

**REPORT OF MEETING
GORHAM TOWN COUNCIL
REGULAR MEETING
APRIL 1, 2014**

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 43 members of the public present at the start of the meeting.

Roll Call: Chairman Phinney; Councilors: Roullard, Moulton, Phillips, Benner, Robinson, Hartwell. Town Manager David Cole and Town Clerk Jennifer Elliott.

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to accept the minutes of the March 4, 2014 Town Council meeting. 7 yeas

Open Public Communications

Phil Gagnon spoke of his concern that the Town has heated the Little Falls building and no one has been there to use the facilities, especially the Senior Citizens group.

Blanche Alexander spoke about the history of Senior Centers in the Town of Gorham over the years and her group, the Lake Region Senior Center Group, would like a commitment from the Town in reference to the Little Falls Building.

Council Communications

Councilor Robinson reported that the Ordinance Committee met on March 24 and discussed making airstrips an allowable use and will have a draft for the council. He referred to a letter to the Editor for the Gorham Times in reference to the abandon gas station in front of Hannaford's supermarket. He suggested the public call the number listed on the sign in front of the building and ask the owner to clean up the property. He stated that he will be sponsoring 2 items next month, one for a change to the Charter in reference to Moral Turpitude, and one for a change in Council Rules on the same.

Councilor Benner reported that the Gorham Marketplace at USM was a great success with many vendors and a nice turnout from the public, and she wished to thank all those involved and those that attended.

Councilor Phillips reported that the Finance Committee met on March 31st and looked at all financials. The next Finance Committee meeting will be on April 24th at 6 pm. She stated that the Arts Alliance will be operating out of their own location in Gorham.

Councilor Moulton reported that the Personnel /Appointments Committee met on March 21st and have selected people for the Boards and Committees, the Committee will interview several people on April 8th for the open slots. He thanked everyone that applied for their interest.

Councilor Roullard thanked Alan Grady from the Recreation Department for his service to the Town of Gorham. Alan will be the new Recreation Director in Westborough, Massachusetts.

Chairman Phinney thanked the Fire Department and the Police Department for the hard work they did last week containing a 3 alarm fire at Town and Country Cabinets. He stated that it is nice to see the community come together to support a long standing business.

Town Manager's Report

David Cole reported that he attended the Gorham Marketplace, his 17th year doing so, and thanked all those involved. He reported that the Council was given a copy of the proposed budget this evening and the Town's side of the budget is \$12,417,206., a 2.7% increase. The funds needed from property taxes are \$6,633,719., or an increase of 1.9%. The proposed budget is also \$575,308 below the Town's LD 1 property tax limit. There will be a budget workshop on April 3rd at 7pm and on April 8th at 7pm in Council chambers to meet with Town Departments to discuss the Budget. The Proposed budget will also be on the Town's website at www.gorham-me.org.

Cindy Hazelton, Recreation Director presented Kenny Fickett with the MPRA Citizen Volunteer of the Year 2014 award. She stated that Mr. Fickett has given 25 years of service to the Gorham Recreation Department and listed many of the varied tasks he has helped with. She stated she is honored and proud to have Kenny in her corner.

School Committee Report

Chairman Dennis Libby reported that the School Committee has another Budget Workshop on April 2nd at 7 pm. There was a change in the latest version of the ED 279, which is the form to report general purpose aid for each school district. The new information is favorable to the Town of Gorham. The estimated mil rate projection is a .29 cent increase. He reported that the One Act Play performed in the state competition and won the Class A State Championship. He also congratulated the Odyssey of the Mind team that took first place for the classical performance problem, Division III, Village School brought home a second place and a third place trophy for performance based problems, Division II. The next School Committee meeting will be held on April 9th at 7 pm, in Council chambers.

Old Business

Item 8413 The Order that the Town Council refer a proposal to amend Chapter I, Section IX Gorham Village Center District, to allow creative parking solutions to the Ordinance Committee for their recommendation, as previously Moved and Seconded, was Moved by Councilor Roullard to POSTPONE until the May 6, 2014 Council meeting. 7 years

Item 8435 The Order as previously Moved and Seconded was Moved by Councilor Robinson, Seconded by Councilor Phillips and VOTED to Amend the existing order by eliminating the existing language and substituting the following language: Ordered, that the Town Council determined that the proposal submitted by Great Falls Construction, dated October 18, 2013 was the lowest cost proposal submitted and provided the best value to the Town subject to additional negotiations on the scope of work, and

Be It Further Ordered, that the Town Council will authorize the Town Manager to negotiate a scope of service and a final contract with Great Falls Construction that would be brought back to the Town Council for final approval. 7 years

Prior to the above vote, Councilor Roullard and Chairman Phinney acknowledged they both have done business with Great Falls Construction and feel that they can remain impartial.

Chairman Phinney conducted a poll of the Council to have Councilor Roullard take part in the item. 6 yeas. 1 abstain (Roullard)

Vice Chairman Moulton conducted a poll of the Council to have Chairman Phinney take part in the item 6 yeas 1 abstain (Phinney)

New Business

Chairman Phinney opened Public Hearing #1 on a renewal of a Class A Lounge Liquor License in the name of Spire 29. There was no public comment and the hearing was closed.

Item #8439 Ordered, that the Town Council approve a renewal Class A Lounge Liquor License for Jonathan Smith d/b/a Spire 29 located at 29 School Street. 7 yeas

Chairman Phinney opened Public Hearing #2 on the Gorham Parking Study prepared by Terrance DeWan and Associates.

Terrance DeWan presented a power point summery of the Parking Proposal.

Hans Hansen spoke of his concerns that businesses should be paying apportion of costs for the parking changes.

Marla Stelk spoke in support of the presented parking study.

Rob Lavoie spoke as a business owner, and stated that he had looked into relocating to 21 Main Street and wanted Council to take into account what type of businesses may be in that location.

Trish Moulton, a local business owner, spoke of her concerns that more parking on College Ave. would just benefit USM and not local businesses.

Jim Means spoke in favor of the study.

There were no further comments and the hearing was closed.

Item 8440 Moved by Councilor Moulton, Seconded by Councilor Benner to POSTPONE until the May 6, 2014 Council meeting the Order that the Town Council receive the Gorham Parking Study final report prepared by Terrance J. DeWan and Associates. 7 yeas

Chairman Phinney opened Public Hearing #3 on a proposal to amend Chapter I Zoning Regulations, Section IV, Board of Appeals, of the Land Use and Development Code.

There was no public comment and the hearing was closed.

Item#8441 Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the Order. 7 yeas

Moved by Councilor Robinson, Seconded by Councilor Benner and Ordered;

Whereas, the Town of Gorham determined that it was prudent to clarify the power and duties of the Board of Appeals after the Maine Legislature revised Title 30-A MRSA, Section 2691, and

Whereas, the Planning Board, after conducting a public hearing, unanimously recommended approval,

Now Therefore Be It Ordered, that the Town Council amend Chapter I, Section IV (B) of the Land Use and Development Code as follows:

CHAPTER I: ZONING REGULATIONS
SECTION IV - BOARD OF APPEALS

B. POWERS AND DUTIES

Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court as provided by law.

The Board of Appeals shall have the following powers and duties:

1) Administrative Appeals. To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this Code, **except:**

A. Notices of violation, requirements, decisions, or determinations concerning any provision of or approval under, Chapter I, Section IV, E. Special Exception Standards, Chapter III (Subdivisions), or Chapter IV (Site Plan Review) of this Code, shall not be appealable to the Board of Appeals.

B. Decisions or determinations by the Code Enforcement Officer not to undertake an enforcement action shall not be appealable to the Board of Appeals.

In any appeal allowed under this subsection, ~~T~~the action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by majority vote.

Also, to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by the Planning Board or Code Enforcement Officer pursuant to Chapter II, Section I.E. Such action of the Planning Board or Code Enforcement Officer may be modified or reversed by the Board of Appeals by majority vote.

7 yeas.

Item #8442 Moved by Councilor Roullard, Seconded by Councilor Moulton and ORDERED that the Town Council accept a proposal from Port City Architectural and Engineering Services for a feasibility and cost study to include a site plan, floor plans and schematic design for a Public Safety facility at 270 Main Street with a goal of developing a facility at cost of approximately Five Million Dollars (\$5,000,000.), and

Be It Further Ordered, that the Town Council appropriate \$65,000 from the Public Works-DEP Site Permit Reserve account for the work. 7 yeas

Prior to the above vote, Andy Hyland from Port City Architecture answered some question from the Council, and Jim Means, Beatrice Ave., spoke in favor of the plan.

Item#8443 Moved by Councilor Moulton, Seconded by Councilor Benner and ORDERED, that the Town Council accept a proposal from Gorham Savings Bank to provide Banking and Financial Services to the Town of Gorham. 7 years.

Item #8444 The proposed Order the Town Council approve an updated Capital Improvements Plan, as presented, was Moved by Councilor Moulton, Seconded by Councilor Robinson. Moved by Councilor Moulton, Seconded by Councilor Benner to POSTPONE to the May 6, 2014 Council meeting. 7 years

Item# 8445 Moved by Councilor Robinson, Seconded by Councilor Benner,

GORHAM TOWN COUNCIL RESOLUTION

**Be it known to all that
We, the Members of the Town Council of the Town of Gorham
do hereby Proclaim that**

Whereas, at the Annual Town Meeting on March 9, 1964, Gorham citizens authorized the Selectmen of Gorham to employ a full-time Police Chief; and

Whereas, the Gorham Police Department began operations as a full-time Police Department within the Town of Gorham on April 12, 1964; and

Whereas, the Gorham Police Department has since grown from a department of one to its current force of 23 sworn police officers and 2 administrative staff serving over 16,000 citizens, and

Whereas, the Gorham Police Department annually responds to over 17,000 calls for service while fulfilling its mission to provide safety and security to the citizens of Gorham; and

Whereas, the Gorham Police Department has continued to maintain its high standard of professionalism, integrity, and leadership in the fight to prevent crime and injustice; and

Whereas, on Saturday, April 12, 2014, the Gorham Town Council and Gorham community joins the past and present members of the Gorham Police Department in celebrating fifty years of proud service,

Now Therefore Be It Ordered that the Town Council recognizes the Gorham Police Department for its fifty years of dedicated and proud service to the citizens of Gorham and thanks the Department for its continued efforts to respond to the challenges and responsibilities of enforcing the laws of the State of Maine and the Constitution of the United States in a fair and impartial manner.

Dated: April 1, 2014

7 years

Item #8446 Moved by Councilor Phillips, Seconded by Councilor Benner and ORDERED that the Town Council establish a committee to review and recommend changes or ideas for the Comprehensive Plan, and

Be It Further Ordered, that the Committee works autonomously from the Town Council, with no sitting Councilor in a leadership position on the Committee, and

Be it Further Ordered, that the Town will provide the appropriate personnel and materials to help the Committee complete their goal, and

Be It Further Ordered, that the Committee shall not exceed 20 members of the Community.

Moved by Councilor Robinson, Seconded by Councilor Moulton and VOTED to send the above item to the Appiontments/ Personnel Committee. 5 years, 2 nays (Benner, Roullard)

Item #8447 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED that the Town Council, upon the recommendation of the Town Assessor, abate real estate taxes assessed to Norman Berube Builders for the 2012 tax year, in the approximate amount of \$1,233.91, for a parcel(Tax Map 28, Lot 7.5) that no longer existed. 7 years

Item #8448 Moved by Councilor Phillips, Seconded by Councilor Moulton and ORDERED, that the Town Council in accordance with a request from the Parks and Conservation Commission, change the name of the Commission to the Conservation Commission, effective April 1, 2014. 7 years

Item #8449 Moved by Councilor Phillips, Seconded by Councilor Moulton and ORDERED, that the Town Council approve a Trail License agreement with Ruth and Emile Demers to provide a connector trail from the Chick Property towards the Tannery Park Property. 7 years

Item #8450 Moved by Councilor Moulton, Seconded by Councilor Hartwell and ORDERED, that the Town Council, pursuant to Title 30-A MRSA, Section 2671, authorize Gorham Police Officers to make arrests outside of the Town of Gorham. 6 years, 1 nay (Phillips)

Item #8451 Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED, that the Town Council, pursuant to Section 304 of the Town Charter, approve the Town Manager's designation of Jeri Sheldon to serve as acting Town Manager in the absence or disabilities of the Manager, until the appointment is rescinded by the Town Manager or Town Council. 7 years

Item #8452 Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the Order. 7 years

Moved by Councilor Robinson, Seconded by Councilor Benner and ORDERED, that the Town Council appoint the Following as Election Workers per Title 21-A, MRSA Section 503, with terms to expire April 1, 2016;

Republican Workers:

Janet Bell
Dorothy Burnham
Brenda Caldwell
Donna Carll
Nancy Connolly
Kenneth Curtis
George Deering
Linda Deering
Rhonda Desrochers
Janice Edwards
Susan Emerson
Linda Frinsko
Diane Godfrey

Democratic Workers

Marilyn Amoroso
Patricia Clay
Katherine Corbett
Nancy Craig
Geraldine Day
Frances Doucette
Peggy Douglass
Cynthia Doyle
Mary L. Fraser
Katherine Garrard
A. Merrill Henderson
Christopher Hourcle
Colleen Hoyt

Mary Golden
Sharon Geer
Ann Hall
Nancy M. Hawkes
Madelyn Hunt
Mary L. Jordan
Nancy Kenty
Mary Kesseli
Elizabeth Labrecque
Janice Labrecque
John Labrecque
Marina Lewis
Jenifer McCullough
Raymond Mitchell
Mary Nelson
Rosamond Phinney
Heidi Pratt
Scott Pratt
Kristen Smith
Laurel Smith
Martha Towle
Janice Weed
Virginia T. Williams
Julie Sellick
Mary Snell

Christine Kimball
Connie Loughran
Barbara McGarvey
Nicholas McKenny
Adelle Neuwirth
Virginia Morrow
Harold Parks
Susan Parsons
Cassie Pelletier
Thomas Rootes
Tina Ruel
Robin Sanford
Melinda Shain
Barbara Skinner
Robert Skinner
Helen Smith
Mary Snell
Judith Stevens
Mary Sturtavant
Ellen Vellieux
Kathleen Walsh
Patricia Weeks
Michael Wojtal

7 yeas

Item #8453 The Order as read aloud by the Clerk, was Moved by Councilor Moulton, Seconded by Councilor Hartwell. Moved by Councilor Roullard, Seconded by Councilor Robinson to Amend the Order by changing the wording from “appoint the following people to serve on;” with “appoint people to serve on the following Committees.” 7 yeas

The motion, as AMENDED, was the VOTED resulting in the following;

ORDERED, that the Town Council appoint people to serve on the following Committees;

BOARD OF HEALTH

Linda Sanborn

BAXTER LIBRARY BOARD OF TRUSTEES

Susan Emerson, Mary Collins, Megan Hills

BOARD OF VOTER REGISTRATION

Janice Labrecque

PARKS AND CONSERVATION COMMISSION

Damon Houk, Ann Dunbar

RECYCLING COMMITTEE

Steve Wiggins, Ann Dunbar

BOARD OF APPEALS

Jared Clark, Janice Labrecque, Christine Hume

BOARD OF ASSESMENT REVIEW

Craig Sterling, Melinda Shain (alternate)

ECONOMIC DEVELOPMENT CORPORATION

Jack Donovan, Peter Harriman

PLANNING BOARD

Rachel Sunnell

7 yeas

Moved by Councilor Moulton, Seconded by Councilor Phillips and VOTED to Adjourn. 7 yeas
Time of adjournment 9:10 pm

A True Record of Meeting

ATTEST: _____
Jennifer Elliott, Town Clerk