

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
FEBRUARY 5, 2013

Vice Chairman Michael Phinney opened the meeting at 7:00 pm with the Pledge of Allegiance to the Flag. There were 13 members of the public present at the start of the meeting.

Roll Call: Present: Vice Chairman Phinney: Councilors Moulton, Benner, Robinson, Pressey. Also present were Town Manager, David Cole and Town Clerk, Connie Loughran.
Absent: Gagnon, Phillips

Moved by Councilor Moulton, seconded by Councilor Pressey and VOTED TO ACCEPT the minutes of the January 8, 2013 Town Council Regular Meeting as printed and distributed. 5 yeas

Open Public Communications: there were no public communications.

Councilor Communications

Councilor Moulton reported that there are openings on several Boards and Committees and applications are available on-line or from the Town Clerk's office.

Councilor Robinson reported that even though he was not present at last month's meeting he supports sending to referendum the Public Safety Building. He commended the School Department for their job shadow program for High School Juniors.

Councilor Pressey reported that Councilor Gagnon was on his way home with his wife after having a baby.

Town Manager Report

David Cole reported that Gorham's Legislative delegation would hold a public meeting in Gorham on February 20 and he encouraged citizens to attend the 7:00 pm meeting.

School Committee Report

Kyle Currier, School Committee Chairman, reported that Kathy Garrard has been appointed to fill the vacancy on the School Committee until the next Municipal Election in June. She reported that the 2014 fiscal year budget is being prepared and that on March 13 there would be a budget workshop. She also reported that there would be a combined workshop on March 23 with the School and Town Finance Committees. Ms. Currier shared the new high school initiative where 125 juniors spent a day job shadowing.

Moved by Councilor Moulton, seconded by Councilor Benner to waive the rules and take Item #8271 out of order for the sake of continuity Item 8271 will be reported on in its proper order. 5 yeas.

Public Hearing on a proposal to rezone individual lots in the Gorham Village Center District, Urban Commercial District and the Urban Residential District to make technical adjustments to individual lots that are split between two separate zoning districts. There were no comments from the public and the public hearing closed at 7:40 pm.

Item #8256 Moved by Councilor Robinson, seconded by Councilor Benner, moved by Councilor Robinson, seconded by Councilor Benner to AMEND the proposed order to send it to the Ordinance Committee. 5 yeas The Amended order was VOTED resulting in the following:

WHEREAS, the Town has three zones with similar but different requirements, that cover parts of Gorham Village, and

WHEREAS, many of the lots in Gorham Village are small lots with portions of the lot located in more than one zone, and

WHEREAS, having small lots located in more than one zone needlessly complicates a change of use of the property and could overly complicate the continued use of the property while providing very limited or no public benefit, and

WHEREAS, the amendment changes the boundaries of the zones, to be consistent with the boundaries of individual lots, so that these individual small lots are all within a single zone instead of more than one zone, and

WHEREAS, the Planning Board, after conducting a public hearing, as recommended that the Town Council approve these changes,

NOW THEREFORE BE IT ORDERED, that the Town Council refer a request to rezone various individual lots in Gorham Village as proposed in a Planning Board Report from David Galbraith, the Zoning Administrator, dated November 1, 2012 to the Ordinance Committee for their recommendation. 5 years

Item #8257 Moved by Councilor Moulton, seconded by Councilor Robinson and ORDERED, that the Town Council forward a request from Cumberland Farms to amend the Hans Hansen, Inc. Contract Zone to the Planning Board for public hearing and their recommendation. 5 years

Item #8258 The Order as read was Moved by Councilor Pressey, seconded by Councilor Moulton, Moved by Councilor Robinson, seconded by Councilor Moulton to POSTPONE until after a workshop with the School Committee action that the Town Council appropriate \$75,000 from the Capital Project Reserve Account, as requested by the School Board in a letter from Mr. Sharp, the Superintendent of Schools, and that the appropriation shall be considered a loan (without interest) that is to be paid back to the Capital Project Reserve Account as part of the High School renovation and expansion project costs upon receipt of the proceeds from the issuance of bonds or other funding. 5 years

Item #8259 Moved by Councilor Robinson, seconded by Councilor Moulton to waive the reading of the proposed order 5 years. Moved by Councilor Robinson, seconded by Councilor Moulton that

WHEREAS, Baxter Memorial Library has a number of Trust Funds that were established many years ago, and, where known are used in accordance with their specified purpose, and

WHEREAS, many years ago the documents and instructions for seven (7) of the Trust Funds were lost and the Trust Funds' proceeds haven't been used, and

WHEREAS, the Town has thoroughly searched its records in an effort to find the lost records but was unable to find them, and

WHEREAS, the Town believes that the Trust Funds were generally for the benefit and improvement of Baxter Memorial Library and its patrons, and

WHEREAS, the Town Council on March 4, 2008 authorized the Trustees of Baxter Memorial Library to establish the Centennial Endowment Fund to create an endowment fund for general library purposes including the purchase of books and items for the library collections and necessary library equipment, and

WHEREAS, the Town Council believes that the spirit and the intent of the Centennial Endowment Fund is consistent with the spirit and intent of the seven (7) Trust Funds, that do not have documentation specifying their use,

NOW THEREFORE BE IT ORDERED, that the Town Council consolidate the following Trust Funds into the Centennial Endowment Fund, and

BE IT FURTHER ORDERED, that the principle amount and accumulated interest of each fund be combined to create a new principle amount for the Centennial Endowment Fund with newly earned interest available for use as part of and consistent with the Centennial Endowment Fund:

	Principle	Interest	Combined Principle
1. Daniel Whittier	\$5,000.00	\$2,742.35	\$ 7,742.35
2. E. & J. Bragdon	\$4,746.00	5,567.33	10,313.33
3. Isaac McLellan	\$1,000.00	926.51	1,926.51
4. John Hinkley	\$1,000.00	926.51	1,926.51
5. Nellie Parker-Nason	\$ 500.00	407.72	907.72
6. Hattie Files	\$ 200.00	441.81	641.81
7. Howard McKenney	\$ 200.00	468.39	668.39

5 yeas

Item #8260 The following Order FAILED OF PASSAGE for lack of a second; that the Town Council appropriate \$28,000 from the Recreation Impact Fee Funds pursuant to Chapter VII, Section III (A)(4) of the Land Use and Development Code, to prepare a plan and design for the Little Falls Recreation area to increase the number of playing fields.

Item #8261 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED that the Town Council approve a letter, as presented, to Senator James Boyle, Representative Linda Sanborn and Representative Andrew McLean expressing very serious concern with the recent State budget as proposed by the Governor. 5 yeas

Item #8262 Moved by Councilor Benner, seconded by Councilor Robinson and ORDERED, that the Town Council approve a letter to the Maine Turnpike Authority, as presented, asking them to proceed with the Phase 2 Gorham East-West Corridor Study and expressing Gorham's continued support. 5 yeas

Item #8263 Moved by Councilor Robinson, seconded by Councilor Benner and ORDERED, that the Town Council authorize the Town Manager to solicit proposals from Engineering firms for the design of a parking plan for Gorham Village that could be incorporated into the Gorham Village Master Plan. 5 yeas

Moved by Councilor Pressey, seconded by councilor Moulton and VOTED to waive the rules to take up an item not on the Agenda. 5 yeas for continuity, Item 8275 will be reported on in its proper order.

Item #8264 Moved by Councilor Robinson, seconded by Councilor Benner and ORDERED, that the Town Council approve a request from the C.I.P. Committee to remove the following items from its work list:

1. Meet with property owners on Elm Street, Railroad Avenue and Mechanic Street
2. Discuss the property on Main Street (formerly known as the Mobile Station)
3. Review White Rock facilities to determine appropriate uses.
4. Assess Robie Gym Alternatives.

5 yeas

Item #8265 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED, that the Town Council appoint Councilor Pressey to serve on the PACTS Policy Committee to represent the Town of Gorham, and

BE IT FURTHER ORDERED, that David Cole is appointed as the first alternate to attend the PACTS Policy Committee as Gorham's representative if the appointed representative is unable to attend and appoint Robert Burns as the second alternate if the first alternate is not available to attend. 5 years

The meeting recessed for 10 minute break and resumed at 9:19 pm.

Item #8266 Moved by Councilor Robinson, seconded by Councilor Benner; Moved by Councilor Pressey, seconded by Councilor Robinson to AMEND the proposed order by inserting "then the Ordinance Committee for" after 'public hearing and' 5 years The Amended Order was voted resulting in the following: ORDERED, that the Town Council refer a proposal from Staff to amend the Land Use and Development Code by reducing some of the setbacks in the Industrial Park, to the Planning Board for public hearing and then to the Ordinance Committee for their recommendation. 5 years

Item #8267 Moved by Councilor Moulton, seconded by Councilor Pressey and ORDERED, that the Town Council authorize the transfer of \$13,000 from a Capital Account to purchase replacement pagers in the Fire Department to a Capital Account to purchase protective gear in the Fire Department. 5 years

Item #8268 Moved by Councilor Pressey, seconded by Councilor Moulton and ORDERED, that the Town Council pursuant to Title 36, M.R.S.A., Section 841 (3) abate all real estate taxes, interest and costs on property at 94 Evergreen Drive (Tax Map 15, lot 7.166.) because of the property is in non-livable condition and an inability to collect the taxes, and

BE IT FURTHER ORDERED, that the Tax Collector is authorized to assess a quit-claim deed to facilitate the removal of this property. 5 years

Item #8269 Moved by Councilor Moulton, seconded by Councilor Pressey and ORDERED, that the Town Council approve a request from the Finance Committee to remove the following item from its work list:

1. Assess and review Planning and Code Fees.

5 years

Item #8270 Moved by Councilor Robinson, seconded by Councilor Moulton and ORDERED, that the Town Council refer a proposal to amend Chapter 1, Schedule B, Section 3 of the Streets and Sidewalks Ordinance by limiting parking in the Town's parking spaces located on the North side of Robie Gym, to 2 hours between 7 am and 7 pm to the Ordinance Committee for their review and recommendation. 5 years

Item #8271 Moved by Councilor Robinson, seconded by Councilor Moulton and ORDERED, that the Town Council vote to not authorize the issuance of \$500,000 in Bonds, approved by the voters on November 6, 2012 for improvements to the former Little Falls School Building and Little Falls Recreation area. 5 Nays (Pressey, Phinney, Robinson, Benner, Moulton)

Item #8272 Moved by Councilor Robinson, seconded by Councilor Benner and ORDERED, that the Town Council appoint Jennifer Elliott as the Registrar of Voters for the Town of Gorham, pursuant to Title 21-A M.R.S.A. Section 101(2), to a two-year term to expire December 31, 2014. 5 years

Item #8273 Moved by Councilor Moulton, seconded by Councilor Pressey and ORDERED, that the Town Council accept the letter of retirement, dated January 14, 2013 from Cornelia Loughran as Town Clerk with her retirement to be effective September 6, 2013, and

BE IT FURTHER ORDERED, that the Town Council express its appreciation for her 27 years of dedicated service to the Town and wish her the very best with her retirement. 5 years

Item #8274 Moved by Councilor Robinson, seconded by Councilor Pressey and VOTED TO POSTPONE to the March 2013 Town Council meeting that the Town Council go into Executive Session pursuant to Title 1, M.R.S.A., Section 405 (6)(A) to discuss the process of replacing the Town Clerk. 5 yeas

Item #8275 Moved by Councilor Pressey, seconded by Councilor Moulton and ORDERED that the Town Council approve an application to PACTS for a Planning Study to develop a parking plan for Gorham Village. 5 yeas

Moved by Councilor Moulton, seconded by Councilor Pressey and VOTED to ADJOURN. 5 yeas Time of adjournment 10:01 pm.

A True Record of Meeting

ATTEST

Cornelia C Loughran, Town Clerk