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Gorham holds holiday meeting with no advance public notice

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By Robert Lowell rlowell@keepmecurrent.com | [0 comments](#)

The Gorham Town Council on Monday, a national holiday, held a pair of meetings but failed to provide public notice for one of those.

Meetings held without public notification could be found in violation of a state statute that stipulates that a notice is required for public meetings of boards with three or more members.

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Prior to a scheduled workshop, six town councilors met with and interviewed representatives of construction firms about selecting a construction manager for the town's \$4.99 million Public Safety Building makeover. The Town Council conducted meetings at the municipal center, which was closed for regular public business on Monday in observance of Martin Luther King Day.

While the town failed to post public notice of the meeting with the construction firms, two residents who got wind of the meeting emailed the American Journal. The meeting with construction manager candidates preceded a Town Council workshop at 4:30 p.m. Notification of the workshop was posted on the town's website.

"The meeting for the presentations and interviews with the construction firms wasn't posted because I viewed it as a similar process as interviewing a potential employee," Town Manager David Cole said in an email on Tuesday to the American Journal.

"However, it was technically a meeting," he said, "and the town should have provided notice for that meeting as well the notice that was provided for the workshop that began at 4:30 p.m. An agenda would then have had a single item to go into executive session to interview the construction firms."

Judy Meyer, vice president of Maine Freedom of Information Coalition and managing editor of the Lewiston Sun Journal, described for the American Journal notification requirements for public meetings under the Freedom of Access Act.

"They just have to post their meeting in a place where the public can see it – which can be online, on a bulletin board at the town office, or in a local market, wherever," Meyer said.

"There is no specified time to do that, but only 'reasonable amount of time' that the public can expect to see it. If it's an emergency meeting, the board must notify the press at the same time as the council, and if it's a public hearing it has to be done seven days in advance of the hearing.

"So, basically, a council can decide on a Monday to hold a regular meeting that Wednesday, hang a notice in the town office

and they're good to go," she said.

Gorham Town Council Vice Chairman Bruce Roullard said after Monday's workshop meeting that six councilors of Gorham's seven-member board (Chairman Mike Phinney absent) had met with representatives from construction firms.

Monday's meeting stemmed from a Town Council agenda item at its Jan. 6 regular meeting that would have approved AlliedCook Construction as the construction manager for the public safety project. But, the Town Council amended the item to schedule a second interview with the three finalists for the job.

Roullard said that the councilors in Monday's meeting met with representatives of AlliedCook and Great Falls Construction.

Cole said in his email on Tuesday that the Town Council didn't vote to hire a firm after the interviews.

The decision on hiring a firm will be done on Feb. 3, Cole said in his email. That is the date of the next regular monthly meeting of the Town Council.

Following the board's meeting with the construction firms, the Town Council convened its scheduled workshop with all members present to discuss a variety of issues, including the police chief position that became available following retirement of Ronald Shepard, who was elected to the Town Council in November.

The Town Council voted in the workshop to discuss the chief's position in executive session, meaning the board went behind closed doors. Phinney said in an email on Tuesday the Town Council waived its rules to allow a vote to enter into executive session.

Cole said the Town Council usually doesn't vote on an item in a workshop but "there is nothing preventing them from doing so."

The workshop and its executive session appear to have been conducted in accordance with rules and statutes.

Brenda Kielty, assistant attorney general and public access ombudsman, in an email response to an American Journal question about a workshop executive session, addressed the state statute generally.

"There is no requirement in FOAA (Freedom of Access Act) that an agenda that includes a motion to enter into executive session be provided prior to a scheduled public meeting," Kielty wrote. "Local by-laws or policies have procedures that cover how to change or add to an agenda."

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