

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
DECEMBER 1, 2015
Burleigh H Loveitt Council Chambers

Roll Call

Acceptance of the minutes of the November 10, 2015 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Old Business

Item # 8982 Action to amend the Land Use & Development Code to adopt a Conditional Zone for the McLellan/Sampson House located on 77 South Street. (Admin. Spon.)

Proposed

Order # 8982 Whereas the Town has a building located at 77 South Street, commonly known as the McLellan/Sampson House, and
Whereas, the Town would like to sell the property to increase the tax base of the community, allow the building to be more intensely used than its current use and potentially be a building that generates more opportunities for employment or housing and reduce the Town's future maintenance expense, and
Whereas, the Town would like to have the building developed while maintaining the historical integrity of the building,
Now Be It Ordered that the Town Council approve the following Conditional Zone:

McLellan House Conditional Zone

SECTION XV – MCLELLAN HOUSE CONDITIONAL ZONE

A. PURPOSE

To preserve the historic importance of the McLellan House and maintain the physical, aesthetic and social quality of Gorham's urban area and to provide for the location of a variety of residential and service uses in accordance with the standards of this chapter. To this end, residential development shall not exceed

the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV, of this Code.

B. PERMITTED USES

- 1) One, two, or three-family dwellings, exclusive of mobile homes and exclusive of trailers.
- 2) Municipal building or use.
- 3) Municipal or private parking lots
- 4) Municipally owned parks and playgrounds.
- 5) Accessory residential uses, including home occupations.
- 6) Accessory Apartments
- 7) Business and professional offices.

C. SPECIAL EXCEPTIONS

- 1) Reserved

D. SPACE STANDARDS

	<u>Watered & Sewered</u>
<u>Minimum lot size</u>	<u>None</u>
<u>Minimum area per dwelling unit</u>	<u>1,000 sq.ft.</u>
<u>Minimum street frontage</u>	<u>None</u>
<u>Minimum front yard</u>	<u>5 ft.</u>
<u>Minimum rear and side yards</u>	<u>5 ft</u>

Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

<u>Maximum building height</u>	<u>None</u>
<u>Maximum building coverage</u>	<u>None</u>

E. PERFORMANCE STANDARDS

The performance standards contained in Chapter II of this Code shall be fully observed and that any building renovations shall be consistent with the below Historic Preservation Review Standards as determined by the **Planning Board**.

1. Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right, shall not be destroyed.
5. Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.
6. Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.
7. The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired

and,

Be it Further Ordered, that the Town Council adopt the updated zoning map dated November 2015 for the Town of Gorham.

Public
Hearing # 1
On Item # 8994

Public Hearing on a proposal to amend Charter 1, Schedule B, Section 3, of the Streets and Sidewalk Ordinance to restrict parking on State Street and College Avenue to 2 hours. (Admin. Spon.)

Proposed
Order # 8994

Whereas, the Town of Gorham's Streets and Sidewalk Ordinance regulates parking in the Town of Gorham, and
Whereas, Chapter 1, Section 3 restricts parking to 2 hours, between 7am and 7pm, and
Whereas, the amount of parking in Gorham Village is limited and the Town Council believes providing restricted parking, effectively reduces all-day parking and provides more parking opportunity for visitors to Gorham Village who wish to conduct business,
Now Therefor Be It Ordered, that the Town Council amend the Streets and Sidewalk Ordinance by restricting parking on State Street and College Avenue to 2-hours, between 7am and 7pm.

Item # 8995 Action to consider selecting a real estate broker to assist the Town in disposing of property for a 1-year period from January 1, 2016 to January 1, 2017. (Finance Com. Spon.)

Proposed
Item # 8995 Ordered, that the Town Council select Peter Mason, Paul Willis and Demetria Chadborn as Real Estate Brokers to assist the Town in disposing of property for a 1-year period from January 1, 2016 to January 1, 2017, without any guarantee that properties will be made available for disposal, in accordance with their proposals, including any clarifications of their proposals, and
Be it Further Ordered, that the first property made available would be provided to Pete Mason, the second property provided to Paul Willis and the third property provided to Demetria Chadborn and subsequent properties provided in the same rotating sequence.

Item # 8996 Action to consider authorizing the issue of bonds that were approved by the voters on November 3, 2015. (Admin. Spon.)

Proposed
Order # 8996 WHEREAS, the voters of the Town of Gorham, Maine (the "Town") on November 3, 2015 approved a capital expenditure of a sum of money not to exceed (a) \$600,000 for the Town's share of a project to reconstruct Main Street in Gorham Village, with funds to be combined with funds from the Maine Department of Transportation and funds from the Portland Water District for a combined project estimated at \$2,200,000, plus (b) \$1,175,500 (to combine with \$440,000 previously budgeted) for major roof, locks and hardware and mechanical equipment projects at Gorham Schools ("Projects"); and

WHEREAS, the Town Council desires that General Obligations Bonds and/or Notes of the Town be issued to finance the Projects; and

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of Gorham, Maine:

Section 1. The sum of \$1,775,500 be and hereby is appropriated to finance the costs (as herein defined) of the Projects, such amount to be raised by the issuance of general obligations bonds and/or notes of the Town.

Section 2. Pursuant to Maine law, the Town Charter of the Town, votes duly adopted by the inhabitants of the Town at the referendum election duly called and held on November 3, 2015, and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the "Bonds") of the Town and/or temporary notes in anticipation thereof (the "Notes) in an aggregate principal amount not to exceed \$1,775,500. The Bonds shall be designated "Town of Gorham, Maine, General Obligation Bonds" and any notes in anticipation thereof shall be designated "Town of Gorham General Obligation Bond Anticipation Notes." The proceeds of the Bonds and any Notes shall be used to finance the costs of the Projects.

Section 3. The Treasurer is authorized to determine the date, form, interest rate(s) (which

interest rate may be a fixed rate or a variable rate or some combination of the two), maturities and all other details of each issue of the Bonds and the Notes, including the form and manner of their sale and award.

Section 4. The Bonds shall mature at the times and shall be in the amounts, and be dated as of such date, bear interest at the rate or rates and be in such form and contain such terms and provisions (including but not limited to early redemption provisions, if any) as the Treasurer may hereafter determine or authorize.

Section 5. The Treasurer be and hereby is authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity, and each Bond or Note issued hereunder shall be signed by the Treasurer, shall be countersigned by the Chair of the Town Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

Section 6. The Treasurer be and hereby is authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Treasurer of the Town be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 7. The Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the Bonds and/or Notes be and hereby is approved.

Section 8. The Treasurer be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds and Notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

Section 9. The Bonds and Notes shall be transferable only on registration books of the Town kept by the transfer agent, and said principal amount of the Bonds or Notes of the same maturity (but not of other maturity) in the denomination of \$5,000 or any multiple thereof (or such other minimum denomination as the Treasurer shall establish) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a Bond or Note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new Bonds or Notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 10. The Treasurer be and hereby is authorized to undertake all acts necessary to provide, if deemed necessary or appropriate by the Treasurer in her discretion, for the issuance and transfer of such Bonds and Notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing Order above regarding physical transfer of Bonds and Notes, and the Treasurer be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the Bonds or Notes for and participate in the Depository Trust Company Book-Entry Only System.

Section 11. The Treasurer and Chair of the Town Council from time to time shall execute such Bonds or Notes as may be required to provide for exchanges or transfers of Bonds or Notes as heretofore authorized, all such Bonds or Notes to be executed as above described, and in case any officer of the Town whose signature appears on any Bond or Note shall cease to be such officer before the delivery of said Bond or Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 12. The Treasurer be and hereby is authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and that no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code.

Section 13. To the extent permitted under the Code, the Treasurer is authorized to designate any of the Bonds or Notes authorized to be issued hereunder as qualified obligations for purposes of Section 265(b) of the Code.

Section 14. The Treasurer be and hereby is individually authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds and Notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds and Notes will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation.

Section 15. The Treasurer be and hereby is authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Notes or Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

Section 16. If any of the officers or officials of the Town who have signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

Section 17. If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the Bonds or Notes or any of the related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

Section 18. The Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates, bond insurance agreements, notices of sale and

other documents as may be necessary or appropriate in connection with the sale of the Bonds and Notes and any letter of credit agreement or liquidity facility agreement necessary to the issuance of any Bonds or Notes, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Projects, the execution, sale, and delivery by the Town of the Bonds and Notes and the execution and delivery of any related financing documents.

Section 19. The term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Projects; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Projects; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Projects; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Projects; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Projects; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three (3) years from the issue date of the Bonds or Notes, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

Section 20. In each of the years during which any of the Bonds or Notes issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said Bonds or Notes, payable in such year, and the principal of such Bonds or Notes maturing in such year (except in the case of Notes to be refunded in that year by the issuance of Bonds).

Section 21. Any or all of the Bonds or Notes issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent Order of the Town Council of the Town of Gorham.

Section 22. The investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds (including any premium) of the Bonds and Notes, if any, be and hereby are appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any costs of the Projects in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

Section 23. It is the intent of the Town Council that this Bond Order shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Projects in an amount up to the principal amount of the Bonds to be issued, which costs the Town reasonably expects to reimburse with proceeds of the Bonds or Notes.

Item # 8997 Action to consider a request from Dan and Erin Foley to allow property at 23 Preble Street to accommodate a 3-unit apartment building. (Admin. Spon.)

Proposed
Order # 8997 Ordered, that the Town Council pursuant to a request from Dan and Erin Foley to allow property at 23 Preble Street to accommodate a 3-unit apartment building, forward a proposal to rezone the property at 23 Preble Street from the Urban Residential zone to The Gorham Village Center District, to the Planning Board for a Public Hearing and their recommendations.

Item # 8998 Action to consider making an appointment to the Board of Trustees of Baxter Memorial Library. (Appoint. Com. Spon. 3-0)

Proposed
Order #8998 Ordered, that the Town Council appoint Jan Willis to the Board of Trustees of Baxter Memorial Library to fill an unexpired term that expires in 2017.

Item # 8999 Action to consider adjusting fees for local Police Services. (Admin. Spon.)

Proposed
Order #8999 Ordered, that the Town Council approve a new fee schedule for local Police Services as follows to be effective, January 1, 2016:

1. Crash Reports \$17
2. All Other Offense Reports \$15
3. Accident Reconstructive Report \$150
4. DVD's \$20
5. Finger Prints for Gorham Residents FREE
6. Finger Prints for Non-Residents \$20
7. .50cent/page additional charge for reports that exceed 10 pages

Item # 9000 Action to consider accepting Bramblewood Lane as a Public Road.(Admin. Spon.)

Proposed
Order # 9000 Ordered, that the Town Council accept Bramblewood Lane, located in Bramblewood Subdivision, off of South Street(Route 114) as a Public Road, and Be It Further Ordered, that Bramblewood Lane be locally classified as an Urban Access Road.

Item # 9001

Action to consider going into Executive Session, pursuant to Title 36 MRSA, Section 841 (2) to consider one application for an abatement of taxes based on poverty.

Proposed

Order # 9001

Ordered, that the Town Council go into Executive Session, pursuant to Title 36, MRSA Section 841 (2) to consider one application for an abatement of taxes based on poverty.

Adjourn