

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
May 7, 2013
BURLEIGH H, LOVEITT COUNCIL CHAMBERS

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the April 2, 2013 Regular Meeting and April 9, 2013 Special Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public Safety Building Committee Report

Old Business

Item #8298 Action to consider approval of a renewal Class III Special Amusement Permit in the name of PineCrest Bed & Breakfast Inn LLC (Adm. Spon.)

Proposed

Order #8298 Ordered, that the Town Council approve a renewal Class III Special Amusement Permit in the name of PineCrest Bed Breakfast Inn LLC, doing business at 91 South Street.

New Business

Public

Hearing #1 A Public Hearing to hear public comment on a Referendum Question for the June 11, 2013 Election as follows:

REFERENDUM QUESTION NO. 1

Shall a capital expenditure not to exceed \$6,300,000 be approved to pay for costs of expansion renovation, improvement or replacement and equipping of the former Little Falls School for use as a Police Station and Fire Station, such amount to be raised by the issuance of general obligations bonds and/or notes of the Town, hereby authorized, with the bonds and notes to have such dates, maturities, denominations, interest rates(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premiums) as said Municipal Officers shall determine; with the current building at 270 Main Street to be used for a community center and recreation?

(Total estimated debt service of \$8,284,500 of which the maximum principal amount is \$6,300,000 and estimated interest thereon at 3% over 20 years is \$1,984,500)

Notes: The Town Council recommends a "Yes" vote

This public hearing is for informational purposes and no further Town Council action is anticipated.

Public
Hearing #2

Public Hearing on a renewal Liquor License in the name of Aramark Educational Services, LLC doing business at the University of Southern Main at Gorham, 37 College Avenue.

Item #8299

Action regarding a renewal Liquor License in the name of Aramark Educational Services, LLC. (Adm. Spon.)

Proposed
Order #8299

Ordered that the Town Council approve a renewal Liquor License in the name of Aramark Educational Services, LLC doing business at the University of Southern Maine at Gorham, located at 37 College Avenue.

Public
Hearing #3

Public Hearing on a renewal Liquor License in the name of Richard Jiang, d/b/a Ocean Garden Restaurant/R Corp at 390 Main Street.

Item #8300

Action regarding a renewal Liquor License in the name of Richard Jiang, d/b/a Ocean Garden Restaurant/R Corp. (Adm. Spon.)

Proposed
Order #8300

Ordered that the Town Council approve a renewal Liquor License in the name of Richard Jiang d/b/a Ocean Garden Restaurant/R Corp at 390 Main Street.

Item #8301

Action to ask the Town Council to reaffirm its interest in rezoning the South Gorham area. (Ordinance Committee Spon. 3-0)

Proposed
Order #8301

Ordered, that the Town Council, after discussing the potential benefits and consequences of rezoning an area of South Gorham, reaffirms its interest in having the Ordinance Committee continue to develop a plan to rezone the South Gorham area for the Town Council to consider at a later meeting.

Item #8302

Action to consider a recommendation from the Ordinance Committee, who reviewed a request from Barry King to rezone his property in South Gorham (Tax Map 6, lot 43.1) from, Suburban Residential to the Commercial Zone (Ordinance Comm. Spon. 2-0)

Proposed
Order #8302

Ordered, that the Town Council not approve a request from Barry King to rezone his property in South Gorham (Tax Map 6, lot 43.1) from Suburban Residential to the Commercial Zone as recommended by the Ordinance Committee.

Item #8303
Proposed

Action to consider accepting a proposal to demolish the White Rock School. (Adm. Spon.)

Order #8303

Ordered, that the Town Council accept the bid of Gorham Sand & Gravel for \$24,000 and accept the alternate to loam and seed for \$3,500 and accept the alternate bid to demolish the one remaining portable owned by the Town of \$5,500 for a total price of \$33,000.

Item #8304

Action to consider agreeing to a request from the Trustees of Gorham Cemetery Association for the Town to administer and manage Eastern Cemetery and its assets in Trust. (Adm. Spon.)

Proposed
Order #8304

Whereas, since 1907, the Gorham Cemetery Association, a nonprofit corporation organized under the laws of the State of Maine (the "Association"), has held and managed all of the assets, both real property and personal property (both tangible and intangible), of the Eastern Cemetery in Gorham;

Whereas, the Association's Trustees now desire to dissolve the corporation, resign as trustees of the Eastern Cemetery's assets and transfer all of the Association's assets to the Town of Gorham ("Town"), all of such assets to be held, IN TRUST, in furtherance of the Association's purposes to care for and manage the Eastern Cemetery;

Whereas, on April 3, 2013 the Association Trustees voted to begin the formal, legal process to resign as the Association's trustees and to transfer, IN TRUST, all of its and their interests in the Association'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 assets, as aforesaid, to be held IN TRUST, (excepting only the Association'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 Eastern 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(3)(C);

Whereas, as of April 3, 2013 the Association's intangible personal property, i.e., its financial assets totaled \$201,090; and

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 Eastern 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 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 a deed to the Eastern Cemetery real property, excluding only the Association'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 Eastern 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(3)(C); (2) the Association Trustees' execution of a deed for the Eastern 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' completion of all acts necessary under the law finally to dissolve the Gorham Cemetery Association.

Item #8305 Action to consider a request from the Lions Club to display the Towns Horse Drawn Hearse in the Memorial Day Parade. (Councilor Robinson Spon.)

Proposed

Order #8305 Ordered, that the Town Council authorize the Lions Club to display the antique Horse Drawn Hearse during the Memorial Day Parade and display it in the parking lot at Cook's Hardware for several hours after the Parade.

Item #8306 Action to consider appropriating unallocated Capital Part 2 funds for a parking study. (Adm. Spon.)

Proposed

Order #8306 Ordered, that the Town Council appropriate \$15,000 from the unallocated Capital Part 2 funds for a parking study in Gorham Village.

Item #8307 Action to authorize the Town Manager to designate Public Access Officers. (Adm. Spon.)

Proposed

Order #8307 Ordered, that the Town Council pursuant to Title 1, MRSA Section 413 authorize the Town Manager to designate Public Access Officers and alternates as needed.

Item #8308 Action to reappoint the Tax Assessor. (Adm. Spon.)

Proposed

Order #8308 Ordered, that the Town Council of the Town of Gorham, Maine, in Town Council assembled, pursuant to Title 30-A MRSA Section 2526(5) appoint Michael D'Archangelo as the Assessor for a term to expire on May 31, 2016.

Item #8309 Action to consider adjusting the monthly rent for 10 Preble Street (Councilor Phillips Spon.)

Proposed

Order #8309 Ordered, that the Town Council authorize the Town Manager to provide appropriate notice to the current tenant and then adjust the monthly rent based on an appropriate market rate, and

Be It Further Ordered, that the Town seek to rent all of the units at this property.

Item #8310 Action regarding the June 11, 2013 Special Referendum and School Budget Validation Referendum Elections. (Adm. Spon.)

Proposed

Order #8310 Ordered that the Town Council authorize the Town Clerk to issue the warrant for the June 11, 2013 Municipal Referendum Election and School Budget Validation Election; and,

Be It Furthered Ordered, that the polls be open from 7:00 am until 8:00 pm.; and,

Be It Further Ordered, that the Town Council appoint the following persons for the designated voting districts and if any of the following should fail to serve the Town Council hereby authorizes the Town Clerk to appoint substitutes:

- District 1 – Susan Emerson, Warden and Laurel Smith, Ward Clerk
- District 2 – Patricia Clay, Warden and Nancy Kenty, Ward Clerk
- Central – Connie Loughran, Warden, Laurie Nordfors, Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:30 am to 4:00 pm on Tuesday, June 4, 2013 and Wednesday, June 5, 2013; between the hours of 8:30 am and 7:00 pm, Thursday, June 6, 2013; between the hours of 8:30 am and 1:00 pm Friday, June 7, 2013 and between the hours of 8:30 am and 4:00 pm Monday June 10, 2013 and,

Be It Furthered Ordered, that the Town Clerk be authorized to process absentee ballots Tuesday, June 11, 2013 at the Central Voting District at 9:00 am, 3:00 pm and 8:00 pm.

Item #8311 Action to go into Executive Session pursuant to Title 1 MRSA Section 405 (6)(A) to discuss the process of employing a Town Clerk and pursuant to Title 1 MRSA Section 405 (6)(D) to discuss labor negotiations with the Fire Department. (Adm. Spon.)

Proposed

Order #8311 Ordered, that the Town Council go into Executive Session pursuant to Title 1 MRSA Section 405 (6)(A) to discuss the process of employing a Town Clerk and pursuant to Title 1 MRSA Section 405 (6)(D) to discuss labor negotiations with the Fire Department.

Adjourn