

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
October 2, 2012, 7:00 pm
Gorham Municipal Center – Burleigh H Loveitt Council Chambers

There were 27 members of the public present at the start of the meeting. Chairman Caldwell opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call: Present: Chairman Caldwell; Councilors: Gagnon, Mattingly, Phillips, Pressey, Robinson
Absent: Councilor Phinney

Moved by Councilor Gagnon, seconded by Councilor Pressey and VOTED Acceptance of the minutes of the September 4, 2012 Regular Meeting, and the September 21, 2012 Special Meeting as printed and distributed. 6 yeas

Open Public Communications

Representative Jane Knapp, Valley View Drive thanked Chairman Caldwell and Councilor Mattingly for their service to the Town. Representative Knapp reminded voters about Absentee Ballots and the Vote in Honor of a Veteran Program. She also is willing to forward a copy of the Directory of Elder Services if citizens contact her. Ms. Knapp also reported on the upcoming meetings of the Commission on the Conduct of Elections.

David Garthe, White Birch Lane thanked the Council and Public Works Department for the crossing signs on New Portland Road.

Shawn Moody, Elkins Road also thanked the Public Works Department for their open minded approach to work being done off Elkins Road.

Councilor Communications/Committee Reports

Councilor Phillips made a statement regarding her OUI, thanking those who encouraged her to stay on the Council. She is truly sorry for what happened and would like to move on.

Councilor Mattingly announced that the Yellow Dot ribbon cutting ceremony at 9:00 AM on October 13th. He also announced that the New Years Gorham Committee is accepting donations for the auction fund raiser. Councilor Mattingly stated that this would be his last Council meeting and he will leave proud with what has been accomplished during the last three years. He encourages everyone to become involved in the community. He thanked Chairman Caldwell and Town Manager, David Cole for their support.

Councilor Gagnon reported that as chairman of the Finance Committee of the Council it has been a very interesting year and he thanked the committee members. Addressing his resignation, Councilor Gagnon stated that he would be staying for the rest of his term as he wanted to review the audit and see it come to a conclusion. He also thanked Chairman Caldwell recognizing her years of service to the Town.

Chairman Caldwell announced that she would be working the upcoming November Election on a strictly volunteer basis with no salary. She stated that she is just going back to what she really loved.

Town Manager's Report

Mr. Cole reported that we have received our Notice of Approval from the Maine Department of Environmental Protection on our new Zoning Map. He has received correspondence from the Westbrook/Gorham Chamber of Commerce to explore their running the Farmer's Market, a meeting with them has been scheduled. GoCat our local cable has scheduled a series of candidates' nights.

At the request of Chairman Caldwell, Attorney Bill Dale explained moral turpitude.

Moved by Councilor Mattingly, seconded by Councilor Pressey and VOTED to taken up an item not on the agenda. 5 yeas 1 nay (Robinson)

On a Point of Order raised by Councilor Robinson should Councilor Mattingly be recused because of a campaign contribution. 1 yea 3 nay (Gagnon, Caldwell, Pressey) 2 abstention (Mattingly, Phillips)

Moved by Councilor Mattingly, seconded by Councilor Gagnon and VOTED that this crime does not constitute moral turpitude. 5 yeas 1 abstention (Phillips)

Moved by Councilor Gagnon, seconded by Councilor Mattingly to reconsider the previous question. Prior to the vote Councilor Robinson asked that the Council be polled. The Town Clerk polled the Council; Robinson, no; Pressey, no; Phillips, no; Gagnon, no; Caldwell, no. 4 nays 2 abstention (Phillips Mattingly)

Prior to the above vote a Point of Order by Councilor Robinson to recuse Councilor Mattingly from the reconsideration FAILED OF PASSAGE. 1 yea 3 nays (Pressey, Gagnon, Caldwell) 2 abstentions (Mattingly, Phillips)

School Committee Report

James Hager, Chairman of the School Committee reported that there is a net difference of 3 students between June 2012 and October 2012. He also reported that an All Day Kindergarten subcommittee has been formed. Dennis Libby is the chair for this 9 member subcommittee. Other members include Darryl Wright, Polly Brann, Kim Fadrigon, Kathy Hamblen and 4 citizens Kelli Deveaux, Rhonda Sawyer, Margery Clark and Janet Keutch. Chairman Hager reported that the GHS Exploratory Committee completed its work in July 2012 and has presented the School Committee with a document that describes possible solutions for classroom space, additional parking spots and increased athletic field space. All costs will be local share as the facilities are not in disrepair. The next phase of the process will form a subcommittee that would delve into details and more definitive costs. Chairman Hager thanked Chairman Caldwell and Councilor Mattingly for their dedicated service to the Town.

Councilor Pressey echoed by Councilor Robinson thanked School Committee Chairman Jim Hager for his 12 years of service to the Town.

Old Business

Item #8219 Four (4) people from the public spoke urging the Town Council to do more of a study on parking needs in the downtown area. The Order as previously moved and seconded, was Moved by Councilor Mattingly, seconded by Councilor Phillips to AMEND Item #8219 and send it to the Gorham Economic Development Corporation to schedule a public discussion and report back to the Town Council at the December Regular Council Meeting. The order as AMENDED was Voted resulting in the following: Ordered that the Town Council send the following to the Gorham Economic Development Corporation to schedule a public discussion and report back to the Town Council at the December Regular Council Meeting regarding developing an overall downtown parking and circulation plan for the potential utilization of the newly acquired lots and utilize concepts outlined in the downtown master plan and, that the process of developing the plan involves local businesses, residents, community stakeholders and representatives from the Gorham Economic Development Corporation and the Town Council. 6 years.

New Business

Chairman Caldwell opened the Public Hearing on Referendum Question #1 on the ballot November 6, 2012. This public hearing is for informational purposes and no further Town Council action is needed.

Referendum Question #1

Shall a capital expenditure of a sum of money not to exceed \$450,000 be approved to pay for costs of acquisition of one (1) fire engine and related equipment, such \$450,000 amount to be paid from existing funds of the Town and/or raised by the issuance of general obligations bonds and/or notes of the Town, hereby authorized, with the amount to be paid from existing funds of the Town and the amount to be bonded to be determined by the Municipal Officers, with the bonds to have such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as said Municipal Officers shall determine? (Total estimated debt service of \$549,000 of which the maximum principal amount is \$450,000 and estimated interest thereon at 2.75% over 15 years is \$99,000.00)

Note: The Town Council recommends a "Yes" vote.

There were no public comments and the Public Hearing closed at 8:29 pm.

The Chairman opened the Public Hearing on Referendum Question #2 on the ballot November 6, 2012. This public hearing is for informational purposes and no further Town Council action is needed.

Referendum Question #2

Shall a capital expenditure not to exceed \$500,000 dollars be approved to pay for the costs of renovation, improvement and equipping of the existing Little Falls School Building and Little Falls Rec Area (located at 668 Gray Road), such amount to be raised by the issuance of general obligations bonds and /or notes of the Town, hereby authorized, with the bonds and notes to have such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as said Municipal Officers shall determine.

Note: The Town Council recommends a "Yes" vote.

Three (3) members of the public spoke in favor of Referendum Question #2. The Public Hearing closed at 8:40 pm.

Chairman Caldwell opened the Public Hearing on the renewal of Automobile Graveyard/Junkyard Permits for 2013. There were no comments from the public and the Public Hearing closed at 8:41 pm.

Item #8224 Moved by Councilor Robinson, seconded to Councilor Pressey and ORDERED, that the Town Council approve renewal of the following Automobile Graveyard/Junkyard Permits for 2013:

DARYL WESTON	LKQ CORP./GORHAM AUTO	176 NARRAGANSETT ST
RALPH CARTONIO	SOUTH ST AUTO BODY	346 SOUTH STREET
DAVE MCCULLOUGH	M & D RENTAL	393 OSSIPEE TRAIL
GARY NELSON	CHET'S AUTO SALES	475 OSSIPEE TRAIL
DONALD HOPKINS	HOPKINS SALVAGE	230 NORTH GORHAM RD
BRUCE YOUNG	YOUNG'S AUTO SALVAGE	721 FORT HILL ROAD
GORDON REICHERT	REICHERT'S AUTO BODY	112 SHAWS MILL ROAD
SHAWN MOODY	MOODYS/INS AUTO AUCTION	200 NARRAGANSETT ST
JOHN DUMBROCYO	DUMBO ENTERPRISES	86 LONGFELLOW ROAD

6 years

Item #8225 The order as read by the Town Clerk was Moved by Councilor Mattingly, seconded by Councilor Robinson and VOTED to POSTPONE to the November, 2012 Regular Town Council Meeting appointment of 3 Council Members and 2 community members to the Little Falls Building Committee, and Be It Further Ordered, that the Town Manager and Recreation Director shall serve as Ex Officio members of the Committee. 6 years

Item # #8226 The Order as read by the Town Clerk was Moved by Councilor Gagnon, seconded by Councilor Pressey. Moved by Councilor Pressey, seconded by Councilor Gagnon to POSTPONE the prepared Order until the study is received and a decision on what the needs are; Moved by Councilor Mattingly, seconded by Councilor Robinson to AMEND the postponement until the December meeting when we have received a report from the Gorham Economic Development Corporation and authorize winterization of the property at 21 Main Street. 6 years The Order as AMENDED was VOTED resulting in the following: Ordered that the Town Council postpone to the December Town Council Meeting when we have received a report from the Gorham Economic Development Corporation and authorize winterization of the property at 21 Main Street. 6 years

Item #8227 The Order as read by the Town Clerk was Moved by Councilor Mattingly, seconded by Councilor Robinson; Moved by Councilor Mattingly, seconded by Councilor Robinson to AMEND the prepared order by replacing the word 'Reimbursement' with the word 'Forfeiture' 6 years The Order as amended was VOTED resulting in the following: ORDERED, that the Town Council accept a 2003 Chevrolet Avalanche Z-71, as an asset forfeited in a drug case with the vehicle to be used for law enforcement purposes, and

Be It Further Ordered, that the Town Council authorize the Town to accept cash forfeited in said drug case, and

Be It Further Ordered, that the forfeited cash (estimated amount of cash is \$14,060.98) be placed in the DEA Forfeiture Account. 6 years

Item #8228 Moved by Councilor Mattingly, seconded by Councilor Phillips and ORDERED, that the Town Council authorize the Town Manager and Finance Director to solicit sealed bids for the properties listed in the attached and acquired by Tax Lien Foreclosure with the following minimum bid requirements:

1. Minimum bid accepted shall be the amount for all outstanding taxes, interest and costs.
2. Conveyance of the property shall be by quit claim deed.
3. TERMS: A 10% deposit remitted with sealed bids (nonrefundable to the highest bidder) in cash or certified U. S. Funds, made payable to the Town of Gorham, with balance due and payable within 45 days from the date of high bidder notification of the Town of Gorham's acceptance. Non-winning bids will receive full deposit refunds, and

Be It Further Ordered, that after reviewing the bids staff shall bring their recommendations for the properties to the Town Council for final approval. 6 years

Item #8229 Moved by Councilor Robinson, seconded by Councilor Phillips and ORDERED by the Town Council that the polls be open for the November 6, 2012 Presidential, Annual Municipal and Portland Water District Trustee Elections between the hours of 7:00 a.m. and 8:00 p.m.; and,

BE IT FURTHER ORDERED that absentee ballots will be processed on Monday, November 5, 2012 at 9:00 a.m. and on Tuesday, November 6, 2012 at 8:00 a.m., 2:00 p.m., 6:00 p.m. and 8:00 p.m. and

BE IT FURTHER ORDERED, that the Town Clerk and the Registrar of Voters are in session between the hours of 8:30 a.m. and 4:00 p.m. on Tuesday, October 30th and Wednesday, October 31st; 8:30 a.m. and 7:00 p.m. on Thursday November 1, 8:30 a.m. and 1:00 p.m. on Friday, November 2; 8:30 a.m. and 4:00 p.m. on Monday, November 5, 2012 for the purpose of registering citizens to vote, correcting the voter list; and accepting Absentee Ballots, and

BE IT FURTHER ORDERED, that the Town Council appoint the following Wardens and Ward Clerks for the November 6, 2012 Presidential, Annual Municipal and Portland Water District Trustee Elections and that the Town Clerk is authorized to make changes to these appointments as needed:

Ward 1:Warden – Susan Emerson, Ward Clerk - Laurel Smith
Ward 2: Warden - Patricia Clay, Ward Clerk - Nancy Kenty
Central: Warden – Laurie Nordfors, Ward Clerk – Marina Lewis

6 years

Item #8230 Moved by Councilor Robinson, seconded by Councilor Gagnon and ORDERED that the Town Council schedule the November 2012 Regular Meeting to November 13, 2012 due to the Election. 6 years

Item #8231 Moved by Councilor Mattingly, seconded by Councilor Pressey that

WHEREAS, the area of the Gorham Village Center District and Urban Commercial District, in one of the Town's vibrant and active commercial areas and contains many relatively small lots, and

WHEREAS, there are individual lots in these zones that are partly located in 2 different Zoning Districts, and

WHEREAS, having individual lots subjected to the development standards of 2 different Zoning Districts can hamper the ability to use or develop those lots, and

WHEREAS, "common sense" may indicated that some of these lots should be entirely in one district while other lots, because of circumstances related to the individual lot, should be located in more than one zoning district,

NOW THEREFORE BE IT ORDERED, that the Town Council ask the Planning Department to review the lots in the Gorham Village Center District and Urban Commercial District and prepare a proposal to amend the Town's Official Zoning Map, that would make the technical amendments to individual lots where it makes good sense, and

BE IT FURTHER ORDERED, that the Planning Staff present their recommendations to the Planning Board and for the Board to hold their Public Hearing on the proposed changes and make their recommendations to the Town Council. 6 years

Item #8232 Moved by Councilor Pressey, seconded by Councilor Robinson and ORDERED, that the Town Council appoint Jim Anderson to fill an unexpired term on the Planning Board with the term to expire on March 31, 2013. 6 years

Moved by Councilor Mattingly, seconded by Councilor Phillips and VOTED to ADJOURN. 6 yeas Time of adjournment 9:51 pm.

A True Record of Meeting

ATTEST

Cornelia C Loughran, Town Clerk