

GORHAM TOWN COUNCIL
REGULAR MEETING MINUTES
AUGUST 2, 2011

Gorham Municipal Center – Burleigh H. Loveitt Council Chambers

Chairman Robinson opened the meeting at 7:00 PM with the Pledge of Allegiance to the Flag.

There were 12 members of the public in attendance at the start of the meeting.

Roll Call: Chairman Robinson; Councilors: Caldwell, Gagnon, Mattingly, Miner, Phinney and Pressey; Town Manager, David Cole and Town Clerk, Connie Loughran.

Moved by Councilor Gagnon, seconded by Councilor Phinney and VOTED Acceptance of the minutes of the July 5, 2011 Special Meeting, July 5, 2011 Regular Meeting and the July 19, 2011 Special Meeting. 7 yeas

Open Public Communications

Representative Knapp reminded everyone that the Property Tax and Rent Rebate Program started August 1st and forms are available on line at www.maine.gov. Also on the State of Maine web site is a list of all the Maine State Parks and Historical sites and you can get passes on line for these sites. ME511 is a service to find travel information for example turnpike information.

Councilor Communications

Councilor Miner reported that he attended the Lions Club Car Show and thanked the Lions Club for hosting this successful event. The Capital Improvements Committee met on July 27th and there are a couple of items on tonight's agenda with recommendations from the Committee.

Councilor Caldwell reported that the Finance Committee reviewed expenditures and income, and the Town ended the fiscal year with a plus balance. The Finance Director was asked to look at the debt management factors and to report back to the committee.

Councilor Phinney reported that the Ordinance Committee is reviewing the Shot Gun Only Ordinance.

Councilor Pressey reported that the Appointments Committee is still accepting applications for the various Board and Committee openings.

Chairman Robinson reported that the Lions Club had 105 cars registered for the car show. He thanked the Councilors that attended the Maine Turnpike Authority meeting. Chairman Robinson reminded the Council that there would be a workshop on August 16, 2011 at 6:00 pm and that there was also a workshop scheduled for September.

School Committee Report

Dennis Libby, Chairman reported for the School Committee. The start of school will be August 25, 2011 for teachers; grades K,6 and 9 will start on August 29, 2011 and August 30, 2011 for everyone else. First grade enrollment is more than anticipated at the Village School the School Board approved adding an additional teacher for that school. This position is being funded through Medicaid and will not impact this year's budget. There is a building committee meeting August 3rd. Bus routes will be posted August 8th on the School Department website. Any questions regarding bus routes should be directed to the transportation department at 893-2547.

New Business

Item #8040 Moved by Councilor Phinney, seconded by Councilor Caldwell and ORDERED, that the Town Council appropriate \$20,000 from the Open Space Impact Fee Fund to support administrative and transaction costs associated with the acquisition of a conservation easement on approximately 500 acres of Randall Orchards which straddles the Gorham/Standish Town Line, with some of the land in Gorham and some of the land in Standish. 7 yeas

Item #8041 Moved by Councilor Phinney, seconded by Councilor Mattingly and ORDERED, that the Town Council authorize the Town Manager to sign an agreement with the Maine Department of Transportation and PACTS. to participate in a project (PIN 19121.00) to resurface approximately 0.36 miles of New Portland Road, and

BE IT FURTHER ORDERED, that the current estimated project cost is \$256,210, and

BE IT FURTHER ORDERED, that the Town share of costs is normally 25% to 30% however, if the agreement is signed by September 1, 2011 the Town's share shall be 25% of the first \$15,000 and 10% of all other project costs, and

BE IT FURTHER ORDERED, that the Town understands that its share of costs will increase if the Agreement is signed after September 1, 2011. 7 years

Item #8042 Moved by Councilor Phinney, seconded by Councilor Caldwell and VOTED to waive the reading of the proposed order. 7 years Moved by Councilor Phinney, seconded by Councilor Miner and VOTED,

WHEREAS, the Town Council desires to authorize the issuance of the Town's 2011 General Obligation Bonds (the "Bonds") and the sale of such Bonds to the Maine Municipal Bond Bank, pursuant to a referendum vote of the Town on November 2, 1999 and Orders adopted by the Town Council on May 2, 2000, to refund the Town's \$1,295,000 General Obligation Bonds, dated as of June 1, 2000 issued on June 8, 2000 to finance costs of construction of a public works facility;

NOW, THEREFORE, be it ordered by the Town Council of the Town as follows:

ORDERED: That pursuant to Maine law and the Town Charter and referendum vote of the Town on November 2, 1999 and Orders adopted by the Town Council on May 2, 2000, and all other authority thereto enabling, and to provide funds to refund the \$1,295,000 General Obligation Bonds, dated as of June 1, 2000 issued by the Town on June 8, 2000 to finance costs of construction of a public works facility, the Town Treasurer is hereby authorized and empowered in the name and on behalf of the Town to expend and borrow up to \$585,000 from the Maine Municipal Bond Bank (the "Bank") pursuant to a Loan Agreement between the Town and the Bank providing for a loan from the Bank in the principal amount not in excess of \$585,000, and the Treasurer of the Town be and hereby is authorized and empowered, in the name and on behalf of the Town, to execute and deliver, under the seal of the Town, attested by its Clerk, a Loan Agreement to be in the usual and ordinary form utilized by the Bank, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer may approve, with his approval to be conclusively evidenced by his execution thereof;

ORDERED: That pursuant to the provisions of Maine law and the Town Charter, and all other authority thereto enabling, and in order to provide funds for the purposes described in the foregoing Order, the Town Council of the Town hereby approves and authorizes the issue, sale and delivery to the Bank as evidence of the aforesaid loan and against payment therefor, the Bonds of the Town in a principal amount not to exceed \$585,000, such Bonds to mature and be payable on such dates and in such amounts as approved by the Town Treasurer; to bear interest at the rates specified by the Bank for its Fall 2011 issue, which rates shall be subject to approval by the Town Treasurer of the Town, such approval to be conclusively evidenced by his execution and delivery of such Bonds, payable semi-annually; to be issued as a single, fully registered Bond in the an amount not to exceed \$585,000 maturing and payable in installments as approved by the Town Treasurer; to be signed by the Town Treasurer and countersigned by the Chair of the Town Council and to be sealed with the seal of the Town and attested by its Clerk; and to be in such form and contain such terms and provisions as the officers executing the same may approve, their approval to be conclusively evidenced by their execution thereof; and further

ORDERED: That the Treasurer of the Town and other proper officials of the Town be, and hereby are, authorized and empowered in its name and on its behalf, to do or cause to be done all such acts and things as may be deemed necessary or desirable in order to effect the borrowing from said Bank of up to \$585,000 and the issue and delivery to said Bank as evidence thereof of a corresponding principal amount of the Bonds of the Town as hereinabove authorized in the foregoing Orders; and further

ORDERED: That the Town covenants and certifies that no part of the proceeds of the issue and sale of such Bonds authorized to be issued by the foregoing Orders (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause such Bonds of the Town to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"). 7 years

Item #8043 Moved by Councilor Phinney, seconded by Councilor Pressey and VOTED,

Whereas, the Cities and Towns of Cumberland County, in the State of Maine, recognize that natural hazards create a risk of harm to persons and damage to property, and

Whereas, the Cities and Towns of Cumberland County recognize that implementing certain measures may reduce the risk of harm to persons and damage to property resulting from these natural hazards;

NOW THEREFORE BE IT ORDAINED, that the Town Council of the Town of Gorham, Maine in Town Council assembled on behalf of the Town of Gorham hereby adopts the 2011 Cumberland County Hazard Mitigation Plan, and

BE IT FURTHER ORDERED, that the Town Council authorizes the Town Manager to sign any documents necessary to implement this agreement. 7 years

Item #8044 Moved by Councilor Phinney, seconded by Councilor Caldwell and ORDERED, that the Town Council accept the resignation of Lauren Carrier from the Planning Board, and

BE IT FURTHER ORDERED, that the Town Council expresses their appreciation for her service to the Town of Gorham. 7 years

Item #8045 The proposed order was moved by Councilor Phinney, seconded by Councilor Caldwell. Moved by Councilor Phinney, seconded by Councilor Miner to POSTPONE action on the prepared order until the Appointments Committee is ready to recommend an appointment to the Planning Board, to fill an unexpired term that will expire April 1, 2013. 7 years

Item #8046 Moved by Councilor Phinney, seconded by Councilor Gagnon and ORDERED, that the Town Council vote for the slate of officers of the Maine Municipal Association, as presented. 7 years

Item #8047 Moved by Councilor Miner, seconded by Councilor Gagnon ORDERED, that the Town Council authorize the Capital Improvements Committee to have discussions with the School Board about future sharing of School facilities for different community uses. 6 years 1 nay (Robinson)

Item #8048 Moved by Councilor Phinney, seconded by Councilor Miner and ORDERED, that the Town Council ask the Town Manager to schedule a workshop with the Town Council and Gorham Economic Development Corporation as soon as one can reasonably be organized. 7 years The Town Manager would look at scheduling the workshop for September 20 at 5:00 pm.

Item #8049 Moved by Councilor Phinney, seconded by Councilor Miner and ORDERED that the Town Council go into Executive Session, pursuant to Title 36 M.R.S.A., Section 841 (2) for the purpose of considering an application to abate taxes based on poverty and pursuant to Title 1, M.R.S.A Section 405 (6)(E) to discuss the litigation with Plan-It Recycling. 7years

Councilor Robinson left the meeting prior to the Executive Session.

Moved by Councilor Phinney, seconded by Councilor Mattingly and VOTED to come out of Executive Session. 6 years

Moved by Councilor Phinney, seconded by Councilor Miner and VOTED to deny the application of the applicant number 11-58 for an abatement of taxes based on poverty because the requested abatement was not on the applicants primary residence and the applicant had an ability to contribute to the public charge. 6 years

Moved by Councilor Phinney, seconded by Councilor Mattingly and VOTED to adjourn. Time of adjournment 9:56 pm. 6 years.

A True Copy

Attest

Cornelia C Loughran, Town Clerk