings will be held at the University of Maine on March 14th and at the University of Southern Maine on March 22nd
- Central Maine Power Tree Care Program to improve electricity delivery, detail are available online at www.cmpco.com
- About two weeks ago there was a conversation with Legislatures and a tour of the Maine Veterans Home in Scarborough, it was interesting to see how they work vs. how Togus works
- LD 533 – An Act to Reduce Maine's Dependence on Oil, is a concept bill that promotes a good environment and conservation with emphasis to reduce our reliance on oil

Chairman Robinson asked about the State Revenue Sharing and said he hopes the State does not cut revenue to municipalities to fund the State budget. Rep Knapp replied that cuts to the homestead exemption and the education funding under the required 55% a is what urged her to run for the Legislature. There are other Representatives in Augusta that have served as Councilors or Selectmen and understand the effects of the cuts to revenue sharing. Town Manager David Cole stated that the estimated loss in revenue to Gorham is over \$545,000.

Councilor Communications

Councilor Phinney reported that the Turf Field Committee met Feb. 8th to discuss the possibility of building a turf field in Gorham and they meet again tomorrow. They hope to have a recommendation for the Council at the April meeting. The Ordinance Committee met this morning and discussed the wind power ordinance that is close to being finalized with some changes expected at their next meeting. The Ordinance Committee also had a long discussion on the Shoreland Zoning Ordinance and map.

The Committee intends to hold the Shoreland Zoning item for now due to many changes expected from Augusta.

Councilor Pressey reported that board and committee appointment recommendations are on the agenda tonight for approval. Councilor Pressey mentioned that we are still looking for volunteers to fill remaining vacancies on the Board of Assessment Review, the Recycling Committee, and the Fair Hearing Board.

Councilor Mattingly spoke about Central Maine Power's smart meters. Some citizens are concerned about the smart meters. The Public Utilities Commission (PUC) has only received 6 complaints about the smart meters. Concerned citizens should contact the PUC. Councilor Mattingly reported that the Gorham Marketplace will be held at the end of March. Councilor Mattingly showcased products produced here in Gorham by Cielo Sauceworks and encouraged residents to buy local and support local businesses.

Councilor Caldwell reported that the Finance Committee met Feb. 24th and reviewed income and expenditure reports and a draft fund balance policy. They discussed the upcoming budget and Governor LePage's proposed cuts to Revenue Sharing.

Chairman's Report

Chairman Robinson opined that the Gorham Marketplace, featuring local businesses, is a much better show than the Portland Expo and he encouraged everyone to attend. He reported that he participated in the Council Appointments/Personnel Committee interviews and there were many qualified applicants for limited spaces. Chairman Robinson explained that Councilor Gagnon is absent tonight because he is at the hospital with his wife delivering their first child. Chairman Robinson stated that the Maine Municipal Association prints the proposed LDs (Legislative Documents) that will affect municipalities and he asked that the Finance Committee review this list and report to the Council on any that will affect Gorham. Chairman Robinson pointed out that the old gas station in front of Hannaford on Main Street is not Town property and the Town can not take it down. It is currently for sale and he recommended people wishing to complain about the building contact the broker. Chairman Robinson announced that Ecomaine has awarded a 2011 ecoexcellence award to Nappi Distributors for their efforts in recycling and energy efficiency.

Town Manager's Report

Town Manager, David Cole, commented that the Town will have a booth at the Gorham Marketplace and Councilors are invited to join him. A Town Council workshop is scheduled for Tuesday March 8th at 4:30. Mr. Cole reported that Gorham has taken over the rescue billing for Westbrook, this is in the inception stage and he will provide future updates.

School Committee Report

School Committee Chairman Dennis Libby reported on the following:

- Marie South has resigned from the School Board and Janet Williams has been appointed to fill the seat until the next election

- Gov Lepage's proposed budget includes an increase to General Purpose Aid from what was reported previously, this is a favorable impact on budget preparations
- The preliminary FY12 School budget will have an increase of 13 cents on the mil rate, there will be a School budget workshop this Saturday, March 5th which will be recorded and played back on the GOCAT station
- Gorham High School will participate in a research project on March 8th & 9th by the Maine Education Policy Research Institute to better understand higher-performing, more efficient public schools in Maine due to Gorham High Schools success
- The School District has had 4 storm days so far and the last school day will be June 16th if no additional days are missed
- The replacement of the Athletic Director, due to Gerry Durgin's retirement, is expected to be completed in April
- The new elementary school project is moving along, the next Building Committee meeting is March 2nd at 6 pm
- The Next School Committee meeting is March 9th at 7 pm

Chairman Robinson asked about the Softball Coach position and Chairman Libby replied that the job has been posted and he is unsure what the application closing period is. Chairman Libby will check on the process. Chairman Robinson indicated that he would like to see an athlete watch and notices of academic awards for the public, maybe this could be done through the Town Facebook page.

New Business

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

Item #7967 Moved by Councilor Phinney, seconded by Councilor Pressey 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 Gorham Country Club. **6 yeas.**

Public Hearing #2 Chairman Robinson opened the public hearing to consider approval of a new full liquor license for Lucky Thai, LLC. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7968 Moved by Councilor Miner, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve a new full liquor license for Lucky Thai, LLC. **6 yeas.**

Public Hearing #3 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code to add a definition for shed and allow a small shed to have a 5 foot setback. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7969 The proposed order was moved by Councilor Phinney, seconded by Councilor Caldwell and voted.

WHEREAS, the Land Use and Development Code currently requires a setback of 15 to 20 feet, depending on the zone, for all structures regardless of size; and,

WHEREAS, small sheds used for residential storage are generally not a burden to neighboring property and can be an asset to the homeowner,

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 V, Definitions as follows:

Shed An accessory detached building used for residential storage, allowed in all districts. If a shed is less than 150 square feet in total area and has a height of less than 15 feet, the shed need only meet a 5 foot side and/or rear yard setback requirement. Only one shed per lot shall be allowed to have the reduced setback. Additional sheds on the lot must meet the otherwise applicable setbacks for the zoning district in which they are located. **6 yeas.**

Public Hearing #4 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code to allow parking in existing paved areas in front yards of Bed and Breakfast establishments. Councilor Mattingly recused himself from participating in this item because he is the owner of a bed & breakfast. Jeremy Clough 90 South St. distributed a written statement to the Town Council and spoke in opposition to the proposed changes. Matt Mattingly, 91 South St. & owner of PineCrest Bed & Breakfast, gave a history of the parking issue and spoke in favor of the changes. Chairman Robinson closed the public hearing.

Item #7970 Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **5 yeas, 1 abstention (Mattingly)**. The proposed order was moved by Councilor Phinney and seconded by Councilor Caldwell. Moved by Councilor Phinney, seconded by Councilor Miner and **VOTED** to amend the order to substitute the Planning Board's language for Section II, Sec A (10) and insert March 2, 2011 as the date. **5 yeas, 1 abstention (Mattingly)**. Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to amend the order and insert the word "Landscaped" at the beginning of the second sentence in paragraph 6 C. **5 yeas, 1 abstention (Mattingly)** The order as amended was then voted.

WHEREAS, the Town of Gorham recently amended it's Land Use and Development Code to make it easier to convert large residences into bed and breakfast facilities; and,

WHEREAS, many existing large residential properties that may be converted into bed and breakfast establishments need additional parking but have constrained lots; and,

WHEREAS, some of these lots may have existing paved driveways or parking areas that would be suitable for parking for a bed and breakfast establishment,

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, as follows: revise version below

(Proposed additions to the Code are underlined; proposed deletions are ~~struck through~~.)

CHAPTER II, SECTION II – PARKING, LOADING AND TRAFFIC

A. OFF-STREET PARKING STANDARDS

10) No portion of any lot which is used to satisfy the front yard requirements of this ordinance shall be used for parking for any commercial or industrial use, except that any paved area existing in a front yard as of March 2, 2011 may be used for parking for a new or existing Bed and Breakfast establishment with or without public dining

facilities, provided that the Planning Board reviews such parking and determines that the buffering and screening for the parking meets the requirements set forth in Chapter II, Section 1(I) of this Ordinance.

CHAPTER II, SECTION VIII – BED AND BREAKFAST FACILITIES, (INCLUSIVE OF BED AND BREAKFAST ESTABLISHMENT WITH AND WITHOUT PUBLIC DINING FACILITIES, AND INN)

1) Parking Requirements – See Chapter II, Section II - A. Off-Street Parking Standards

2) No building used as a Bed and Breakfast, Bed and Breakfast establishment, with or without Public Dining as an accessory use, or Inn shall be expanded by more than 25% in volume or square footage of the building footprint over the lifetime of the building except by Planning Board review to include a peer review by an architect experienced in renovation and expansion of historical and older buildings. Any building expansion of 25% or less in volume or square footage of the building footprint shall be reviewed by the Code Enforcement Officer, who shall determine that it is architecturally consistent with the existing building and neighborhood, and shall also be subject to review by a local Architectural Review Board, from the time such a Board has been established.

3) There shall be no expansion of paved areas in the front yard setback for the purpose of commercial parking after the passage of this Ordinance (Date to be determined/2010) in the Urban Residential, Suburban Residential and Rural Districts.

3) 4)

4) 5)

5) 6) Adequate visual buffering shall be provided between adjacent uses where there is a transition from one type of use to another use. At a minimum fencing, landscaping, or natural features shall be used to visually screen service, storage, and parking areas from adjacent properties and public rights-of-ways. The buffering must be effective upon installation.

a) Bed and Breakfast establishments in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, the relationship of buildings to the street and the use and treatment of front yard areas and shall meet the minimum requirements of Chapter II, Section I – Environmental – Buffer Areas;

b) A buffer area shall be established between Bed and Breakfast establishments and any abutting single-family or two-family dwellings. Buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. The buffering shall consist of landscaping, fencing, grading or a combination of features to the satisfaction of the Planning Board. The buffer area must be effective upon installation.

c) All off-street parking within the front yard setback shall be separated from the front lot line by a buffer area. Landscaped buffer areas abutting a public street shall be a minimum of ten (10) feet in depth and shall be sufficient to limit the glare of headlights from the lot. The buffer area shall consist of landscaping, fencing, grading or a combination of features to the satisfaction of the Planning Board. The buffer area must be effective upon installation; and

d) All lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high. Screening must be effective upon installation.

6) 7)

7) 8)

8) 9) Additional performance standards applicable to Inns:

b) A buffer area shall be established between the inn and any abutting single-family or two-family dwellings. ~~The buffering~~ Buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. ~~The buffering~~ Buffering shall consist of landscaping, fencing, grading or a combination of features. ~~The buffering~~ buffer area must be effective upon installation. **5 years, 1 abstention (Mattingly).**

Public Hearing #5 Chairman Robinson opened the public hearing on a proposal to amend the Land Use and Development Code to allow some applications or permits to expire after a period of time passes without activity on the application or permitted project. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7971 Moved by Councilor Caldwell, seconded by Councilor Phinney and **VOTED** to waive the reading of the proposed order. **6 years.** The proposed order was moved by

Councilor Phinney and seconded by Councilor Miner. Moved by Councilor Mattingly to amend the proposed order to add “At the discretion of the department head” at the end of each section, **motion fails for lack of a second.** Councilor Phinney moved the question seconded by Councilor Miner and **VOTED. 5 yeas, 1 nay (Mattingly).** The order was then voted.

WHEREAS, the Town’s Land Use and Development Code establishes criteria for submitting an application and obtaining a permit for various activities; and,

WHEREAS, some applicants initiate an application and then wait years before following up, or simply abandon the project and never follow up; and,

WHEREAS, a project that is brought back after several years of lying dormant requires excessive additional review time and may no longer be consistent with previous advice provided by staff because regulations may have changed during the intervening years; and,

WHEREAS, the Town Council wants to be fair with applicants by providing a reasonable period of time for the natural changes that occur with an application or project, but also provide a reasonable conclusion to applications that may never be advanced,

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, as follows:

(Proposed additions to the Code are underlined; proposed deletions are ~~struck through~~.)

CHAPTER I, ZONING REGULATIONS

SECTION IV – BOARD OF APPEALS

E. SPECIAL EXCEPTIONS STANDARDS

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

A special exception permit granted by the Planning Board will expire if the use does not commence within two years of the date of said approval. The Planning Board may extend such approval for one additional year upon the applicant’s written request submitted prior to the expiration of the initial two-year period provided the applicant demonstrates that said use cannot commence within the initial two-year period of time because other required permits have not been issued or the special exception approval was appealed. This provision shall not apply to mineral extraction uses, which shall be subject to the provisions of Chapter II, Section I(C)(3)(b).

CHAPTER III – SUBDIVISIONS

SECTION III – PRELIMINARY PLAN

C. PRELIMINARY PLAN REVIEW

1) The Planning Board shall review the Preliminary Plan of the proposed development as submitted. It shall verify the provision of all information as required under the preceding subsection B, and shall accept or deny any waivers requested as listed by the developer as its discretion. It may require the developer to undertake further studies as it deems necessary to ascertain that the public convenience, safety, health and welfare are protected, that the Town will not in the future incur extraordinary expense as a result of the development, either on or off the site, and that the environment will not be hard unduly.

The applicant shall submit such additional information within twelve (12) months of said Planning Board-request. The failure to timely submit such information will result in the application being placed on the next Planning Board meeting agenda for final review.

CHAPTER IV – SITE PLAN REVIEW

SECTION VII – PROCEDURES FOR AN ADMINISTRATIVE REVIEW OF DEVELOPMENTS

C. Submission Requirements – The application for site plan review of a minor development shall contain at least the following exhibits and information:

d. The Town Planner may require the applicant to provide a boundary survey of the parcel if the property lines are not clearly and easily determined on the ground.

The applicant shall delineate on the plan or supply such other information, studies and/or reports from qualified professionals that the Town Planner may request under this section when the Town Planner determines said information to be reasonably necessary to make any of the determinations required by this Chapter, or to impose or carry out conditions of approval. The applicant shall submit such additional information within twelve (12) months of said request. The failure to timely submit such information will result in the application being placed on the next Site Plan Review Committee meeting agenda for final review.

CHAPTER IV – PROCEDURES FOR MAJOR DEVELOPMENTS

D. Review Procedures

3) Supplemental submission – Based upon the results of the staff workshop, the applicant may chose to revise the application and/or submit additional materials. These materials should address or rebut the issues raised in the staff review. Fifteen (15) copies of all new or revised materials shall be submitted. Revised materials shall be clearly labeled as revised and shall include the date of the revisions.

Within fifteen (15) days of receiving a supplemental submission, the Planning Director shall Distribute copies of the supplemental materials to the department heads for review.

Prepare a revised staff report summarizing the current status of the application and the application’s conformance with the approval criteria.

Provide the applicant and Chairman of the Planning Board with the revised staff report.

Schedule a site walk for the Planning Board.

a) Request for additional information by Planning Board and expiration of application – The Planning Board may request the applicant to provide additional information, studies and/or reports from qualified professionals when the Planning Board determines that such information is necessary for the Planning Board to make any of the determinations required by this Chapter or to impose or carry out conditions of approval. The applicant shall submit such additional information within twelve (12) months. The failure to timely submit such information will result in the application being placed on the next Planning Board meeting agenda for final review. **5 years, 1 nay (Mattingly).**

Public Hearing #6 Chairman Robinson opened the public hearing on a proposal to amend the Ordinance to Regulate Fraternity and Sorority Houses by clarifying that “officer of the fraternity or sorority” shall mean the officers of the local chapter for the fraternity or sorority house. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7972 Moved by Councilor Mattingly, seconded by Councilor Phinney and **VOTED** to waive the reading of the proposed order. **6 yeas**. The proposed order was moved by Councilor Phinney, seconded by Councilor Miner and voted.

WHEREAS, the Town recently approved a new ordinance to regulate fraternity and sorority houses; and,

WHEREAS, the meaning of the term “officer of the fraternity” was nebulous; and,

WHEREAS, the Town council wanted to clarify the term to ensure it meant the officer of the local chapter responsible for the fraternity or sorority house,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Ordinance to Regulate Fraternity and Sorority Houses as follows:

(Proposed additions are underlined; proposed deletions are ~~struck through~~.)

Ordinance to Regulate Fraternity and Sorority Houses.

Section 7. Mass Gatherings

7.1 At any event held at a Fraternity House, when 15 or more non resident guests are reasonably expected to attend, the Officers of the Fraternity House shall notify the Gorham Police Department and Fire Department, in advance, of the time and place of the event, and the number of guests that are expected to be attending.

7.2 The Fire Department shall inspect the facility where the function is to be held and will determine the allowed occupant load for the function.

7.3 At any mass gathering event held at the Fraternity House, when alcohol is being served or allowed to be consumed, the Officers of the **local chapter responsible for the Fraternity House** shall require all guests to sign-in. The sign-in list shall contain the printed name, signature and a method of contact for each guest. This list shall be available for immediate inspection, at any time, by the Gorham Police Department.

7.4 The Officers of the **local chapter responsible for the Fraternity House** shall designate one of the Officers of the ~~Fraternity~~ **local chapter** as the event supervisor who shall be in the facility at all times during the event and available to meet with any Police Officer or Emergency Response Personnel, responding to a call. **6 years.**

Public Hearing #7 Chairman Robinson opened the public hearing on a proposal to amend the Town's Personnel Policy Ordinance regarding compensation time. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7973 Moved by Councilor Phinney seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **6 years.** The proposed order was moved by Councilor Phinney, seconded by Councilor Miner and voted.

WHEREAS, Section 3.18 of the Town's Personnel Policy Ordinance limits the amount of accrued compensation time to 40 hours; and,

WHEREAS, significant storm events or a series of storm events can temporarily result in significant overtime that employees would prefer to take as "comp time"; and,

WHEREAS, the Town finds allowing additional compensation time to accrue under appropriate guidelines will mutually benefit the employee and the Town,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend Section 3.18 of the Personnel Policy Ordinance as follows;

AMENDMENT TO PERSONNEL POLICY

Section 3.18. A new paragraph B. Paragraphs B & C will be changed to C & D.

B. With the approval of the Department Manager and the Town Manager, employees who earn excessive overtime because of a single storm event or because of a series of repeated storm events, and who have already accumulated the 40 hours of compensation time allowed in Section 3.18 paragraph A, may accumulate up to an additional 40 hours of compensation time, in a separate account called "Storm Event Comp.", for a combined total of 80 hours of compensation time. The total amount of an employee's compensation time must be reduced to no more than 40 hours by the following October 1 or the employee will be paid for the balance of comp hours in excess of 40 hours. In order to use this additional compensation time, an employee must make a request at least one (1) day in advance and must receive written permission from the Department Manager. **6 years.**

Public Hearing #8 Chairman Robinson opened the public hearing on a proposal to consolidate the Non-Storm Water Discharge Ordinance and the Post Construction Stormwater Management Ordinance into a single ordinance titled Storm Water Management Ordinance. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7974 The proposed order was moved by Councilor Caldwell, seconded by Councilor Phinney and voted. **WHEREAS**, the Town has an ordinance that regulates non-storm water discharging into the storm drainage system; and,

WHEREAS, the Town has another ordinance that regulates post-construction

stormwater management; and,

WHEREAS, it would be more administratively efficient for applicants and the Town if these two separate ordinances were combined into a single ordinance,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled consolidate the Non-Storm Water Discharge Ordinance and the Post Construction Stormwater Management Ordinance into a single ordinance titled Storm Water Management Ordinance. **6 years.**

Public Hearing #9 Chairman Robinson opened the public hearing to consider amending the Administrative Code, Article XV, Cable Television, to change the Cable TV Committee from a standing committee to a committee appointed as needed. There were no comments from the public. Chairman Robinson closed the public hearing.

Item #7975 Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to waive the reading of the proposed order. **6 years.** The proposed order was moved by Councilor Phinney, seconded by Councilor Caldwell and voted.

WHEREAS, the Town Cable Television System initially started in the 1980s with local citizens voluntarily operating equipment and producing programs with little professional guidance; and,

WHEREAS, the Town Council created a committee of local citizens to supervise this voluntary effort; and,

WHEREAS, over the years the cable television system has grown into a professionally operated system with professional supervision; and,

WHEREAS, the original purpose of the Cable Television Committee is no longer served and seldom meets; and,

WHEREAS, the Town Council may need the services of a committee of citizens from time to time,

NOW, THEREFORE BE IT ORDAINED that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend Article XV of the Administrative Code as follows:

(Proposed additions to the Code are underlined; proposed deletions are ~~struck through~~.)

CABLE TELEVISION

Section 1501. Establishment

There shall be a Gorham Cable Television System, ~~the head of which shall be the Gorham Cable Television Committee, the members of which shall be appointed by the Gorham Town Council.~~

which shall be a division of the Recreation Department and supervised by the recreation Director.

Section 1502. Membership, Appointment and Procedures

1502.01 Members appointed by the Town Council

A. ~~The Gorham Cable Television Committee shall consist of seven (7) members of the public appointed at large who shall be responsible to the Town Council for the legal and proper management of Gorham's cable television system.~~

B. ~~The initial appointments shall be of two members to serve until the first regular meeting of the Town Council in April, 1983; and of three members to serve until the first regular meeting of the Town Council in April, 1984.~~

C. ~~All subsequent appointments, other than those required to fill unexpired terms of office, shall be for a term of office of approximately three years, terms actually expiring at the first regular meeting of the Town Council in April of the year of expiration.~~

1502.02 Ex Officio Members

~~One ex-officio member each shall be designated by the Town Manager and the Superintendent of Schools, such members to serve until replaced by the designating authority concerned. An ex-officio member may be the same person as one also serving as a member appointed by the Town Council.~~

1502.03 Public Involvement

~~The Gorham Cable Television Committee is authorized and responsible for the establishment, modification, supervision, and disestablishment of such subordinate committees, groups, and teams as that committee may deem necessary; to appoint and remove volunteers to and from such committees, groups and teams; and to perform the foregoing functions in accordance with the By-Laws of the Gorham Cable Television Committee as approved by the Town Council.~~

1502.04 Responsibilities of Chairman

~~The Chairman of the Gorham Cable Television Committee shall be elected by that committee, will, in addition to functioning as Chairman of that committee;~~

~~A. Keep the Town Manager and The Superintendent of Schools advised of any pending activities of the Gorham Cable Television which may or will have an impact upon the sphere of responsibility of such official.~~

Section 1503. Mission and Objectives

1503.01 Mission

~~The Gorham Cable Television Committee is responsible for providing the citizens of Gorham with as extensive and imaginative television coverage of civic and public events as the interest of the public and the availability of equipment and citizens volunteers permits, within the limitations of the currently effective Federal statutes and regulations pertaining to public access to and use of cable television facilities. Such coverage may include, but need not be limited to:~~

~~A. Official meetings, workshops and public hearings of, or sponsored by, the Gorham Town Council, the Gorham School Committee, and/or committees, boards and/of officials subordinate to the foregoing elective bodies;~~

~~B. Activities of, or sponsored by, the Principal of a Gorham school or the Gorham Recreation Department.~~

~~C. Scheduled or periodic programs under the general category of news, documentaries, "phone-in talk shows", debates, candidates' nights, and the like relative to matters of concern, interest or information to the citizens of Gorham.~~

1503.02 Objectives

~~The objectives of the Gorham Cable Television Committee are:~~

~~A. To expand or contract the quality and type of television coverage as required to attract and retail the services of citizen volunteers;~~

~~B. To expand, contract, or vary the quantity and type of television coverage as required to obtain and retain the interest of the public;~~

~~C. To accommodate the legitimate interests of the citizens of Gorham through the instrumentality of a "news" format program service.~~

Section 1504. Finance Procedures

1504.01 Receipt of Funds

~~The Gorham Cable Television Committee is authorized to solicit and receive donations and contributions for the purpose of operating, maintaining, and expanding the television system of Gorham. Recognition may be given by appropriate acknowledgments of the sources of partial funding a permitted by current Federal statutes and regulations, provided that all receipts and expenditures shall be included within the budget approved by the Gorham Town Council within the fiscal system of the Town of Gorham.~~

1504.02 Procurement

~~A. the Gorham Cable Television Committee is authorized to recommend the make, type, model and source of all television equipment and supplies.~~

~~B. The Town Manager is responsible for procuring such equipment and supplies as required to meet the operational time factors recommended by the Gorham Cable Television Committee.~~

1504.03 Use of Public Buildings and Facilities

~~The Gorham Cable Television Committee shall not be charged for the use of municipal or school buildings or integral facilities thereof.~~

Section 1505. Custody of Property and Supplies

1505.01 Ownership

~~All equipment received from the Public Cable Company or other sources shall be the property of the Town of Gorham. All materials and supplies procured or received by the Gorham Cable Television Committee shall, upon receipt, become the property of the Town of Gorham.~~

1505.02 Custody

~~A. The Town Manager shall be responsible for the primary custody of all property materials and supplies; and shall provide adequate facilities for the storage, maintenance, repair and testing of television equipment and systems, which facilities shall be accessible to the Gorham Cable Television Committee.~~

~~B. The Gorham Cable Television Committee shall maintain a suitable sub-custody system as required to meet the operational, maintenance, repair, testing and training requirements of the Gorham Cable Television system.~~

~~**Section 1502. Duties**~~

~~**1502.01**~~

~~**The Cable Television Station Manager shall operate and maintain the Town's Cable Television System and make recommendations regarding the repair or replacement of equipment.**~~

~~**1502.02 The Station Manager shall make recommendations regarding the evolution of cable television and changes in technology.**~~

~~**1502.03 The Station Manager shall operate the system in accordance with the Cable T.V. Policies as established and periodically amended by the Town Council.**~~

~~**Section 1503. Insurance**~~

~~The Town Manager shall ensure that all equipment of value is incorporated within the insurance coverage of the municipality and that there is appropriate insurance protection provided the municipality regarding members of the general public and volunteers associated with the Gorham Cable Television system.~~

~~**Section 1507. Public Access**~~

~~Federal statutes and regulations require that under certain circumstances members of the public who are not members or subordinates of Gorham Cable Television Committee must be permitted the use of such equipment and facilities. When feasible, such requirement should be accommodated within the "Gorham News Service" program effort. In other cases the Gorham Cable Television Committee guided as necessary by the advice of the Town Attorney, is responsible for compliance with such statutes, regulations and court decisions. Appeal of a grievance will be made to the Town Council.~~

~~**Section 1508 1504. Public Service Announcements**~~

~~**1508.01 Cable Television Committee**~~

~~The Public Cable Company which provides cable television service under franchise in Gorham and elsewhere provides a system for transmitting "Public Service Announcements" on public cable channels which are not otherwise in use. Arrangements to transmit such announcements should be made directly with the Public Cable Company, the Town of Gorham and the Gorham Cable Television Committee having no jurisdiction.~~

~~**1508.02 Announcements**~~

~~A. Official announcements shall be approved by the Town Manager, the Superintendent of Schools, the Chairman of the elective or appointive board, appropriate in each case.~~

~~B. Unofficial announcements should be delivered in writing to the Gorham Cable Television Committee care of or via the Gorham Municipal Center.~~

~~C. The Chairman of the Gorham Cable Television Committee shall edit or reject unofficial announcement in accordance with accepted good editorial practices.~~

~~D. Official announcements shall be given first priority, and brief announcements second priority. **6 years.**~~

Item #7976 The proposed order was moved by Councilor Caldwell and seconded by Councilor Phinney. GOCAT Station Manager Georgia Humphrey expressed her appreciation to the Cable Television members for their work. The order was then voted **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Cable Television Policy for the purpose of making it consistent with the Administrative Code, Article XV, Cable Television, by changing the Cable Television Committee from a standing committee to a committee appointed as needed by the Town Council as proposed. **6 years.**

Item #7977 Moved by Councilor Phinney, seconded by Councilor Pressey and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the Capital Improvements Planning Document, dated February 18, 2011. **6 years.**

Item #7978 Moved by Councilor Phinney, seconded by Councilor Mattingly and **VOTED** to waive the reading of the proposed order. **3 yeas, 3 nays (Caldwell, Pressey, & Robinson)**. The proposed order was read aloud and moved by Councilor Caldwell and seconded by Councilor Phinney. Moved by Councilor Caldwell, seconded by Councilor Phinney and **VOTED** to amend the proposed order to strike paragraph 8 and replace it with three new paragraphs as provided in a handout from the Town Manager and change the reference to 5.1 % to 5% in paragraph 4. **6 yeas**. The amended order was then voted. **Whereas**, the State Revenue Sharing Program was originally implemented in response to the State's repeal of the inventory tax and the corresponding loss in revenue to support local Towns and Cities, and

Whereas, 38 States allow local governments to generate revenue with some form of a local sales tax, thereby reducing their reliance on the more regressive property tax, and

Whereas, the State of Maine does not allow local governments to generate revenue through a local sales tax, and

Whereas, the State Legislature has repeatedly narrowed the property tax base over the years by granting property tax exemptions to various special interests, thereby forcing fewer people to shoulder more of the property tax burden, and

Whereas, the existing State Revenue Sharing program shares approximately 5% of sales tax revenue with local government and is estimated under current law to generate \$1,679,000 for Gorham this year, helping to minimize the property tax burden, and

Whereas, by sharing a percent of sales tax revenue, the Town's share of revenue rises or falls along with the State of Maine's share, thereby sharing in good times and bad times along with the State, and

Whereas, the State began to annually divert money from the Revenue Sharing funds legally designated for local Towns and Cities to pay for the State's budget problems which had the perverse effect of increasing property taxes and reducing services by local government, and

Whereas, the Governor has proposed a budget that grabs \$545,000 in State Revenue Sharing funds to pay for the State Budget and that proposed changes in laws that would further encourage the reduction of State Revenue Sharing funds, and

Whereas, the Governor has proposed a budget that continues to divert large amounts of State Revenue Sharing funds to pay for the State Budget; funds that by current law are available for Municipalities to reduce the impact of property taxes; and,

Whereas, the proposed diversion for the current proposed budget would divert an estimated \$545,723 from the Town of Gorham for the 2011/12 fiscal year budget which is equal to approximately 42 cents on the tax rate; and,

Whereas, the Governor has proposed a change in law that would almost certainly result in continued reductions in State Revenue Sharing funds in the future even if overall sales tax revenue increased thereby creating more pressure on property taxes in the future,

Whereas, the Town of Gorham has continued to address the community's capital and infrastructure needs, has maintained a stable tax rate, and has produced budgets that have been below its L.D. 1 spending limitations and prudently managed its finances,

Now Therefore Be It Ordered that the Town Council asks the Town's State Legislative Delegation to restore the partnership that existed between the State of Maine and its Local Governments by preventing the annual diversion of funds from the State Revenue Sharing program to pay for the State budget problems and maintaining current law on funding Revenue Sharing. **4 years, 2 nays (Mattingly & Miner).**

Item #7979 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 and direct the Town Clerk to cause such notices as are required by law to be posted and published to schedule a Special Election for Tuesday, June 14, 2011 to elect a member to the School Committee to fill a vacancy with a term to expire April 1, 2012: and,

BE IT FURTHER ORDERED that the Town Clerk make nomination papers available for the School Committee vacancy beginning on March 21, 2011 and due on May 2, 2011. **6 years.**

Item #7980 Moved by Councilor Miner, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the resignation of Philip Gagnon, Jr. from the Board of Directors of the Gorham Economic Development Corporation; and,

BE IT FURTHER ORDERED that the Town Council express its appreciation for his service on the board. **6 years.**

Item #7981 Moved by Councilor Pressey, seconded by Councilor Caldwell and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled make appointments to various Town Boards and Committees as recommended by the Appointments Committee, as presented.

Planning Board: reappoint Christopher Hickey to a 3 year term to expire 4/1/2014 & appoint Corey Theriault to a 3 year term to expire 4/1/2014

Gorham Economic Development Corp.: reappoint Richard H. Carter to a 3 year term to expire 4/1/2014, reappoint Daniel G. Willett to a 3 year term to expire 4/1/2014, reappoint Jack Donovan to a 3 year term to expire 4/1/2014 & appoint Arthur Handman to an existing vacancy with a term to expire 4/1/2013

Parks & Conservation Commission: appoint Anne M. Dunbar to a to a 3 year term to expire 4/1/2014 & appoint Claudia Stanley to a to a 3 year term to expire 4/1/2014

Board of Assessment Review: Reappoint Melinda P. Shain as a regular member to a 3 year term to expire 4/1/2014 & Appoint Anne M. Dunbar as an alternate member to a 3 year term to expire 4/1/2014

Recycling Committee: Reappoint Steven Wiggins to a 3 year term to expire 4/1/2014 & appoint Christine Gamarsh to a 3 year term to expire 4/1/2014

Fair Hearing Board: Reappoint Philip A. Shearman to a 3 year term to expire 4/1/2014

Board of Health: Appoint Linda Sanborn to a 3 year term to expire 4/1/2014

Zoning Board of Appeals & Board of Sewer Appeals: Reappoint Joseph Gwozdz to a 3 year term to expire 4/1/2014 & Reappoint Stephen A. Scontras to a 3 year term to expire 4/1/2014

Board of Trustees-Baxter Memorial Library: Reappoint Mary I. Collins to a 3 year term to expire 4/1/2014, Reappoint Patricia M. Weeks to a 3 year term to expire 4/1/2014 & Appoint Susan D. Emerson to a 3 year term to expire 4/1/2014 **6 yeas.**

Item #7982 The proposed order was moved by Councilor Miner and seconded by Councilor Caldwell. Nathaniel Meyers from Environment Maine explained LD 553 and spoke in favor of the item. The order was then voted. **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled support a request from Environment Maine to support L.D. 553, An Act to Reduce Maine's Dependence on Oil; and,

BE IT FURTHER ORDERED that the Town Council Chair send a letter to the Town's State Legislative Delegation informing them of the Town Council's support. **4 yeas, 2 nays (Mattingly & Phinney).**

Item #7983 Moved by Councilor Miner, seconded by Councilor Mattingly and **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled ask the Capital Improvements Committee to work with staff to develop a plan that builds on the Gorham Village Master Plan by making Gorham Village more pedestrian friendly and providing better interconnectivity to parking and walking trails and reviewing infrastructure capacity. **6 yeas.**

Moved by Councilor Phinney, seconded by Councilor Caldwell and **VOTED** to adjourn the meeting at 10:19 pm. **6 yeas.**

A TRUE RECORD OF MEETING

Attest: _____
Christina Silberman, Town Clerk