

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING  
JULY 3, 2012 7:00 pm

Gorham Municipal Center – Burleigh H Loveitt Council Chambers

Chairman Caldwell opened the meeting with the Pledge of Allegiance to the Flag. There were 17 members of the public present at the start of the meeting.

Roll Call: Chairman Caldwell, Councilors; Mattingly, Gagnon, Robinson, Phillips, Phinney and Pressey (7:40) Also present were Town Manager, David Cole, Town Clerk, Connie Loughran and Town Attorney, Patricia Dunn.

Chairman Caldwell read a statement regarding the Council's and public's behavior during meetings.

Moved by Councilor Phinney, seconded by Councilor Gagnon and VOTED to accept the minutes of the June 5, 2012 Regular Meeting, June 19, 2012 and the June 25, 2012 Special Meetings as printed and distributed. 6 years

Open Public Communications

William Wise, 42 Samantha Drive, as a 6 year sitting Councilor spoke regarding Council's role in Town operations. He stated that Council sets policy, discusses and debates issues. He stated that he felt that Council functions best when it does not micro-manage.

Kenneth Curtis, 118 South Street, spoke about nightly occurrences of fireworks going off in the Village area. He strongly urged the Council to adopt a list of dates and times for fireworks. He presented a letter from residents of Morrill Place also speaking to this issue.

Jack O'Brien, 114 South Street also spoke about keeping some limitation of the use of fireworks.

Jim Means stated that he has made no false statements; feels he has been libeled and asserts that his first amendment rights have been violated and is a victim of discrimination.

Councilor Communications

Councilor Phillips read a statement regarding her participation in voting on Police issues before the Council.

Councilor Phinney reported that the Ordinance Committee will be reviewing a Fireworks Ordinance on July 10, at 8:00 AM. The Ordinance should be before the Council at the August meeting. He also thanked those who have served in the military and protect our freedom.

Councilor Mattingly congratulated the Police Department for making our streets a little safer with their recent arrest. He reminded everyone about the 4<sup>th</sup> annual Taste Walk, July 15<sup>th</sup>. Councilor Mattingly reported that over \$33,000 had been raised during the Gorham House of Pizza fund raiser.

Councilor Robinson congratulated Chairperson Brenda Caldwell on her retirement from the Board of Trustees of Gorham Savings Bank and congratulated her on the scholarship that has been set up in her name. Councilor Robinson asked that since holiday lights have been included as part of the budget was a committee going to be set up and he suggested that the Business Exchange might be invited to be part of it. He spoke of his frustration with Councilors meeting in small groups as he feels all Council meetings should be done in public. Councilor Robinson thinks that Councilor Phillips has done a wonderful job, however, if it were him in the same circumstances he would resign.

Councilor Phillips invited her attorney to speak on her behalf. Attorney Amanda Doherty representing Councilor Phillips made a statement that it was not appropriate to comment on pending litigation.

Councilor Gagnon thanked those that serve in the military and wished to caution the citizens of Gorham about the use of fireworks, encouraging moderation and safety.

#### Town Manager Report

Town Manager, David Cole reported that we have received a site permit for the Chick Property. Trash pickup for Wednesday, July 4<sup>th</sup> would be moved to July 5<sup>th</sup> and pickup for July 5<sup>th</sup> would be moved to July 6<sup>th</sup>. The Town is now participating in the use of credit cards for on line vehicle re-registrations through Rapid Renewal.

#### School Committee Report

Chairman James Hager began by thanking the citizens for their support of the FY13 budget. He stated that there will be a workshop on Tuesday, September 18, 2012 to discuss All Day Kindergarten. He also reported on the facilities maintenance that was taking place this summer. Assistant Football Coach Interviews are ongoing. 86% of Gorham High School class of 2012 is going on to either a four year or two year post-secondary program.

The report from TRIAD has been postponed until August.

#### New Business

Chairman Caldwell opened a Public Hearing on a new Victualer's License in the name of JAAAMM's Associates, LLC d/b/a Bella Chiesa Banquet Center Sons of Italy, 29 School Street. There were no public comments and the Public Hearing closed at 7:49 pm.

Item #8188 The order as read was moved by Councilor Phinney, seconded by Councilor Robinson; Moved by Councilor Phinney, seconded by Councilor Gagnon to POSTPONE action regarding a new Victualer's License in the name of JAAAMM'S Associates d/b/a Bella Chiesa Banquet Center Sons of Italy at 29 School Street until the Town Manager has received the appropriate information regarding leases.  
7 years

Chairman Caldwell opened a Public Hearing on the renewal Liquor License in the name of Southern Maine Community Recreation Center, d/b/a YourSpace, 215 Narragansett Street. There were no public comments and the Public Hearing closed at 7:55.

Item #8189 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED that the Town Council approve a renewal Liquor License in the name of Southern Maine Community Recreation Center, d/b/a YourSpace, 215 Narragansett Street. 7 years

Item #8190 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED, that the Town Council adopt a new Shoreland Zone Map, as presented. 5 years 2 nays (Gagnon, Mattingly)

Item #8191 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED, that the Town Council authorize the Fire Chief to prepare bid specifications for a new Fire Engine, as approved by the voters in a referendum held June 12, 2012, and

BE IT FURTHER ORDERED, that the Fire Chief should explore opportunities for a joint bid with other communities that may be beneficial to the Town, and

BE IT FURTHER ORDERED, that the Fire Chief contact vendors to determine the availability and suitability of a demonstration vehicle and conduct a search of used vehicles that may be suitable for the Town and report back to the Town Council. 7 years

Item #8192 Move by Councilor Phinney, seconded by Councilor Robinson and ORDERED, that the Town Council authorize the Town Manager to enter into an agreement with Cornerstone Marketing to develop a Pharmacy Saver Card for Gorham residents, provided that the final agreement is also reviewed and approved by the Town Attorney. 7 years

Item #8193 Moved by Councilor Phinney, seconded by Councilor Mattingly and ORDERED that the Town Council forward a proposal to amend Chapter II, General Standards of Performance regarding sight distance requirements, as presented, to the Planning Board for public hearing and their recommendation. 6 years 1 nay (Pressey)

Item #8194 The proposed Order was Moved by Councilor Phinney, seconded by Councilor Robinson, Moved by Councilor Phinney, seconded by Councilor Robinson to AMEND the proposed order to send it to the Ordinance Committee instead of the Planning Board. 7 years The Order as AMENDED was voted resulting in the following: ORDERED that the Town Council refer a proposal to amend the Land Use and Development Code by adding Campgrounds as a permitted use in the Rural Zone, to the Ordinance Committee for their review and their recommendation. 7 years

Item #8195 Moved by Councilor Mattingly, seconded by Councilor Robinson and ORDERED that,

WHEREAS, the Little Falls/South Windham Library building is currently located on property owned by another party, and

WHEREAS, the Town has an easement to locate the building on said property as long as the building is used as a library, and

WHEREAS, the Trustees have decided to close the building and no longer use it as a library, effective the end of August, 2012, and

WHEREAS, the building is very old and small and the Town has no other use for it,

NOW, THEREFORE BE IT ORDERED, that the Town Council authorize the Town Manager to bring any proposals received that would lead to the removal of the building at no cost to the Town back to the Council for its consideration, and

BE IT FURTHER ORDERED, that after September 4th, the Town is authorized to have the building demolished. 7 years

Item #8196 Moved by Councilor Phinney, seconded by Councilor Gagnon and ORDERED, that the Town Council refer a proposal to consider a Contract Zone on South Street for Sawyer Estates to the Ordinance Committee for their review and recommendation. 7 years

Item #8197 Moved by Councilor Phinney, seconded by Councilor Gagnon and ORDERED, that the Town Council vote for David Cole to serve on the Maine Municipal Association's July 1, 2012 - June 30, 2014 Legislative Policy Committee. 7 years

Moved by Councilor Robinson, seconded by Councilor Phinney to waive the rules to take up not on the agenda; Councilor Gagnon's letter of resignation. 7 years

The motion as moved by Councilor Phinney, seconded by Councilor Robinson to accept the resignation of Councilor Gagnon FAILED OF PASSAGE. 3 years, 3 nays (Mattingly, Pressey, Phillips) 1 abstention

Upon questioning, the Town Attorney stated that the Council could not stop the resignation.

Item #8198 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED that the Town Council go into executive session pursuant to Title 36, MRSA, Section 841 (2) for the purpose of considering one (1) application for abatement of taxes based on poverty, and pursuant to Title 1, MRSA, Section 405 (6)(C) to discuss the potential acquisition of real estate. 7 years.

Moved by Councilor Mattingly, seconded by Councilor Phillips and VOTED to come out of Executive Session. 7 years.

Moved by Councilor Gagnon, seconded by Councilor Mattingly and VOTED to deny the application for an abatement of taxes based on poverty because it is too early to determine if the applicant will be able to contribute to the public charge. 7 years

Moved by Councilor Mattingly, seconded by Councilor Phinney and VOTED to ADJOURN. 7 years Time of adjournment 9:26 pm.

A True Record of Meeting

ATTEST

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Cornelia C Loughran, Town Clerk