

REPORT OF THE  
GORHAM TOWN COUNCIL  
REGULAR MEETING

JUNE 5, 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 44 members of the public present at the start of the meeting.

Roll Call: Chairman Caldwell, Councilors; Mattingly, Gagnon, Robinson, Phillips, Phinney and Pressey.  
Also present were Town Manager, David Cole and Town Clerk, Connie Loughran

Moved by Councilor Gagnon, seconded by Councilor Phinney and VOTED to accept the minutes of the May 1, 2012 Regular Meeting as printed and distributed. 7 yeas

#### Open Public Communications

Representative Jane Knapp spoke regarding Legislative action during the past session. She also reported that in Chief Executive Magazine's eighth annual CEO opinion survey of the best and worst states in which to do business, Maine improved in its ranking from 2011. Maine placed 32<sup>nd</sup> an improvement from last year's rank of 36<sup>th</sup>.

#### Councilor Communications

Councilor Phillips reported on the great turnout at the Founders Festival. There is enough money to carry forward for next year. After thanking individuals and councilors individually she invited Katie King to speak on behalf of Young Life, the organization that handled the parking at the festival. Katie King explained the Young Life organization.

Councilor Pressey told about his automobile accident and subsequent hospitalization of his son. Thanked the Councilors for their support. He stated that he would not discuss what happened during interviews of the Appointments Committee and he reiterated that Council Policies are a separate document than Council Rules and they are a guideline and are not mandatory.

Councilor Phinney reported that the Ordinance Committee met and discussed a fireworks ordinance and they also met with people from the library and are looking at changing the current rules on internet filtering and the borrowing of materials by young children.

Councilor Robinson thanked everyone for their part in the Founders Festival. He also mentioned how well attended the Memorial Day parade and GHOP events were. It was nice to see that the GHOP event could turn a negative into somewhat of a positive.

Councilor Mattingly commended Councilor Phillips on the successful Founders Festival. The GHOP event raised a significant amount of money and feels this event really showed what it means to be a part of this community.

Councilor Gagnon thanked Councilor Phillips and Darryl Wright for a successful Founders Festival. He thanked the Fire Department for the chicken barbecue. He attended the Memorial Parade and was pleased to see the number of children wearing sports uniforms. He thanked those that put on the GHOP event and reminded everyone that the Greater Gorham Farmers Market is on Saturdays in front of the Municipal Center.

Chairman Caldwell commended the Festival committee on a fantastic job and has witnessed how this Town comes together.

## Town Manager's Report

David Cole reminded everyone that Tuesday, June 12<sup>th</sup> is Election Day. Mr. Cole reported that he had recently issued 5 year service pins to Dana Bellefontaine of the Public Works Department, a 5 year service pin to Eric Knight and Scott Dunn of the Fire Department also Sandra Berry of the Fire Department. He also thanked Councilors and staff for their involvement in the Founders Festival.

## School Committee Report

Chairman James Hager reported on the various upcoming graduation dates. He reported that the last student day will be June 13<sup>th</sup> and the next School Committee meeting will be Wednesday, June 13<sup>th</sup> at 7:00 pm.

Councilor Pressey introduced Steve Linnel who presented his report regarding options for providing public bus service to Gorham.

## New Business

Chairman Caldwell opened the Public Hearing on the proposed budget for the Town, including the School Department for the 2012/2013 fiscal year. Fourteen citizens spoke supporting an all-day kindergarten program. One individual asked Council to keep fixed income individuals in mind. The public hearing closed at 8:54

Item #8177 Moved by Councilor Robinson, seconded by Councilor Gagnon and ORDERED that the Gorham Town Council APPROVED the School Budget for fiscal year 2012-2013 as follows:

***NOTE:** Pursuant to Section 405 of the Council-Manager Charter of Town of Gorham, "The Town Council, after reviewing the proposed budget, may change the total appropriation prior to approving the final budget." Pursuant to State law, 20-A M.R.S.A. Section 2307, "In charter municipalities where the municipal charter confers upon a municipal council or other municipal legislative body the authority to determine the total amount of the school budget and confers upon the school committee or school board the authority to direct the expenditure of those funds for school purposes, the municipal council or other municipal legislative body shall determine the total amount of the school budget to be submitted to a budget validation referendum and the school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format." Pursuant to section 15671-A(5 of Title 20-A of the Maine Revised Statues, when the Council approves a school budget exceeding the State's EPS funding model, a separate recorded council vote is required to approve the funds raised. Consequently, a separate Order follows this Order for that purpose.*

ORDERED, that the following school budget items be adopted and approved for fiscal year 2012-2013:

That **\$12,913,288** be authorized to be expended for Regular Instruction;  
that **\$5,118,367** be authorized to be expended for Special Education;  
that **\$534,045** be authorized to be expended for Career and Technical Education;  
that **\$570,543** be authorized to be expended for Other Instruction;  
that **\$2,069,560** be authorized to be expended for Student and Staff Support;  
that **\$829,595** be authorized to be expended for System Administration;  
that **\$1,735,670** be authorized to be expended for School Administration;  
that **\$1,670,349** be authorized to be expended for Transportation and Buses;  
that **\$2,905,280** be authorized to be expended for Facilities Maintenance;  
that **\$3,628,705** be authorized to be expended for Debt Service and Other Commitments; and that **\$0** be authorized to be expended for All Other Expenditures.

## BE IT FURTHER ORDERED:

1. That **\$31,975,402** appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$11,012,849** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade

12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

*Explanation: The municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

2. That **\$681,599** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12.

*Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

**BE IT FURTHER ORDERED**, that the school committee be authorized to expend **\$31,975,402** for the fiscal year beginning July 1, 2012 and ending June 30, 2013 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

**BE IT FURTHER ORDERED**, that the Town will appropriate **\$239,928** for adult education and raise **\$121,928** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

6 yeas 1 nay (Pressey)

Prior to the above vote a motion to waive the reading of the proposed order FAILED OF PASSAGE. 6 yeas 1 nay (Caldwell)

Item #8178 Moved by Councilor Gagnon, seconded by Robinson and ORDERED that \$1,873,688 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$1,256,777 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$1,873,688 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$1,256,777. The State's funding model does not support all of the costs of the schools because it includes only those costs considered essential by the new State Essential Programs and Services (EPS) model.

*Explanation: - The additional local funds are those locally raised funds over and above the municipality's local Contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the School Department budget for educational programs.*

7 yeas.

The meeting recessed until 9:48 pm.

Item #8179 Moved by Councilor Phinney, seconded by Councilor Mattingly and VOTED to WAIVE the reading of the proposed order after the reading of the Total Expenditures. 7 yeas The order as presented was Moved by Councilor Phinney, seconded by Councilor Robinson.

Moved by Councilor Gagnon, seconded by Councilor Mattingly to AMEND the order by striking the 4<sup>th</sup> paragraph on page 36A in Capital Projects. 4 years 3 nays (Phinney, Caldwell and Robinson)

Moved by Councilor Mattingly, seconded by Councilor Phillips and VOTED to AMEND the Capital Projects page, 36A, by increasing Flaggy Meadow Road to \$200,000 and the supplemental road work by \$50,000. 7 years.

Moved by Councilor Phinney, seconded by Councilor Gagnon to AMEND Capital Part 2 to remove the \$160,000 for the front end loader. 6 years 1 nay (Robinson)

Moved by Councilor Gagnon, seconded by Councilor Robinson to AMEND Capital Part 2 item 12 to remove the \$160,000 for the re-chassis of tank 2. 7 years

Moved by Councilor Phinney, seconded by Councilor Gagnon to AMEND Capital Part 2 by moving \$200,000 from undesignated Capital Part 2 funds into the land acquisition reserve account. 7 years

Moved by Councilor Mattingly, seconded by Councilor Phinney to AMEND Capital Part 2 to move \$18,000 to Gorham/Westbrook TRIAD to implement the yellow dot program as a one year non-renewable grant. 7 years

Moved by Councilor Phillips, seconded by Councilor Gagnon to AMEND the order to increase the police budget \$5,000 for training. 6 years, 1 nay (Robinson)

Moved by Councilor Phillips, seconded by Councilor Gagnon to AMEND the order by cutting \$4,000 from Other Town Services Founders Festival and move the \$4,000 to the SnoGoers. 6 years 1 nay Robinson

Moved by Councilor Gagnon, seconded by Councilor Phillips to AMEND Capital Part 2 by adding \$20,000 for holiday lights on Main Street. 4 years 3 nays (Phinney, Robinson, Caldwell)

Moved by Councilor Phinney, seconded by Councilor Gagnon to AMEND Capital Projects Part 2 by \$177,234 to road projects; \$49,000 for Flaggy Meadow Road and the remaining \$128,234 to general roads. 7 years

Moved by Councilor Pressey, seconded by Councilor Gagnon to AMEND the order to appropriate \$50,000 for the option of having Public Works do the public safety construction at Narragansett School. 5 years 2 nays (Phillips and Robinson)

Moved by Councilor Phinney, seconded by Councilor Robinson to AMEND the order by removing \$50,000 that was placed in the general road maintenance fund to pay for the public safety improvements at Narragansett School. 7 years

Moved by Councilor Mattingly, seconded by Councilor Gagnon to AMEND the order to increase by \$10,000 the Economic Development Corporation allocation for website research and development for 1 year. 4 years, 3 nays (Robinson, Caldwell and Phinney)

Moved by Councilor Gagnon, seconded by Councilor Mattingly to AMEND item 5 in Capital Part 2 to remove the cash funding of the fire engine leaving \$440,000 unallocated. 4 years 3 nays (Robinson, Caldwell and Phinney)

The motion as AMENDED was VOTED resulting in the following:

Ordered that the Gorham Town Council vote to adopt the 2012-2013 Fiscal Year Budget with the following departmental totals:

General Government	\$	1,381,898
Public Safety	\$	3,557,620
Public Works/Solid Waste/Engineering & Insp. Services	\$	2,366,361
Health & Welfare and Social Service Agencies	\$	98,835
Recreation/Community Center/Cable	\$	359,290
Libraries and Museum	\$	441,050

Development	\$	75,000
Debt & Interest	\$	1,327,207
Capital Items	\$	367,000
Insurance and Employee Benefits	\$	2,017,000
Other Town Services and Unclassified	\$	<u>157,202</u>
Subtotal	\$	12,148,463
Cumberland County Property Tax	\$	<u>843,230</u>
Total	\$	<u><u>12,991,693</u></u>

BE IT FURTHER ORDERED, that the Education budget as finally approved by the Gorham Town Council and subsequently approved by the voters of the Town of Gorham be incorporated into a final Municipal budget; and

BE IT FURTHER ORDERED that the Town Council vote to adopt the Capital Budget Part II in the amount of \$1,721,034 to be funded from the town's undesignated fund balance; and

BE IT FURTHER ORDERED, that all taxes on real estate and personal property shall be due and payable upon approval of this Order and that one-half of all real estate and personal property taxes that remain unpaid on November 15, 2012 shall commence bearing interest on November 16, 2012, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2013, shall commence bearing interest on May 16, 2013 at the interest rate of 7.0% per annum as authorized by Maine Law until paid and collected and the Tax Collector and Treasurer are authorized to collect and receive thereof; and

BE IT FURTHER ORDERED, that the Gorham Town Council authorizes the Finance Director to accept prepayment of real and personal property taxes; and

BE IT FURTHER ORDERED, that pursuant to Title 36, M.R.S.A., Section 506A, the Gorham Town Council establishes an interest rate of 3.0% per annum to be paid on all real estate and personal property taxes rebated due to overpayment of taxes; and

BE IT FURTHER ORDERED, that pursuant to Title 36, M.R.S.A., Section 906, the Gorham Town Council hereby require and direct that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. This order shall remain in effect until rescinded by the Municipal Officers.  
6 yeas 1 nay (Robinson)

Prior to the above vote it was moved and seconded to move the question. 2 yeas 5 nays (Pressey, Phillips, Caldwell, Gagnon, Mattingly)

Item #8180 Moved by Councilor Phinney, seconded by Councilor Gagnon and ORDERED, that the Town Council accept the resignation of Andy McCullough from the Planning Board, and

BE IT FURTHER ORDERED, that the Town Council expresses its appreciation for his service to the Town and its citizens. 7 yeas

Item #8181 Moved by Councilor Robinson, seconded by Councilor Phinney and ORDERED, that the Town Council authorize the Town Manager to accept a proposal from the Gorham SnoGoers for one (1) portable building subject to the following conditions:

1. The building will be removed at the expense of the Gorham SnoGoers.
2. The specific building to be provided is subject to the final approval of the Town Manager.
3. The details of moving the portable building are subject to the approval of the Public Works Director with the intent to minimize any disruption to municipal services.

4. The moving of the building must be completed by August 1, 2012. The Town Manager may extend the deadline for good cause.

7 yeas

Item #8182 Moved by Councilor Robinson, seconded by Councilor Mattingly and ORDERED, that the Town Council nominate David Cole to serve on the 2012-2014 Maine Municipal Association Legislative Policy Committee. 7 yeas

Item #8183 Moved by Councilor Robinson, seconded by Councilor Phillips and ORDERED, that the Town Council go into executive session pursuant to Title 1, MRSA, Section 405 (6)(D) to discuss a proposed labor contract with the Maine Association of Police. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Robinson to come out of Executive Session at 11:45 pm 7 yeas

Moved by Councilor Pressey, seconded by Councilor Phinney to APPROVE the 3-year Police Contract as presented. 7 yeas

Moved by Councilor Phillips, seconded by Councilor Pressey and VOTED to ADJOURN. 7 yeas Time of Adjournment 11:55 pm.

A True Copy of Record

ATTEST:

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Cornelia C Loughran, Town Clerk