

REPORT OF THE
GORHAM TOWN COUNCIL
SPECIAL MEETING
TUESDAY, June 19, 2012 7:00 PM
Gorham Municipal Center, Burleigh H Loveitt Council Chambers

In accordance with Section 2 of the Rules of Council, a Special Meeting of the Gorham Town Council was opened by Chairman Brenda Caldwell at 7:05 pm with the Pledge Allegiance to the Flag.

There were eleven members of the public present at the start of the meeting.

Roll Call: Present: Chairman Caldwell; Councilors: Mattingly, Gagnon, Phillips, Phinney, Pressey., Robinson; Town Manager, David Cole; Town Clerk, Connie Loughran and Town Attorney, William Dale.

Moved by Councilor Robinson, seconded by Councilor Phinney to waive the rules to add to the agenda Council and Public Communications to discuss Councilor Phillips OUI. Councilor Robinson asked for a Poll vote of the Council. Pressey, Nay; Phinney, Nay; Phillips, Nay; Robinson, Yea; Gagnon, Nay; Mattingly, Nay; Caldwell, Nay. MOTION FAILED. 1 yea (Pressey, Phinney, Phillips, Gagnon, Mattingly, Caldwell)

Item #8184 The Order as read by the Clerk was Moved by Councilor Robinson, seconded by Councilor Phinney; Chairman Caldwell ruled that further discussion regarding police department arrests were out of order. 5 yeas 2 nays (Phinney, Robinson) Councilor Gagnon moved the question, seconded by Councilor Mattingly. 5 yeas 2 nays (Robinson, Phinney) The Motion was then VOTED resulting in the following:

WHEREAS, the Town of Gorham joined the Maine Public Employees Retirement System (MainePERS) as a participating local district on July 1, 2009 and selected to participate in Plan 3C for its police and fire employees, and

WHEREAS, when the Town joined MainePERS, it wanted to ensure that it's future costs for retirement plans were reasonable and that the cost of the MainePERS Plan did not significantly increase, and

WHEREAS, many Local governments, State governments and National governments are currently facing severe financial hardships even after making significant reductions in services to the citizens they serve because of the increasing costs of their retirement plans, and

WHEREAS, the Town also wanted to ensure that it paid similar contributions towards the retirement plans for the employees not in MainePERS as it paid for employees in MainePERS, and

WHEREAS, the normal employer contribution rate to MainePERS for Plan 3C when the Town joined was 6.6% but has since increased to 10%, an increase of 51.5% over 36 months, and

WHEREAS, the Town has a labor contract with the Maine Association of Police and a labor contract with the Gorham-Windham Firefighters Association (IAFF local 4095, AFL-CIO-CLC) that contains language allowing the Town to withdraw from MainePERS if the Town's contribution rate to MainePERS exceeds the contribution rate to the ICMA-RC 457 plan by 5%, and

WHEREAS, that contribution rate of 10% to MainePERS is now 33% higher than the 7.5% contribution rate to the ICMA-RC 457 Plan, and

WHEREAS, the Town provided a notice on April 3, 2012, to the Maine Association of Police, of the Town's intent to withdraw from MainePERS and has reaffirmed that notice on several other occasions, and

WHEREAS, the Town provided a notice on April 4, 2012, to the Gorham-Windham Professional Firefighters Association (IAFF local 4095, AFL-CIO-CLC), of the Town's intent to withdraw from the MainePERS and provided additional notification on several other occasions, and

WHEREAS, the Town understands that existing employees who are currently enrolled in MainePERS Plan 3C are allowed to remain in MainePERS, even after the Town withdraws from the system, but that new employees will not be allowed to join,

NOW THEREFORE BE IT ORDERED, that the Gorham Town Council, pursuant to Title 5, MRSA Section 18203 vote to withdraw from MainePERS on July 1, 2012, or at the earliest effective date thereafter, and

BE IT FURTHER ORDERED, that the Town Manager is authorized to take any other steps necessary to implement this order, and

BE IT FURTHER ORDERED, that the Town Manager shall provide a copy of this order to MainePERS, the Maine Association of Police and the Gorham-Windham Professional Firefighters Association. 7 years

Item #8185 The order as read by the Town Clerk was Moved by Councilor Phinney, seconded by Councilor Robinson, Moved by Councilor Mattingly, seconded by Councilor Gagnon and VOTED to TABLE to the July 3, 2012, Regular Town Council meeting acceptance of a proposal for insurance from the Maine Municipal Association, as recommended by an independent Insurance Consultant. 5 years 2 nays (Robinson, Phinney)

Item #8186 Moved by Councilor Mattingly, seconded by Councilor Pressey and ORDERED, that the Town Council go into Executive Session pursuant to Title 1, MRSA, Section 405 (6) (C) to discuss the potential acquisition of real estate and pursuant to Title 1, Section 405 (6) (D) to discuss negotiations with the Firefighters, and pursuant to Title 1, MRSA, Section 405 (6) (E) to consult with the Town Attorney regarding current litigation. 7 years

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

Moved by Councilor Phinney, seconded by Councilor Gagnon and VOTED to ADJOURN. Time of Adjournment 9:10 pm. 7 years

A TRUE RECORD OF MEETING

Attest

Cornelia C Loughran, Town Clerk