

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
June 7, 2016
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the May 3, 2016 Regular Town Council Meeting and the May 17 and May 31, 2016 Special Town Council Meetings.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public Hearing #1 A Public Hearing on the proposed FY 2016-2017 Municipal Budget, including the budget for the Town, School, and Cumberland County.

Item # 9080 Action to consider the proposed budget for the Gorham School Department for the 2016-2017 Fiscal Year. (Admin. Spon.)

Proposed
Order # 9080 Ordered, that the Town Council vote to approve the School Budget for the fiscal year 2016-2017 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 Statutes, 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 2016-2017:

That **\$15,468,255** be authorized to be expended for Regular Instruction;
that **\$5,404,755** be authorized to be expended for Special Education;
that **\$402,335** be authorized to be expended for Career and Technical Education;
that **\$819,806** be authorized to be expended for Other Instruction;
that **\$2,712,794** be authorized to be expended for Student and Staff Support;
that **\$1,087,606** be authorized to be expended for System Administration;
that **\$1,862,917** be authorized to be expended for School Administration;
that **\$1,694,518** be authorized to be expended for Transportation and Buses;
that **\$3,905,278** be authorized to be expended for Facilities Maintenance;
that **\$2,887,593** 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 **\$36,245,857** 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 **\$11,891,410** 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 **\$630,680** 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 **\$36,245,857** for the fiscal year beginning July 1, 2016 and ending June 30, 2017 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 **\$245,321** for adult education and raise **\$142,321** 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.

ORDERED that \$4,828,978 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$4,176,258.91 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$4,828,978 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$4,176,258.91. 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.

Item # 9081 Action to consider the proposed budget for the Town of Gorham for the 2016-2017 Fiscal Year. (Admin. Spon.)

Proposed
Order # 9081 Ordered, that the Town Council vote to approve the Town of Gorham Budget for the fiscal year 2016-2017 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 Statutes, 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 Gorham Town Council vote to adopt the 2016-2017 Fiscal Year Budget with the following departmental totals:

General Government	\$	1,494,621
Public Safety	\$	3,990,692
Public Works/Solid Waste/Engineering & Insp Services	\$	2,470,664
Health & Welfare and Social Service Agencies	\$	61,100
Recreation/Community Center/Cable	\$	443,914

Libraries and Museum	\$	461,903
Development	\$	72,071
Debt & Interest	\$	1,839,250
Capital Items	\$	158,700
Insurance and Employee Benefits	\$	2,248,200
Other Town Services and Unclassified	\$	353,590
Subtotal	\$	13,594,705
Cumberland County Property Tax	\$	1,044,423
Total	\$	<u>14,639,128</u>
Non-Property Tax Revenues	\$	6,301,636

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 \$1,344,000 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, 2016 shall commence bearing interest on November 16, 2016, and that the final half of all real estate and personal property taxes that remain unpaid on May 15, 2017, shall commence bearing interest on May 16, 2017 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.

Public
Hearing # 2
On Item # 9082

Public hearing on a proposal to amend Chapter VII, Impact fees, of the Land Use Development Code to allow impact fees to be used within a reasonable period of time. (Admin. Spon.)

Proposed
Order # 9082

Whereas, the Town has a Land Use and Development Code and several impact fees to address impacts that result from growth in the community, and
Whereas the improvements indicated in the development plan are made over a reasonable period of time, as funds are collected and improvements are needed, and
Whereas, the ordinance currently requires impact fees to be returned after 10 years, regardless of a sufficient amount of funds have been collected to make the improvements, and
Whereas, as long as the improvements are still needed and in the communities best interest, returning funds because of an artificial 10 year deadline is not consistent with the original intent of the impact fee or in the best interest of the community,
Now Therefore be it Ordered that the Town Council adopt the following amendment to Chapter VII, Section 1 (F) (2) of the Land Use and Development Code:

Chapter VII Impact Fees
Section I General
F. Refunds of Impact Fees

(2) Any fees collected that are not spent or obligated by contract for the specified improvement within a reasonable time period for the specific impact fee account by the end of the calendar quarter immediately following ~~ten (10) years from the date the fee was paid~~ shall be returned to the developer or its designee without interest.

Item # 9083

Action to consider a request from Scott Guimond for a contract zone on property he owns on Route 25, (Tax Map 57, Lot 1) to consolidate and grow his business. (Admin. Spon.)

Proposed
Order # 9083

Ordered, that the Town Council refer a request from Scott Guimond, for a contract zone on an approximate 17 acre parcel of land (Tax Map 57, Lot 1) off Route 25 in West Gorham, to consolidate and grow his business, National Attachments, to the Planning Board for a Public Hearing and their recommendations.

Item # 9084 Action to consider appointing a Comprehensive Plan Committee. (Admin. Spon.)

Proposed
Order # 9084 Ordered, that the Town Council appoint a Comprehensive Plan Committee to hold Public Hearings and review the draft update Comprehensive Plan and make recommendations to the Town Council about changes or adjustments that should be considered to the draft plan, and
Be It Further Ordered, that the following people be appointed to serve on the Committee: Kathy Garrard, Virginia (Ginny) Cross, John Phinney, Dale Rines, Tiffaney Cupps, Doug Carter, Bill Rust, Dede Perkins and Daniel Nichols.

Item # 9085 Action to consider authorizing an "I Support Shaw Park" decal and bookmark program. (Admin. Spon.)

Proposed
Order # 9085 Ordered, that the Town Council endorse an "I Support Shaw Park" decal and bookmark program as outlined in the memo from Cindy Hazleton, dated May 11, 2016, including authorizing the sale of decals for \$5.00 with the proceeds to be used to support Shaw Park.

Item # 9086 Action to consider a proposal to amend the Land Use and Development Code to require that business signs be removed within 60 days after a business vacates a location. (Councilor Robinson Spon.)

Proposed
Order # 9086 Ordered, that the Town Council refer a proposal to amend the Land Use and Development Code to require that business signs be removed within 60 days after a business vacates a location, to the Ordinance Committee for their review and recommendations.

Item # 9087 Action to consider authorizing signs recognizing the University of Southern Maine, to the "Welcome to Gorham" signs. (Admin. Spon.)

Proposed
Order # 9087 Ordered, that the Town Council authorize adding signs that recognize the University of Southern Maine to the Towns "Welcome to Gorham" signs.

Item # 9088 Action to consider a proposal to amend the Land Use and Development Code to allow "Recreational Businesses" as a permitted use in the Industrial Zone. (Councilor Hartwell Spon.)

Proposed
Order # 9088 Ordered, that the Town Council refer a proposal to amend the Land Use and Development Code to allow "Recreational Businesses" as a permitted use in the

Industrial Zone, to the Ordinance Committee for their review and recommendations.

Item # 9089 Action to consider accepting the resignation of Robert Petitt from the Board of Directors of the Gorham Economic Development Corporation. (Admin. Spon.)

Proposed

Order # 9089 Ordered, that the Town Council accept the resignation of Robert Petitt from the Board of Directors of the Gorham Economic Development Corporation, and Be It Further Ordered, that the Town Council expresses its appreciation for his many years of service to the Gorham Community.

Item # 9090 Action to consider nominating someone to serve on the MMA Legislative Policy Committee. (Admin. Spon.)

Proposed

Order # 9090 Ordered, that the Town Council nominate _____ to serve on the MMA Legislative Policy Committee.

Item # 9091 Action to consider going into Executive Session pursuant to Title 30, MRA Section 841 to consider an application for an abatement of taxes based on poverty. (Admin. Spon.)

Proposed

Order # 9091 Ordered, that the Town Council go into Executive Session pursuant to Title 36 MRSA Section 841 to consider an application for an abatement of taxes based on poverty.

Adjourn