

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
JUNE 2, 2015

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 25 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Phinney, Councilors; Roullard, Benner, Robinson, Hartwell, Moulton, and Shepard. Also present; Town Manager David Cole, Finance Director, Sharon LaFlamme and Deputy Clerk Laurie Nordfors.

Moved by Councilor Moulton, Second by Councilor Benner and VOTED to approve the Town Council Minutes from May 5, 2015. 7 years.

Open Public Communication

Craig Sterling from Canal Street thanked the Councilors for their time spent on the Council. He is in favor of splitting District 1 into two voting places. He also urges the Council to appoint Acting Police Chief Chris Sanborn to Police Chief.

Councilor Communication

Councilor Robinson spoke of adding an item to the Agenda to discuss the police Union Contract. He also spoke about the new Ball Fields in town.

Councilor Moulton reported that the Finance Committee met. He is very happy that the Budget has stayed in line even after a tough winter and thanked David Cole and the Department Managers for their part. The next Finance Committee will be June 25, 2015.

Councilor Roullard commented that Greater Portland Council of Governments annual meeting will be June 17, 2015 and he will be attending. He also congratulated the new USM President, Mr. Glen Cummings.

Town Managers Report

David Cole announced that he gave a 5 year service pin to Stephen Hinkley. He also reported that the annual meetings for COG, PACT and Ecomaine will be coming up soon.

School Committee Report

Dennis Libby reported that the High School will hold its graduation ceremonies on June 7th at Merrill Auditorium and congratulated the Class of 2015. The last day of school is scheduled to be a half-day on June 19th. The High School will be starting finals on June 16th, and step up day is June 9th for grades 8-11 and June 18th for the remaining grades. He also announced the retirement of Jane Esty, Principal of Great Falls School and the appointment of Cynthia Remick as the new Principal of Narragansett School

starting next year. He recognized Student reps Ben Hincer and Humza Kahn for their terrific work this year representing the student voice on the School Committee and announced next year's reps Avery Arena and Kaialee Mercado. The next School Committee regular meeting is scheduled for June 10, 2015.

Old Business

Item # 8923 Ordered, that the Town Council approve moving the voting location from the Middle School to either the Little Falls Activity Center or the Great Falls Elementary School.

Moved by Councilor Moulton, Seconded by Councilor Shepard and Voted to amend the wording to eliminate Great Falls School and to split District 1 into two voting places, one being the Middle School and one the Little Falls Rec Center. 7 yeas

The Order as amended was VOTED, 6 yeas, 1 nay(Robinson)

Chairman Phinney opened Public Hearing #1 to consider the proposed budget for the Gorham School Department for the 2015-2016 Fiscal Year.

Dennis Libby of Queen Street spoke and asked for support of the budget and hopes that the State will come through with more money to help the budget.

Paul Smith of Phinney Street commented that he was concerned about the left over money in the budget each year and asked why it cannot be applied to next year's budget.

Bruce Alder commented that the increase in the budget seems excessive especially to people on a fixed income.

There were no further comments and the hearing was closed.

Moved by Councilor Robinson, Seconded by Councilor Benner and VOTED to waive the reading of the item. 7 yeas.

Item #8928

***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 2015-2016:

That **\$14,761,120** be authorized to be expended for Regular Instruction;
that **\$5,598,651** be authorized to be expended for Special Education;

that **\$408,263** be authorized to be expended for Career and Technical Education;
that **\$783,717** be authorized to be expended for Other Instruction;
that **\$2,501,002** be authorized to be expended for Student and Staff Support;
that **\$1,076,416** be authorized to be expended for System Administration;
that **\$1,813,667** be authorized to be expended for School Administration;
that **\$1,752,144** be authorized to be expended for Transportation and Buses;
that **\$3,371,871** be authorized to be expended for Facilities Maintenance;
that **\$2,865,149** 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 **\$34,932,000** 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 **\$12,085,413** 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 **\$551,908** 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 **\$34,932,000** for the fiscal year beginning July 1, 2015 and ending June 30, 2016 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 **\$242,530** for adult education and raise **\$132,630** 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.

Proposed Order was moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to amend the order to add:

BE IT FURTHER ORDERED, that should the State provide additional funds, in an amount greater than approved in this order, for education from Kindergarten to Grade 12, as described in the Essential Programs and Services Funding Act those funds will be used to reduce the amount of property taxes needed to support this budget. 7 years

Proposed order was moved by Councilor Robinson, Seconded by councilor Benner and VOTED to amend the 2015-2016 School Budget from \$34,932,000 to \$34,832,000 and read as follows:.

ORDERED, that the following school budget items be adopted and approved for fiscal year 2015-2016:

That **\$14,761,120** be authorized to be expended for Regular Instruction;
that **\$5,498,651** be authorized to be expended for Special Education;
that **\$408,263** be authorized to be expended for Career and Technical Education;
that **\$783,717** be authorized to be expended for Other Instruction;
that **\$2,501,002** be authorized to be expended for Student and Staff Support;
that **\$1,076,416** be authorized to be expended for System Administration;
that **\$1,813,667** be authorized to be expended for School Administration;
that **\$1,752,144** be authorized to be expended for Transportation and Buses;
that **\$3,371,871** be authorized to be expended for Facilities Maintenance;
that **\$2,865,149** 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 **\$34,832,000** 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 **\$12,085,413** 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 **\$551,908** 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 **\$34,832,000** for the fiscal year beginning July 1, 2015 and ending June 30, 2016 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 **\$242,530** for adult education and raise **\$132,630** 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. 5 years, 2 nays (Phinney, Roullard)

The Order as amended, VOTED 7 yeas.

Item #8929 Moved by Councilor Benner, Seconded by Councilor Roullard and Ordered that \$3,723,025 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$3,587,092 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$3,723,025 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$3,587,092. 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.

Moved by Councilor Robinson, Seconded by Councilor Hartwell and VOTED to amend the order to read, Ordered that \$3,623,025 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$3,487,092 as required to fund the budget recommended by the School Committee. 7 yeas

The Order as amended, VOTED 7 yeas.

Item # 8930 Moved by Councilor Roullard, Seconded by Councilor Shepard and ORDERED, that the Gorham Town Council vote to adopt the 2015-2016 Fiscal Year Budget with the following departmental totals:

General Government	\$	1,434,936
Public Safety	\$	3,841,817
Public Works/Solid Waste/Engineering & Insp Services	\$	2,345,964
Health & Welfare and Social Service Agencies	\$	94,940
Recreation/Community Center/Cable	\$	426,681
Libraries and Museum	\$	461,542
Development	\$	69,532
Debt & Interest	\$	1,834,089
Capital Items	\$	220,000
Insurance and Employee Benefits	\$	2,137,340
Other Town Services and Unclassified	\$	<u>252,400</u>
Subtotal	\$	<u>13,119,241</u>
Cumberland County Property Tax	\$	<u>997,969</u>
Total	\$	<u>14,117,210</u>
Non-Property Tax Revenues	\$	6,008,537

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 \$1,130,012 to be funded from the Town's undesignated fund balance; and

BE IT FURTHER ORDERED that the Town Council appropriate surplus funds from the Flaggy Meadow Reserve Funds back to the Road Projects Account where the funds originated from, as recommended in the Town Managers Letter of Transmittal for the 2015-2016 proposed budget, 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, 2015 shall commence bearing interest on November 17, 2015, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2016, shall commence bearing interest on May 17, 2016 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 MRSA 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 RSA 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.

Moved by Councilor Benner, Seconded by Councilor Shepard and VOTED to amend the Order to read: Remove the \$350,000 Fire Truck from the Capital 2 budget and replace with \$4000 to install a back flow preventer and parking space markings at the Little Falls Rec Center, \$26,400 to replace obsolete energy management software for the Municipal Center, West Gorham Fire Station and the Public Safety Building, \$14,056 to Install security cameras at the Baxter Memorial Library, \$124,000 to purchase a 1993 John Deer Loader with trade in, \$95,000 for supplemental funds for roadwork, \$3500 to purchase a larger storage server for wireless data in the Police Department, \$15,000 to replace light bulbs with energy efficient light bulbs, \$65,000 to update the microphones, sound systems and cable television equipment in the Municipal building. 7 yeas

Moved by Councilor Shepard, Seconded by Councilor Roullard and VOTED to amend the Order to Increase the Budget \$5000 to maintain Cemetery Monuments. 6 yeas, 1 nay(Robinson)

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to amend the Order to increase the Budget by \$21,400 to provide a Canine Service to Gorham. 4 yeas, 3 nays (Roullard, Benner, Robinson)

Moved by Councilor Benner, Seconded by Councilor Shepard and VOTED to amend the Order to increase the Budget by \$9000 to fund a new voting location at the Little Falls Activity Center. 6 yeas, 1 nay (Robinson)

Moved by Councilor Moulton, Seconded by Councilor Shepard and VOTED to increase the Budget by \$2500 for the Conservation Commission. 3 yeas, 4 nays (Roullard, Phinney, Benner, Robinson)

Moved by Councilor Hartwell to increase the Budget by \$1000 for the SnoGoers Club for maintenance of the trails plus match any money that they can raise up to the amount we take in for snowmobile registrations. There was no Second so motion fails.

Moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to add \$1500 the Conservation Commission . 6 yeas, 1 nay(Robinson)

Moved by Councilor Robinson, Seconded by Councilor Roullard and VOTED to reduce the 2015-2016 Town of Gorham Budget by \$70,000. 2 yeas, 5 nays (Benner, Phinney, Shepard, Moulton, Roullard)

The Order was amended as follows:

ORDERED, that the Gorham Town Council vote to adopt the 2015-2016 Fiscal Year Budget with the following departmental totals:

General Government	\$	1,443,936
Public Safety	\$	3,863,217
Public Works/Solid Waste/Engineering & Insp Services	\$	2,350,964
Health & Welfare and Social Service Agencies	\$	94,940
Recreation/Community Center/Cable	\$	426,681
Libraries and Museum	\$	461,542
Development	\$	69,532
Debt & Interest	\$	1,834,089
Capital Items	\$	220,000
Insurance and Employee Benefits	\$	2,137,340
Other Town Services and Unclassified	\$	<u>253,900</u>
Subtotal	\$	<u>13,156,141</u>
Cumberland County Property Tax	\$	<u>997,969</u>
Total	\$	<u>14,154,110</u>
Non-Property Tax Revenues	\$	6,008,537

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 \$1,130,012 to be funded from the Town's undesignated fund balance; and

BE IT FURTHER ORDERED that the Town Council appropriate surplus funds from the Flaggy Meadow Reserve Funds back to the Road Projects Account where the funds originated from, as recommended in the Town Managers Letter of Transmittal for the 2015-2016 proposed budget, 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, 2015 shall commence bearing interest on November 17, 2015, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2016, shall commence bearing interest on May 17, 2016 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 MRSA 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 MRSA 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.

The Order as Amended was VOTED. 5 yeas, 2 nays (Robinson, Hartwell)

Chairman Phinney opened Public Hearing #2 to consider amending the Town's Personnel Policy. There were no comments and the hearing was closed.

Item # 8931 Moved by Councilor Robinson, Seconded by Councilor Roullard and ORDERED Whereas, the Town periodically reviews its personnel Policy to ensure consistency with changing Federal and State laws and promulgated rules from Federal or State Agencies, and, Whereas, the Town's Personnel Policy was last updated on March 1, 2011, Now Therefore, Be It Ordered that the Town Council approve the updated Personnel Policy as presented.

Moved by Councilor Benner, Seconded by Councilor Hartwell and VOTED to amend the Order to remove the 3rd paragraph on page 23 of the policy. 2 yeas, 5 nays (Robinson, Benner, Shepard, Moulton, Roullard)

The Order as Amended was VOTED. 7 yeas

Item # 8932 Moved by Councilor Moulton, Seconded by Councilor Benner and ORDERED that the Town Council, effective January 1, 2016, adjust the Town's Health Insurance options by deleting the POS C Plan and offering the PPO 500 Health Insurance Plan with a Health Reimbursement Arrangement covering 75% of deductibles and 75% of co-insurance and the PPO 2500 Health Insurance Plan with a Health Reimbursement arrangement covering up to 100% of deductibles and up to 100% of co-insurance. 7 yeas

Item # 8933 Moved by Councilor Roullard, Seconded by Councilor Shepard and ORDERED, that the Town Council accept the resignation of Janet Adams from the Historic Preservation Committee, and Be It Further Ordered, that the Town Council expresses its appreciation for her service on the Historical Preservation Committee. 7 yeas

Item # 8934 Moved by Councilor Moulton, Seconded by Councilor Sheppard and ORDERED, that the Town Council refer a proposal to create a conditional zone for the McLellan/Sampson House located at 77 South Street, to the Planning Board for Public Hearing and their recommendations. 7 yeas

Item # 8935 Moved by Councilor Shepard, Seconded by Councilor Benner and ORDERED, that the Town Council accept Lacey's Way located in Wagner Farm Subdivision, off Libby Avenue, as a Public road, and
Be it Further Ordered, that Wagner Farm Road be locally classified as an Urban Access Road. 5 years, 2 nays (Moulton, Hartwell)

Item # 8936 Moved by Councilor Robinson, Seconded by Councilor Moulton and ORDERED, that the Town Council go into Executive Session pursuant to Title 36, MRSA Section 841 (2) to consider an application for an abatement of taxes based on poverty and pursuant to Title 1 MRSA Section 405 (6) (A) to discuss the process of selecting a Police Chief.

Moved by Councilor Robinson, Seconded by Councilor Roullard and VOTED to amend the Order to add a discussion of the Police Contract and Labor Negotiations pursuant to Title 1, MRSA Section 405(6)(D)
7years
The Order as amended was VOTED. 7 years

Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to come out of Executive Session. 7 years

Moved by Councilor Moulton, Seconded by Councilor Benner and VOTED to deny application A-14-5 for an abatement of taxes based on poverty because the applicant did not provide a complete application or sufficient information. 7 years

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to Adjourn. 7 years

Time of Adjournment: 10:10pm

A True Record of Meeting

ATTEST: _____
Laurie Nordfors, Deputy Town Clerk