

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
June 7, 2016

Chairman Robinson opened the meeting with the Pledge of Allegiance to the Flag. There were 28 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Robinson, Councilors Roullard, Shepard, Benner, Phinney and Stelk. Also present, Town Manager David Cole and Acting Town Clerk Laurie Nordfors. Councilor Hartwell arrived at 6:35.

Moved by Councilor Phinney, seconded by Councilor Shepard and VOTED to accept the minutes of the May 17 and May 31, 2016 Special Town Council Meetings and the May 3, 2016 Regular Town Council Meeting. 7 yeas

Open Public Communications

There were no comments from the Public.

Councilor Communications

Councilor Roullard reported that the Greater Portland Council of Government will meet on June 15, 2016 and He and Councilor Stelk will represent Gorham.

Councilor Stelk gave a shout out to the Rec Department for organizing the Memorial Day Parade.

Councilor Benner gave her condolences on the death of Linda Straw who worked at Baxter Memorial Library and noted that she will be sadly missed by all. She also reported that over 250 people participated in the Taste Walk last weekend with MK Kitchen taking 1st place, Sebago Brewery 2nd place and 91 South 3rd place.

Chairman Robinson thanked the Council for their time and effort this past month during special meetings and workshops. He pointed out that there will be a committee formed for the Comprehensive Plan. He also gave his condolences on the loss of Linda Straw and recognized her 25 years of service to Baxter Memorial Library.

Town Manager Report

David Cole reminded citizens of the upcoming State Primary and Local School Budget/Referendum Election on Tuesday June 14, 2016 and encouraged Citizens to get out and Vote.

School Committee Report

Darryl Wright reported that the Gorham High School Seniors will be graduating this Sunday, June 12th at Merrill Auditorium and congratulated them for their hard work. The last day of school for students is June 14, 2016. Darryl announced that Chris Record will be the new Assistant Superintendent and they are starting the process of hiring a new Principal for GHS. The next School Committee meeting is June 15, 2016 in the Council Chambers.

Chairman Robinson opened Public Hearing #1. Darryl Wright, of Elkins Road thanked the School Board and School Department for their time and effort on the School Budget and he hopes the Council will support it as presented. There were no other comments from the Public and the hearing was closed.

Item #9080 Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to waive the reading of the order. 7 years

Moved by Councilor Roullard, seconded by Councilor Phinney and ORDERED to amend the budget by reducing the budget by \$200,000. 7 years

Moved by Councilor Phinney, seconded by Councilor Benner and ORDERED, that the Town Council vote to approve the School Budget for the fiscal year 2016-2017 as follows:

ORDERED, that the following school budget items be adopted and approved for fiscal year 2016-2017:

That **\$15,644,750** 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 **\$2,734,725** be authorized to be expended for Student and Staff Support;
that **\$1,087,606** be authorized to be expended for System Administration;
that **\$1,865,332** be authorized to be expended for School Administration;
that **\$1,694,518** be authorized to be expended for Transportation and Buses;
that **\$3,504,437** 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 **\$36,045,857** 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 **\$36,045,857** 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 \$4,628,978 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$3,976,258.91 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 \$3,976,258.91. 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 # 9080 VOTED as amended. 7yays

Item # 9081 Moved by Councilor Phinney, seconded by Councilor Roullard and VOTED to waive the reading of the Order. 7 yeas

Moved by Councilor Phinney, Seconded by Councilor Shepard and ORDERED to amend the budget and add \$5000 to the Rec Department Reserve fund to fund the Founders Festival every 5 years. 7 yeas

Moved by Council Stelk, seconded by Councilor Phinney and ORDERED to amend the budget to remove \$11,000 for the Silver Bullet recycle bins and add \$2000 to the Sno-goers. 0yeas, 7 nays (All Councilors)

Moved by Councilor Stelk, seconded by Councilor Benner and ORDERED to amend the budget to add \$2000 to the Sno-goers. 6 yeas, 1 nay (Robinson)

Moved by Councilor Roullard, seconded by Councilor Phinney and ORDERED to amend the budget to add \$3500 to the New Year's Gorham fund. 6 yeas, 1 nay (Hartwell)

Moved by Councilor Shepard, Seconded by Councilor Phinney and ORDERED to amend the budget to add \$13,655 to increase the Fire Inspectors hours to 28.6 years, 1 day (Hartwell)

Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED that the Town Council vote to approve the Town of Gorham Budget for the fiscal year 2016-2017 as follows:

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	\$	4,002,598
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	\$	2,249,949
Other Town Services and Unclassified	\$	<u>364,090</u>
Subtotal	\$	13,618,860
Cumberland County Property Tax	\$	<u>1,044,423</u>
Total	\$	<u><u>14,663,283</u></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.

Item # 9081 was VOTED as amended. 7 yeas

Councilor Robinson opened Public Hearing # 2. There were no comments from the Public and the hearing was closed.

Item # 9082 Moved by Councilor Shepard, seconded by Councilor Stelk and ORDERED,
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 Therefor 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.

Moved by Councilor Shepard, seconded by Councilor Roullard and ORDERED to amend the order to strike within a reasonable time period and add within a 20 year period. 7 yeas

Item # 9082 was VOTED as amended. 7 yeas.

Item # 9083 Moved by Councilor Shepard, seconded by Councilor Roullard and ORDERED, that the Town Council refer a request form Scott Guimond, for a contract zone on an approximated 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.

Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to amend the Order to send it to the Ordinance Committee. 7 yeas

Item # 9083 was VOTED as amended. 7 yeas

Item # 9084 Moved by Councilor Shepard, seconded by Councilor Phinney and 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, Tiffany Cupps, Doug Carter, Bill Rust, Dede Perkins and Daniel Nichols.

Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to amend the Order to strike out the name John Phinney and replace with John Smith. 7 yeas

Item # 9084 was VOTED as amended. 7 yeas

Item # 9085 Moved by Councilor Phinney, seconded by Councilor Stelk and ORDERED, that the Town Council endorse and "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. 7 yeas

Item # 9086 Moved by Councilor Phinney, seconded by Councilor Shepard and 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. 7 yeas

Item # 9087 Moved by Councilor Roullard, seconded by Councilor Stelk and ORDERED, that the Town Council authorize adding signs that recognize the University of Southern Maine to the Towns "Welcome to Gorham" signs. 7 yeas

Item # 9088 Moved by Councilor Hartwell, seconded by Councilor Stelk and 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. 4 yeas, 3 nays (Robinson, Benner, Shepard)

Item # 9089 Moved by Councilor Roullard, seconded by Councilor Shepard and 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. 7 years

Item # 9090 Moved by Councilor Shepard, seconded by Councilor Phinney and ORDERED, that the Town Council nominate David Cole to serve on the MMA Legislative Policy Committee. 7 years
Moved by Councilor Roullard, seconded by Councilor Phinney and VOTED to take an item not on the agenda. 7 years

Moved by Councilor Roullard, seconded by Councilor Phinney and ORDERED, that the Town Council authorize emergency housing at 11 Plummer Road, for a period of time not to exceed 1 year, because of a recent fire, in accordance with the Land Use and Development Code. 7 years

Moved by Councilor Phinney, seconded by Councilor Benner and VOTED to amend Item # 9091 and add an action. 7 years

Item # 9091 Moved by Councilor Roullard, seconded by Councilor Stelk and 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 and go into Executive Session pursuant to Title 1 MRSA Section 405 (6) (C) to discuss an offer to purchase Town owned land off Deering. 7 years

Moved by Councilor Phinney, seconded by Councilor Roullard and VOTED to come out of Executive Session. 7 years

Moved by Councilor Phinney, seconded by Councilor Benner and ORDERED, that the Town Council accept an offer from Risbara Properties, LLC to purchase Town owned property off Deering Road, Tax Map 14, Lot 6-102. 7 years

Moved by Councilor Phinney, seconded by Councilor Shepard and ORDEDERED, that the Town Council deny application A-16-2 for an abatement of taxes based on poverty because it is premature. 5 yeas, 1 nay (Stelk) (Councilor Benner abstained from the vote with the Councils permission.)

Moved by Councilor Phinney, seconded by Councilor Shepard and VOTED to adjourn. 7 years. Time of adjournment: 8:43pm

At True Record of Meeting

ATTEST _____
Laurie Nordfors, Acting Town Clerk

