

GORHAM TOWN COUNCIL
REPORT OF THE
REGULAR MEETING
May 1, 2012
Gorham Municipal Center – Burleigh H. Loveitt Council Chambers

Chairman Caldwell opened the meeting with the Pledge of Allegiance: there were 22 members of the public present at the start of the meeting.

Roll Call of the Town Council: Present Chairman Caldwell; Councilors: Pressey, Phinney, Phillips, Robinson, Gagnon and Mattingly; Town Manager, David Cole and the Town Clerk, Connie Loughran

Moved by Councilor Phinney, seconded by Councilor Gagnon and VOTED to accept the minutes of the April 3, 2012 Regular Meeting, April 10, 2012 and April 18, 2012 Special Meetings. 7 yeas

Open Public Communications

Darryl Wright gave an update on the Founders Festival. He reviewed the list of festival sponsors and activities to take place on May 25th and 26th. The next meeting of the Founders Festival Committee will be Thursday, May 3rd, in the multi-purpose room of the Recreation Department. For more information visit their web site at Gorhamfoundersfestival.com.

Bernard Broder, 49 Phinney Street spoke regarding the taking by eminent domain of a portion of Phinney Street Extension and the recording of that action. He feels that the certificate is flawed and would like the Council to void the transaction.

Hans Hansen also spoke regarding the taking of Phinney Street Extension and hopes that the issues can be resolved.

Representative Jane Knapp, who is on the Marine Resources Committee spoke about buying Maine seafood. She also reported that there are new protections for consumers using pre-paid home heating contracts. The Department of Transportation is working on making our roads a little better and asks that drivers obey work zone speed limits. Representative Knapp reviewed several LDs and encouraged citizens with questions to send her an email.

Jim Means wished to ask members of the Council Appointments/Personnel Committee questions. Moved by Councilor Gagnon, seconded by Councilor Mattingly to waive the rules to allow Jim Means to address the committee members. 2 yeas 5 nays (Caldwell, Robinson, Phillips, Phinney and Pressey) Mr. Means continued to discuss his not being reappointed to the Gorham Economic Development Corporation and he was sorry that Councilors refused to answer his questions.

Ken Curtis, 118 South Street, read several messages in support of Mr. Means and his work on the Economic Development Corporation board.

Bill Goff, Meadowbrook Drive, supported Jim Means.

Councilor Communications

Councilor Pressey wished to make a couple of corrections to his statements last meeting regarding his accident. He thanks the Gray Rescue for saving his son's life. He corrected the name of the eye surgeon to Dr. Whitaker.

Councilor Robinson explained that the reason for the Appointment Committee interviews was that there were more applications than positions to be filled. Mr. Robinson stated that he is one of three making recommendations and one of seven voting on those recommendations.

Councilor Gagnon took this time to send condolences to Gorham House of Pizza for the recent fire. He thanked fire fighters and police and first responders for their efforts. Mr. Gagnon wished former Secretary of State Rodney Quinn well on his move to Westbrook to be closer to public transportation.

Councilor Mattingly echoed Councilor Gagnon's thoughts regarding Gorham House of Pizza. Mr. Mattingly wanted everyone to know that fire fighters knowing that damage from water would occur were inside the apartments covering valuables with tarps to protect them while others were cutting away a roof section to be able to put out the fire.

Town Manager's Report

Town Manager, David Cole, reported that he had awarded a ten year Service Pin to Barbara Skinner of the Planning Department. He thanked Barbara for her ten years of service to the Town of Gorham. He reminded everyone that the Founders Festival takes place on May 25th and May 26th this year.

School Committee Report

Chairman of the School Committee, Jim Hagar, reported that there would be a joint budget workshop with the Council on May 22, at 7:00 pm. He reported that the fields at Gorham High School and Gorham Middle School would be posted warning that pesticide applications were being made on Saturday, May 5 and no access to these fields is permitted until the fields are completely dry. Mr. Hagar reported on upcoming graduation dates. In response to a question from Councilor Pressey regarding all-day Kindergarten he stated that there is no plan at this time and in response to Councilor Robinson he reported that by third grade there is no advantage to an all-day kindergarten.

New Business

Moved by Councilor Pressey, seconded by Councilor Gagnon to waived the rules and take Item #8173 out of order. 5 yeas 2 nays (Robinson and Phinney) for continuity Item #8173 will be reported on in proper order.

Chairman Caldwell opened the Public Hearing to hear public comment on a Referendum Question that will be on the ballot for June 12, 2012 authorizing the Town to purchase a Fire Truck at a cost not to exceed \$450,000 and authorizing the Town to fund the purchase with bonds, existing funds or notes. This public hearing is for informational purposes and no further Town Council action is needed.

There were no public comments and the Public Hearing closed at 8:17 pm.

Chairman Caldwell opened a Public Hearing on a renewal liquor license for Aramark Educational Services, LLC. There were no public comments and the Public Hearing closed at 8:18 pm.

Item #8165 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED, that the Town Council approve a renewal liquor license for Aramark Educational Services, LLC, at the University of Southern Maine at Gorham, 37 College Avenue. 7 years

Chairman Caldwell opened a Public Hearing on a renewal liquor license for Ocean Garden Restaurant. There were no public comments and the Public Hearing closed at 8:19 pm.

Item #8166 Moved by Councilor Robinson, seconded by Councilor Phinney and ORDERED, that the Town Council approve a renewal liquor license in the name of Richard Jiang d/b/a Ocean Garden Restaurant at 390 Main Street. 7 years

Chairman Caldwell opened a Public Hearing on a proposal to rezone a parcel of land in the Industrial Park from Industrial Zone to the Roadside Commercial Zone. There were no public comments and the Public Hearing closed at 8:20 pm.

Item #8167 Moved by Councilor Robinson, seconded by Councilor Gagnon that

Whereas, a parcel of land located in the Gorham Industrial Park, and identified on Gorham Tax Map 12, lot 26.1, previously hosted an industrial use that processed waste material, and

Whereas, the parcel has been cleaned up and fully recognized by the Maine Department of Environmental Protection as a clean site, and

Whereas, the Town has an applicant who wishes to locate a solid business on this parcel but needs it to be zoned Roadside Commercial, and

Whereas, the parcel abuts the Roadside Commercial Zone, so that rezoning this property would expand an existing Roadside Commercial Zone, and

Whereas, the Planning Board, after conducting a Public Hearing, recommended that the parcel be rezoned from the Industrial Zone to the Roadside Commercial Zone,

NOW THEREFORE BE IT ORDAINED, that the Town Council rezone a parcel of land identified on the Town's Tax Map 12, lot 26.1 from the Industrial Zone to the Roadside Commercial Zone. 7 years

Item #8168 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED, that the Town Council refer a proposal to amend Chapter III, Subdivisions, of the Land Use and Development Code, to simplify and bring the performance guarantee administrative process into conformity with current practice, to the Planning Board for public hearing and their recommendation. 7 years

Item #8169 Moved by Councilor Gagnon, seconded by Councilor Phillips, moved by Councilor Phinney, seconded by Councilor Gagnon and VOTED to AMEND the proposed order to site the monument nearer to South Street. 7 years Moved by Councilor Pressey, seconded by Councilor Phinney and VOTED TO AMEND the amendment to have the depth from the road to be at least as far back as the

face of the library. 7 years The amended motion was voted resulting in the following: ORDERED, that the Town Council appropriate \$5,000 from the proceeds received from the sale of the Town Lot (old Westcott School lot) located on Fort Hill Road and appropriate an additional amount of up to \$5,000 from the Contingency Account to pay for design and landscaping around the placement of the Founders Monument, and

BE IT FURTHER ORDERED, that the Town Council approve relocating the Founders Monument to the "Courtyard" area in front of the Municipal Center with the approximate location to be nearer to South Street with the depth to be at least as far back as the face of the library.

7 years

Item #8170 Moved by Councilor Phinney, seconded by Councilor Gagnon and ORDERED, that the Town Council ask the Ordinance Committee to review the Baxter Memorial Library's Internet User Policy and Wireless Access Policy, and report back to the Town Council with any recommended changes. 7 years

Item #8171 Chief Lefebvre offered to have the hearse stored in the fire bay at Central Station when it is not on display at the Founders Festival or in the parade. Town Manager, David Cole agreed that the Public Works Department would tow the trailer carrying the hearse during the parade. Moved by Councilor Robinson, seconded by Councilor Phinney and ORDERED, that the Town Council authorize the Lions Club to use the Town's antique hearse in the Memorial Day Parade, to be drawn on a trailer, and subsequently displayed at the Founders Festival.

7 years

Item #8172 Moved by Councilor Robinson, seconded by Councilor Gagnon and ORDERED, that the Town Council authorize the Town Manager to accept a proposal from Richard and Kim Higgins for 1 portable building subject to the following conditions:

1. The building will be moved at the expense of Richard and Kim Higgins.
2. The specific portable 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 will be completed by June 1, 2012 with the Town Manager having the right to extend the deadline to July 1, 2012 for good cause.

7 years

Item #8173 Moved by Councilor Pressey, seconded by Councilor Gagnon and ORDERED, that the Town Council allow Steve Linnell to make a presentation of his report regarding the options for providing public bus service to Gorham, at his earliest convenience, and

BE IT FURTHER ORDERED that the Town Council officially accept the written report regarding the options for providing public bus service to Gorham, with gratitude to Steve Linnell (GPCOG), to Craig Hutchinson and Bob Caswell (USM), as well as to David Redlefsen and the Board of Metro. 7 years

Item #8174 The proposed order was Moved by Councilor Pressey, seconded by Councilor Gagnon; MOVED by Councilor Phinney, seconded by Councilor Robinson and VOTED TO POSTPONE action to the August, 2012 Regular Meeting of the Town Council. 4 yeas 3 nays (Gagnon, Phillips and Pressey)

Item #8175 Councilor Phinney excused himself from discussion and voting on the following item as this is his Aunt and Uncle. 6 yeas Moved by Councilor Gagnon, seconded by Councilor Mattingly and ORDERED, that the Town Council in response to a request for a waiver from David and Jenifer McCullough and pursuant to Chapter 2, Section 10(G) of the Land Use and Development Code finds that:

1. The cost of providing public water will be an economic hardship for the property owner when compared to the benefits of an extension of public water to their proposed 5-lot subdivision.

2. The granting of a waiver, from the requirement to extend public water, shall not adversely impact the orderly extension of the public water supply system nor create unnecessary fire protection risks for the property owner or adjacent properties, and

BE IT FURTHER ORDERED, that the Town Council grants a hardship waiver from the requirement to provide public water to their proposed 5-lot subdivision.
6 yeas 1 abstention (Phinney)

Item #8176 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED that the Town Council authorize the Town Clerk to issue the warrant for the June 12, 2012 Special Referendum and School Budget Validation Referendum Elections; and,

BE IT FURTHERED ORDERED, that the polls be open from 7:00 am until 8:00 pm; and,

BE IT FURTHER ORDERED, that the Town Council appoint the following persons for the designated voting districts and if any of the following should fail to serve the Town Council hereby gives the Town Clerk the authority to appoint substitutes:

District 1 – Linda Deering, Warden and Laurel Smith, Deputy Warden
District 2 – Patricia Clay, Warden and Nancy Kenty, Deputy Warden
Central – Alida Landry, Warden, Laurie Nordfors, Deputy Warden

BE IT FURTHER ORDERED, that the Registrar of Voters be in session during the hours of 8:30 am to 4:00 pm on Tuesday, June 5, 2012 and Wednesday, June 6, 2012; between the hours of 8:30 am and 7:00 pm, Thursday, June 7, 2012; between the hours of 8:30 am and 1:00 pm Friday, June 8, 2012 and between the hours of 8:30 am and 4:00 pm Monday June 11, 2012 and,

BE IT FURTHERED ORDERED, that the Town Clerk be authorized to process absentee ballots at the Central Voting District at 9:00 am, 3:00 pm and 8:00 pm. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Phillips and VOTED To ADJOURN. Time of adjournment was 9:20 pm.

A TRUE RECORD OF MEETING

Attest

Cornelia C Loughran, Town Clerk