

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
JUNE 3, 2014

Gorham Municipal Center- Burleigh H. Loveitt Council Chambers

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 35 members of the public at the start of the meeting.

Roll Call: Chairman Phinney, Councilors; Roullard, Moulton, Phillips, Benner, Robinson, Hartwell.
Also present were 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 May 6, 2014 Town Council meeting as printed and distributed. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to accept the minutes of the April 8, 2014 Special Town Council meeting as printed and distributed. 7 yeas

Moved by Councilor Moulton, Seconded by Councilor Roullard and VOTED to accept the minutes of the April 22, 2014 Special Town Council meeting as printed and distributed. 7 yeas

Open Public Communications

David Alexander spoke on behalf of the Gorham Seniors group and stated that they will be using the White Rock Grange for a meeting facility until November. They are there from 9am -1pm Monday thru Thursday.

Dennis Libby of Queen Street voiced his concern over increased truck traffic from Shaw Brothers' Paving project near Routes 202 and 237.

Council Communications

Councilor Hartwell reported on a communication he received about Military Excise Tax exemption. He stated that it is up to individual municipalities to decide if they will allow the exemption, and he would like to look into this further.

Councilor Robinson reported that the Ordinance Committee will meet on the 16th of June and will be discussing Home Occupation Business. At the last Ordinance Committee meeting they discussed Special Amusement.

Councilor Phillips reported that the Finance Committee was not able to meet on May 29, 2014. The next meeting of the Committee is June 26.

Councilor Roullard reported that he attended the Executive Committee meeting at Greater Portland Council of Governments and learned that the Greater Portland Area is 12th in the United States in growth of manufacturing and investing.

Town Manager's Report

Town Manager David Cole reported that Monday June 9th, 2014 there will be a Public Hearing on the

Gorham Village Master Plan. June 12th will be the first meeting of the Historical Preservation Committee at 5 pm. June 17th there will be a Special Council meeting and a Council workshop to discuss the Public Safety Building Project at 270 Main Street.

School Committee Report

Dennis Libby, Chairman of the School Committee, asked for the Council's support in passing the School Budget. He reported that the High School graduation will be at Merrill Auditorium in Portland on Sunday, June 8, at 4:00 pm. The Adult Ed graduation will be Thursday, June 5, at Gorham Middle School. The last day of school will be June 18. He also reported that the next School Committee meeting will be held on June 11, 2014 in the Council Chambers at 7:00 pm.

Old Business

Item #8469 Moved by Councilor Benner, Seconded by Councilor Robinson to RECONSIDER the Order as follows;

Ordered, that the Town Council refer a proposal to amend Chapter 1, Section V, Definitions and Chapter II, Section XIV of the Land Use and Development Code to allow Airstrips, including Runways and Landing Strips in Gorham to the Planning Board for Public Hearing and their recommendation. 3 yrs. 4 mos (Phillips, Hartwell, Moulton, Phinney)
Motion FAILS

Chairman Phinney opened Public Hearing #1 on the Gorham Parking Study prepared by Terrance J. DeWan and Associates.

Terrance DeWan presented a power point of the overview of the study with a few revisions included for 21 Main Street and 10 Preble Street.

Tim Moriarty of Preble Street spoke in opposition to the parking study in regards to Preble Street. He also pointed out what he thought were flaws with the study.

Noah Miner of Green Street spoke of what he thought was a disconnect between the study and what the Council wants. He voiced his concerns for pedestrian safety.

Jim Skinner of Green Street stated he represented 35 taxpayers from Green Street and some of the surrounding businesses in supporting the parking study and also voiced concern for vehicle and pedestrian safety.

Bernard Broader of Phinney Street stated that tearing down buildings was a mistake and voiced his concern for pedestrian safety.

Chris Hourcle of Green Street voiced his concern if there was to be more parking how would that effect pedestrian safety.

Judy Hawkes spoke of her opposition to tearing down any buildings, and how she grew up in the building located at 21 Main Street and does not want to lose the small town feel

There were no further comments and the hearing was closed.

Item #8440 Moved by Councilor Robinson, Seconded by Councilor Hartwell and ORDERED, that the Town Council receive the Gorham Parking Study final report prepared by Terrance J. DeWan and Associates. 7 yrs

Item #8413 Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED, that the Town Council refer a proposal to amend Chapter 1, Section IX Gorham Village Center District to allow

creative parking solutions to the Ordinance Committee for their recommendation. 7 years

New Business

Chairman Phinney opened Public Hearing #2 on the proposed FY 2014-2015 Municipal budget, including the Town, School and Cumberland County.

Virginia Wilder Cross asked the Town Council for \$4,000 for funding for New Year's Gorham.

There were no further comments and the hearing was closed.

Item #8472 Moved by Councilor Roullard, Seconded by Councilor Benner and ORDERED, that the Town Council vote to approve the School Budget for fiscal year 2014-2015 as follows:

***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 2014-2015:

That \$14,296,307 be authorized to be expended for Regular Instruction;
that \$5,534,519 be authorized to be expended for Special Education;
that \$459,353 be authorized to be expended for Career and Technical Education;
that \$755,869 be authorized to be expended for Other Instruction;
that \$2,286,171 be authorized to be expended for Student and Staff Support;
that \$856,313 be authorized to be expended for System Administration;
that \$1,794,002 be authorized to be expended for School Administration;
that \$1,772,623 be authorized to be expended for Transportation and Buses;
that \$3,208,463 be authorized to be expended for Facilities Maintenance;
that \$2,928,749 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 \$33,892,369 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 \$11,563,155 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 \$566,171 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 **\$33,892,369** for the fiscal year beginning July 1, 2014 and ending June 30, 2015 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 **\$259,771** for adult education and raise **\$128,771** 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.

Be It Further ORDERED that \$3,154,366 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$2,511,886.39 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$3,154,366 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$2,511,886.39. 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.

7 years

Prior to the above vote a motion to waive the reading of the Order was Moved by Councilor Phillips, Seconded by Councilor Benner and VOTED to waive the reading of the Proposed Order. 7 years

Item #8473 The Order as presented was Moved by Councilor Moulton, Seconded by Councilor Roullard. Moved by Councilor Robinson, Seconded by Councilor Moulton to AMEND the Proposed Order to add "And,

Be It Further Ordered that the Town Council approve the recommendations made by the Town Manager in his memo dated May 14, 2014 that would re-appropriate \$266,467.37 from several reserve accounts for additional road work, return funds left in the Little Falls Rec Master Plan account to the Recreation Impact Fee account, appropriate \$10,000 from the Public Works/DEP Site Permit account to a Recycling Reserve Account, as recommended in the Town Manager's budget Letter of Transmittal, and re-appropriate \$160,000 for an emergency reserve fund, \$12,000 for Longfellow Bridge repairs, \$3,500 for a regional Fire & EMS Study, and \$2,000 for an Automotive Diagnostic Unit and that a copy of the May 12, 2014 memo be included as part of the approved budget resolution. It should be noted that the re-

appropriation is of existing funds and will not increase or decrease the tax rate. “at the end of the proposed Order. 7 years

Moved by Councilor Robinson, Seconded by Councilor Moulton to AMEND the order by adding \$17,903.52 to add a part-time Animal Control Officer. 6 years 1 nay (Phillips)

Moved by Councilor Robinson, Seconded by Councilor Moulton to AMEND the order by adding \$23,600 for Police Video cameras and removing the same amount from the DEA reserve account. 7 years

Prior to the above vote, Councilor Robinson called a Point of Order, to ask if Councilor Hartwell should remove himself from the vote due to conflict of interest.

Council VOTED 5 yeas, 1 nay (Robinson) 1 abstention (Hartwell) that there was no conflict of interest and Councilor Hartwell could vote on the proposed budget.

Moved by Councilor Roullard, Seconded by Councilor Robinson to AMEND the order to add \$4,000 for funding for New Year’s Gorham. Moved by Councilor Hartwell, Seconded by Councilor Phillips to AMEND the Amendment to change the amount from \$4,000 to \$2,500. 4 yeas 3 nays (Phinney, Robinson, Roullard) The Amendment as Amended was VOTED. 7 yeas.

A Motion by Councilor Benner to change a part time Code Officer position to a full time position for the amount of \$46,105, FAILED for lack of a Second.

Moved by Councilor Hartwell, Seconded by Councilor Phillips to AMEND the order to add \$11,014 to add a negotiator position to the Gorham Police Department, that position would be part of the Cumberland County Sheriff Department’s Tactical Team. 2 yeas, 5 nays(Phinney, Roullard, Moulton, Benner, Robinson)

Moved by Councilor Phillips, Seconded by Councilor Robinson to AMEND the order to take \$50,000 out of the Roadwork funds and re-allocate to address items that might come out of the Parking Study. 7 yeas

Moved by Councilor Robinson, Seconded by Councilor Hartwell to AMEND the order to add \$11,000 to keep 2 silver bullet recycling containers at the Public Safety building. 5 yeas, 2 nays (Phillips, Moulton)

Moved by Councilor Phillips, Seconded by Councilor Hartwell to AMEND the order to increase the contribution to the Gorham Sno-Goers from \$1,000 to \$2,000. 3 yeas, 4 nays (Robinson, Benner, Roullard, Moulton) Motion FAILS.

The motion as AMENDED was VOTED resulting in the following:

ORDERED that the Gorham Town Council vote to adopt the 2014-2015 Fiscal Year Budget with the following totals:

General Government	\$	1,390,682
Public Safety	\$	3,754,822
Public Works/Solid Waste/Engineering & Insp Services	\$	2,279,144
Health & Welfare and Social Service Agencies	\$	98,900
Recreation/Community Center/Cable	\$	417,524
Libraries and Museum	\$	454,232

Development	\$	65,843
Debt & Interest	\$	1,450,218
Capital Items	\$	329,800
Insurance and Employee Benefits	\$	2,015,295
Other Town Services and Unclassified	\$	192,150
Subtotal	\$	12,448,610
Cumberland County Property Tax	\$	934,677
Total	\$	<u>13,383,287</u>
Non-Property Tax Revenues	\$	5,783,487

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 \$1,005,423 to be funded from the town's undesignated fund balance; 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, 2014 shall commence bearing interest on November 16, 2014, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2015, shall commence bearing interest on May 16, 2015 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, M.R.S.A., 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.R.S.A., 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, And

BE IT FURTHER ORDERED that the Town Council approve the recommendations made by the Town Manager in his memo dated May 14, 2014 that would re-appropriate \$266,467.37 from several reserve accounts for additional road work, return funds left in the Little Falls Rec Master Plan account to the Recreation Impact Fee account, appropriate \$10,000 for the Public Works/DEP Site Permit account to a Recycling Reserve Account, as recommended in the Town Manager's budget Letter of Transmittal and re-appropriate \$160,000 for an emergency reserve fund, \$12,000 for Longfellow Bridge repairs, \$3,500

for a regional Fire & EMS Study and \$2,000 for an Automotive Diagnostic Unit and that a copy of the May 14, 2014 memo be included as part of the approved budget resolution. It should be noted that the re-appropriation is of existing funds and will not increase or decrease the tax rate. 7 years

Moved by Councilor Moulton, Seconded by Councilor Phillips and VOTED to ADJOURN
7 years
Time of Adjournment 9:00 P.M.

A True Record of Meeting

ATTEST:

Jennifer Elliott, Town Clerk