

REPORT OF MEETING
GORHAM TOWN COUNCIL
REGULAR MEETING
APRIL 2, 2013

Chairman Gagnon opened the meeting at 7:00 pm with the Pledge of Allegiance to the Flag. There were 27 members of the public present at the start of the meeting.

Roll Call: Chairman Gagnon; Councilors: Pressey, Phinney, Phillips, Robinson, Benner, Moulton; Town Manager David Cole, Town Clerk Connie Loughran.

Moved by Councilor Moulton, seconded by Councilor Phinney and Voted to accept the Minutes of the March 5, 2013 Town Council Regular Meeting. 7 yeas.

Open Public Communications

Brenda Caldwell, reported for the Public Safety Building Committee

Bernard Broder, 49 Phinney Street, expressed concerns and questions regarding Phinney Street Extension and the taking of land by eminent domain. He also questioned why the proposed Public Safety Building was being moved further from the center of Town.

Hans Hansen concurred with Mr. Broder as regards to the Phinney Street Extension.

Kenneth Curtis, 118 South Street, asked what is the amount of the Chick property is being used by the Town and what is the current debt. He also inquired about a projected increase in taxes.

Noah Miner, 32 Green Street and Jim Skinner of 26 Green delivered to the Clerk a list of supporters of the Pedestrian and Car Traffic Safety Initiative Appeal: Green/Pine Street Area. The group is asking the Council to consider budget funding to install crosswalks in this neighborhood.

Councilor Communications

Councilor Moulton reported for the Appointments and Personnel Committee who met this past month. He expressed appreciation to everyone who helps out on the various board and committees. Mr. Moulton encouraged the public to contact David Cole, Council members or members of the Public Safety Building Committee with concerns or questions.

Councilor Benner had attended the Gorham Market Place event.

Councilor Robinson also attended the Market Place and thanked everyone for a very nice event.

Councilor Phillips reported that the finance committee has reviewed the January and February financials and that the Little Falls Recreation Committee has met.

Chairman Gagnon reported that he had attended the Maine Maple Sunday events in Town. He also attended the Market Place and it was very nice to see many familiar faces. Mr. Gagnon asked the Clerk to read a letter he had received from Cumberland County Sheriff Kevin Joyce.

Town Manager Report

David Cole thanked the citizens who stopped by the Town's booth at the Market Place. He also thanked the Councilors who were there. Mr. Cole also reviewed the budget figures.

There was no School Committee Report.

Tom Ellsworth, President of the Gorham Economic Development Corporation gave the annual report reviewing 2012 and talked about initiatives for 2013.

Neal Allen, Executive Director and Ed Suslovic, Councilor for the City of Portland and GPCOG Board Member made a presentation on the benefits of the programs and services of the Greater Portland Council of Governments.

Old Business

Item #8276 Prior to hearing this Item, Councilor Phillips again recused herself from discussion and voting. As previously moved and seconded at the March 5, 2013 meeting, ORDERED, that the Town Council approve a renewal Liquor License in the name of PineCrest Bed & Breakfast Inn LLC, doing business at 91 South Street. 6 years 1 abstention (Phillips)

Item #8277 Moved by Councilor Robinson, seconded by Councilor Moulton to Amend the order to send the application and Special Amusement Ordinance to the Ordinance Committee for their review and recommendation 6 years 1 abstention (Phillips) Moved by Councilor Pressey, seconded by Councilor Benner and Voted to divide the question. 6 years 1 abstention (Phillips) Moved by Councilor Phinney, seconded by Councilor Moulton and VOTED to postpone action on an application renewal Class III Special Amusement Permit in the name of PineCrest Bed Breakfast Inn LLC until the next Council Meeting. Moved and seconded and ORDERED to send the Special Amusement Ordinance to the Ordinance Committee for their review and recommendation. 6 years 1 abstention (Phillips)

New Business

Public hearing on an application for a renewal Liquor License in the name of Harold Hawkes d/b/a Gorham Country Club, doing business at 93 McLellan Road. One member of the public spoke in support of the license. The public hearing closed at 8:30 pm.

Item #8287 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED that the Town Council approve a renewal Liquor License in the name of Harold Hawkes d/b/a Gorham Country Club located at 93 McLellan Road. 7 years

Public hearing on a proposal to amend the Land Use and Development Code by reducing some of the setbacks in the Industrial Zone. There were no public comments and the public hearing closed at 8:33 pm.

Item #8288 Moved by Councilor Phinney, seconded by Councilor Moulton

WHEREAS, the Town has a Land Use and Development Code that includes an Industrial Zone which establishes standards for development in the Industrial Zone, and

WHEREAS, some of those standards regulate the minimum amount that a structure must be setback from lot lines, and

WHEREAS, in some instances, those setback requirements have made it more difficult for a new development or expansion of existing structures, without providing any significant public benefit, and

WHEREAS, in some instances the minimum set back can be reduced without harming the health, safety or welfare of the public, and

WHEREAS, the Planning Board, after hearing has recommended that the Town Council approve this proposal,

NOW THEREFORE, BE IT ORDERED, that the Town Council amend Chapter I Section XI (D) of the Land Use and Development Code to reduce setbacks in the Industrial Zone as recommended by the Planning Board. 7 years

Public Hearing on a proposal to rezone various lots in Gorham Village, that are currently located in more than one zoning district, to allow those lots to be located within a single zoning district. There were no comments from the public and the public hearing closed at 8:34 pm.

Item #8289 Moved by Councilor Phinney, seconded by Councilor Benner and ORDERED that

WHEREAS, in Gorham Village, there are various lots that are partly located in more than one zoning district, needlessly complicating the property owners' ability to make improvements on their property, and

WHEREAS, moving the boundary line of a zone to allow an individual lot to be completely located within a single zone will reduce the complication for those property owners who wish to make improvements without adversely affecting the public interest, and

WHEREAS, the Planning Board after hearing, has recommended that the Town Council approve this proposal,

NOW THEREFORE, BE IT ORDERED, that the Town Council rezone various lots located in Gorham Village to allow those lots to be located within a single zone as proposed. 7 years

Public Hearing on a proposal to amend the Streets and Sidewalks Ordinance by limiting parking in the Town's parking spaces located on the North Side of Robie Gym and the parking spaces located in front of Robie Gym to two (2) hours. There were no comments from the public and the public hearing closed at 8:36.

Item #8290 Moved by Councilor Phinney, seconded by Councilor Benner; Moved by Councilor Robinson, seconded by Councilor Phinney to strike 'Section 3' and (7 am – 7 pm) 7 years The Amended motion was voted resulting in the following:

WHEREAS, the Town has a Streets and Sidewalks Ordinance that regulates parking in certain instances, and

WHEREAS, Gorham Village has limited parking available to the public, that hinders business activity near the intersection of Route 114/25, and

WHEREAS, vehicles that park in a parking lot for an extended amount of time limit the number of customers visiting businesses in Gorham Village, and

WHEREAS, allowing people to have 2 hours of free parking is a reasonable amount of time,

NOW THEREFORE, BE IT ORDAINED that the Town Council amend Chapter 1, Schedule B, (two Hour Limit) by adding the Town's parking spaces in front of Robie Gym and the Town's parking spaces on the North Side of Robie Gym. 5 years 2 nays (Phillips, Gagnon)

Item #8291 Moved by Councilor Phinney, seconded by Councilor Moulton to WAIVE the reading of the following Resolution. 6 years, 1 nay (Gagnon) Three members of the public spoke in favor of this resolution.

RESOLUTION EXPRESSING OPPOSITION TO PROPOSALS TO SHIFT THE BURDEN OF FUNDING STATE GOVERNMENT TO LOCAL PROPERTY TAXPAYERS!

WHEREAS, the State Administration has proposed a State Budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax, and

WHEREAS, pursuant to Title 30-A MRSA Section 5681, the State Legislature sought to strengthen the partnership between the State and local government by providing 5% of sales tax revenue, known as State Revenue Sharing, to reduce the burden to the property tax and assist in financing municipal services, and

WHEREAS, the diversion of funds from the State Revenue Sharing program, as proposed in the State Budget, would cost the Town of Gorham approximately \$1,593,000 resulting in either an increase in the tax rate of \$1.21 or a significant reduction in services or some combination of both, and

WHEREAS, the proposed biennial budget would redirect the Town of Gorham's excise tax paid on tractor trailers to fund State Government, and

WHEREAS, the State Legislature, pursuant to Title 36 MRSA Section 683, has previously granted a Homestead Exemption to all qualified Residents, to lower the burden of property taxes, which the biennial budget now proposes to eliminate in FY 15 for all residents under the age of 65 who currently qualify, and

WHEREAS, starting in the second year of the biennium, the business equipment tax reimbursement program, under which businesses are fully reimbursed for property taxes they pay on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program; under this program, the Town will only be reimbursed by the state for 60% of the taxes due, further reducing Town revenues by an estimated \$105,000, or 19 cents on the tax rate, and

WHEREAS, if enacted, all of these changes would reduce revenues to the Town by at approximately \$1.9 million, not counting certain impacts on the School budget, and

WHEREAS, reducing Town expenditures of this magnitude would significantly undermine the Town's ability to provide basic public services,

NOW THEREFORE BE IT RESOLVED, that the Gorham Town Council hereby expresses its strong opposition to provisions included in the proposed state budget that would dramatically shift the burden of funding state government to the local property tax and undermine the Town of Gorham's ability to provide basic public services to its citizens, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide copies to members of the Town of Gorham's Legislative delegation, members of the Appropriations Committee and the Governor. 7 yeas

Item #8292 Moved by Councilor Phinney, seconded by Councilor Phillips and ORDERED, that the Town Council approve the following recommendations from the Ordinance Committee:

1. That the Town retain two (2) voting districts, and
2. That a room suitable for voting be constructed in the new Public Safety building to be located in Little Falls, and
3. That upon completion of the construction of the New Public Safety Building, the voting location for Ward 1, be moved from the Middle School and relocated to the Public Safety Building. 5 yeas 2 nays (Phillips, Gagnon)

Item #8293 Moved by Councilor Phinney, seconded by Councilor Robinson and ORDERED, that the Town Council refer a request from Barry King to rezone a parcel of land (Tax Map 6, lot 43.1 in South Gorham from Suburban Residential Zone to the Commercial Zone to the Ordinance Committee for their review and recommendation. 7 yeas

Item #8294 Moved by Councilor Phinney, seconded by Councilor Moulton; moved by Councilor Phinney, seconded by Councilor Robinson and voted to AMEND the proposed order to refer to the Ordinance Committee

rather than the Planning Board. 6 yeas 1 nay (Gagnon) The order as amended was voted resulting in the following: ORDERED, that the Town Council refer a request from Amy Beckwith, to amend the Land Use and Development Code, to allow small dog boarding kennels in the Rural Zone to the Ordinance Committee for their recommendation. 7 yeas

Item #8295 Moved by Councilor Phinney, seconded by Councilor Moulton and ORDERED, that the Town Council make the following appointments to Town Boards and Committees as read and attached. 7 yeas

Item #8296 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED, that the Town Council go into Executive Session pursuant to Title 36, MRSA, Section 841 (2) for the purpose of considering one application for abatement of taxes based on poverty and pursuant to Title 1, MRSA, Section 405(6)(c) for the purpose of considering the condition, acquisition or use of school property.
7 yeas

Moved by Councilor Phinney, seconded by Councilor Moulton to come out of Executive Session. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to deny an application for an abatement of FY 2012/13 taxes based on poverty because the applicant hasn't contacted the mortgage holder, applied for the circuit breaker program or discuss a payment plan with the Town and because the taxes are not delinquent it is too soon to determine if the applicant will have the ability to contribute to the public charge. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Phillips and VOTED to ADJOURN. 7 yeas Time of adjournment 11:08 pm.

A TRUE RECORD OF MEETING

Attest:

Cornelia C Loughran, Town Clerk