

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
AUGUST 6, 2013
BURLEIGH H, LOVEITT COUNCIL CHAMBERS

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the July 16, 2013 Regular Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

OLD BUSINESS

Item #8331 Action to consider amending the Policy for the Disposal of Tax Acquired Property. (Finance Committee Spon. 3-0)

Proposed

Order #8331 Ordered, that the Town Council approve amendments to Section 3 of the Policy for the Disposal of Tax Acquired Property, that would limit the length of a payment schedule and add a new Section 5 to allow a hardship waiver to the Policy as recommended by the Finance Committee.

Item #8332 Action to consider amending the Internet Use Policy for Baxter Memorial Library. (Ordinance Comm. Spon 2-1)

Proposed

Order #8332 Ordered, that the Town Council amend the Internet Use Policy for Baxter Memorial Library as presented.

Item #8333 Action to consider re-appropriating Capital Part 2 funds for repairs to Baxter Memorial Library. (Adm. Spon.)

Proposed

Order #8333 Ordered, that the Town Council re-appropriate the remaining Capital Part 2 funds in the 2012/13 Fiscal Year Budget, that were originally appropriated toward the closing and removal of the South Windham Library, to make repairs to Baxter Memorial Library.

Item #8334 Action to consider a request from the Sapling Hill Cemetery Improvement League and Trustees of Sapling Hill Cemetery asking the Town to accept ownership of the Cemetery and accept the Trust Funds. (Adm. Spon.)

Proposed

Order #8334 Whereas, since 1899, the White Rock Cemetery Improvement Association, a nonprofit corporation organized under the laws of the State of Maine (the "Association"), has held and managed the assets, both real property and personal property (both tangible and intangible), of the Sapling Hill Cemetery in Gorham;

Whereas, since 1901, the White Rock Improvement League, a Maine association (the "League"), has raised and expended funds to improve and beautify the Sapling Hill Cemetery in cooperation with the Association;

Whereas, the Association Trustees and the League Trustees now desire to dissolve their respective organizations, resign as trustees of the Sapling Hill Cemetery's assets and transfer all of the Association's

assets and the League's assets to the Town of Gorham ("Town"), all of such assets to be held, IN TRUST, in furtherance of the Association's and the League's purposes to care for and manage the Sapling Hill Cemetery;

Whereas, on June 20, 2013 the Association Trustees and the League Trustees voted to begin the formal, legal process to resign as trustees and to transfer, IN TRUST, all of its and their interests in the Association's and the League's assets to the Town of Gorham, pursuant to State statute, 18-B M.R.S.A. § 705(1)(B), under the conditions that:

(1) the Town of Gorham, acting by and through its Town Council, agrees to accept and maintain all of the Association's and the League's assets, as aforesaid, to be held IN TRUST, (excepting only the Association's and the League's books, which are to be transferred to the Gorham Historical Society, but nonetheless to be available for public inspection, reference as may be needed by the Gorham Town Council and for historical purposes) for the purpose of managing and protecting the Sapling Hill Cemetery and further subject to the limitations set forth in State statute, 13 M.R.S.A. §§ 1031-1386 and the Maine Uniform Trust Code; and

(2) that the Maine Attorney General and the Maine Probate Court approve of the Town's becoming the trustee of the Association's assets pursuant to 18-B M.R.S.A. § 704(4)(C);

Whereas, as of June 28, 2013 the Association's intangible personal property, i.e., its financial assets totaled \$ 708.13 and any additional amounts being held in trust by the Town;

Whereas, as of June 28, 2013 the League's intangible personal property, i.e., its financial assets totaled \$ 5,222.38;

Whereas, after careful deliberation, the Town of Gorham, acting by and through its Town Council, is ready, willing and able to take over the care and management of the Sapling Hill Cemetery and to take ownership of all its assets, both real and personal, IN TRUST, as aforesaid, for such limited purpose;

Now, Therefore, It Is Hereby Ordered, that the Town of Gorham, acting by and through its Town Council, shall accept ownership of all of the Association's and the League's assets, both real property and personal property (including both tangible and intangible assets), as aforesaid, to be held IN TRUST, nevertheless, with the Town Council members, in office from time to time, to serve as the trustees, and to take all actions, as reasonably necessary, to accomplish the same, including, without limitation, accepting delivery of deeds to the Sapling Hill Cemetery real property, excluding only the Association's and League's books and records, which are to be transferred to the Gorham Historical Society to be available for public inspection, reference as may be needed by the Gorham Town Council and for historical purposes, and the commencement of a civil action in Maine Probate Court to secure approval of the Maine Attorney General, who shall be made a party to such action, and the Probate Court, all as deemed reasonably necessary by the Town Attorney, who is hereby authorized to file such action.

Be It Further Ordered that, the Town of Gorham, acting by and through its Town Council, as trustees, shall hold and manage all such assets IN TRUST to oversee and care for the Sapling Hill Cemetery, subject to the limitations set forth in 13 M.R.S.A. §§ 1031-1386 and the Maine Uniform Trust Code.

Provided, However, the Town's acceptance of this responsibility and the acquisition of such assets, as described above, are conditioned upon (1) approval by the Maine Attorney General and the Maine Probate Court, pursuant to 18-B M.R.S.A. § 704(4)(C); (2) the Association and the League's Trustees' execution of a deed for the Sapling Hill Cemetery and any other, related real property, and execution of a bill of sale for the Association's tangible and intangible assets, all in favor of the Town of Gorham's acceptance of the same IN TRUST, as aforesaid; and (3) the Association Trustees' and the League's Trustees' completion of all acts necessary under the law finally to dissolve the White Rock Cemetery Improvement Association and the White Rock Improvement League, respectively.

Item #8336 Action to consider a recommendation from the Finance Committee to solicit bids for several parcels of tax-acquired property. (Finance Com. Spon. 3-0)

Proposed

Order #8336 Ordered, that the Town Council authorize the Town Manager and Finance Director to solicit sealed bids for the following parcels of tax-acquired property and, after reviewing the bids received, make a recommendation to the Town Council. The properties are:

1. Tax Map 47, lot 2 – Market Trading Company, property located off the discontinued portion of Queen Street and near Gordon Farms Subdivision.
2. Tax Map 81, lot 9, John J. and Ellen W. Reynolds, 20 Sanborn Street

Item #8337 Action to consider soliciting proposals from contractors to use a design-build or contract management approach for the project to make renovations and improvements to the Little Falls School Building and Little Falls Recreation area, as approved by the voters on November 6, 2012. (Adm. Spon.)

Proposed

Order #8337 Ordered, that the Town Council authorize the Town Manager to solicit proposals for design-build or contract management services, for the project to make renovations and improvements to the Little Falls School Building and Little Falls Recreation area, as approved by the voters on November 6, 2012.

NEW BUSINESS

Public Hearing A Public Hearing on recommendations from the Little Falls Recreation Area Master Plan Committee concerning future plans for the Little Falls Recreation Area, the athletic field behind Village School and a field on the Chick Property.

Item #8339 Action to consider recommendations from the Little Falls Recreation Area Master Plan Committee concerning future development plans for the Little Falls Recreation area, the athletic field behind Village School and a field on the Chick Property. (Adm. Spon.)

Proposed

Order #8339 Ordered, that the Town Council adopt the recommendations of the Little Falls Recreation Area Master Plan Committee, as the Master Plan for the future development of the Little Falls Recreation Area as depicted on a Site Plan proposed by Sebago Technics.

Item #8340 Action to consider recommendations from the Little Falls Recreation Area Master Plan Committee concerning the future development of the athletic field behind Village School. (Adm. Spon.)

Proposed

Order #8340 Ordered, that the Town Council adopt the recommendations of the Little Falls Recreation Area Master Plan Committee, as the Master Plan for the future development of the athletic field behind Village School as depicted on a Site Plan prepared by Sebago Technics.

Item #8341 Action to consider authorizing a referendum on a project to develop a Public Safety Facility. (Gagnon Spon.)

Proposed

Order #8341 Ordered, that the Town Council authorize a referendum vote to be held on November 5, 2013 to authorize a capital expenditure and the issuance of bonds in an amount of up to \$5,000,000 to finance expansion, renovation, improvement and equipping of the property located at 270 Main Street for use as a police and fire station (option 5 in the preliminary report from the Public Safety Building Committee prepared from the December 18, 2012 Town Council Workshop); and,

Be It Further Ordered, that the public hearing on this referendum question be held on September 3, 2013, and

Be It Further Ordered, that the referendum question to appear on the ballot shall be as follows:

REFERENDUM QUESTION NO. 1

Shall a capital expenditure not to exceed \$5,000,000 be approved to pay for costs of expansion, renovation, improvement and equipping of the building located at 270 Main Street for use as a police station and fire station, such amount to be raised by the issuance of general obligation bonds and/or notes of the Town, hereby authorized, with the bonds and notes to have such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as said Municipal Officers shall determine?

(Total estimated debt service of \$6,926,250 of which the maximum principal amount is \$5,000,000 and estimated interest thereon at 3.67% over 20 years is \$963,125)

Notes: The Town Council recommends a “Yes” vote.

Financial Statement

The issuing of bonds by the Town of Gorham is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town of Gorham as of the date of this referendum election:

Bonds Now Outstanding and Unpaid:	\$37,163,430
Interest to be Repaid on Outstanding Bonds:	\$ 9,496,641
Total to be Repaid on Bonds Outstanding:	\$46,660,071
Additional Principal Amount of Bonds Authorized But Not Yet Issued:	\$ 1,400,000
Total Additional Bonds To Be Issued If Question 1 Is Approved By Voters:	\$ 5,000,000
Estimate of Potential New Interest on such Additional Bonds	\$ 963,125
Total Additional Bonds To Be Issued & Estimated Interest If Approved By Voters:	\$ 6,926,250

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity.

/s/ David O. Cole

David O. Cole, Treasurer, Town of Gorham

- Item #8342 Action to ask the Finance Committee to review the fees charged by the Police and Fire Departments.
(Councilor Gagnon Spon)
- Proposed
Order #8342 Ordered, that the Town Council ask the Finance Committee to review the fees charged by the Police and Fire Departments and recommend changes, if any, to the Town Council.
- Item #8343 Action to consider asking the Capital Improvements Committee to review the issues and costs of placing the overhead utility lines in Gorham Village underground. (Councilor Gagnon Spon.)
- Proposed
Order #8343 Ordered, that the Town Council ask the Capital Improvement Committee to review the issues and cost of placing the above ground utility lines in Gorham Village underground.
- Item #8344 Action to consider amending the Land Use and Development Code to allow off site directional signs for farms. (Adm. Spon.)

Proposed
Order #834

Ordered, that the Town Council refer a proposal to amend Chapter II, Section III, Signs, of the Land Use and Development Code to allow off-site directional signs for farms, to the Planning Board for public hearing and their recommendation.

Item #8345

Action to go consider going into Executive Session pursuant to Title 36, MRSA, Section 841 (2) for the purpose of considering one application for abatement of taxes, and pursuant to Title 1, MRSA, Section 405 (6)(A) to discuss the appointment of a Town Clerk and, pursuant to Title 1, MRSA, Section 405 (6)(E) to consult with the Town Attorney regarding current and pending litigation. (Adm. Spon.)

Proposed
Order #8346

Ordered, that the Town Council go into Executive Session pursuant to Title 36, MRSA, Section 841 (2) for the purpose of considering one application for abatement of taxes based on poverty, and pursuant to Title 1, MRSA, Section 405 (6)(A) to discuss the appointment of a Town Clerk and, pursuant to Title 1, MRSA, Section 405 (6)(E) to consult with the Town Attorney regarding current and pending litigation.

Adjourn