

REPORT OF THE
GORHAM TOWN COUNCIL REGULAR MEETING
AUGUST 6, 2013
BURLEIGH H, LOVEITT COUNCIL CHAMBERS

Chairman Gagnon opened the meeting with the Pledge of Allegiance to the Flag, there were 9 members of the public present at the start of the meeting.

Roll Call: Present: Chairman Gagnon; Councilors: Benner, Moulton, Phillips, Phinney, Pressey; Town Manager David Cole and Town Clerk Connie Loughran. Town Attorney William Dale arrived later during the meeting.
Absent: Councilor Robinson

Moved by Councilor Phinney, seconded by Councilor Moulton and VOTED to accept the minutes of the July 16, 2013 Regular Meeting. 6 years

Open Public Communications

There were no open public communications.

Councilor Communications

Councilor Pressey wished his son, Isaac a happy birthday.

Councilor Phinney attended the Founders Festival and his family had a really nice time. He congratulated Town Clerk, Connie Loughran on her retirement and thanked her for her 27 years of service, many of which they had worked together on the Planning Board.

Councilor Phillips also thanked Connie Loughran for her years of service to the Town. Ms. Phillips reported on the success of the Founders Festival and congratulated the Mosher family on receiving the Heritage Farm Award.

Councilor Moulton thanked Connie Loughran for her years of service to the Town. Mr. Moulton also reported that there is an opening to fill an unexpired term on the Planning Board and the Appointment Committee would be accepting applications.

Councilor Gagnon also reported on the success of the Founders Festival and the opening ceremony was very well attended. Mr. Gagnon congratulated the Mosher family on receiving the Heritage Farm Award.

Town Manager Report

David Cole also congratulated the Mosher family for receiving the Heritage Farm Award. Al Mosher was a member of the Town Council when Mr. Cole began working for the Town. Mr. Cole recognized Bob Henckel for his 25 years of service to the Town. Mr. Cole reported that nomination papers would be available for three positions on both the Town Council and the School Committee on August 12, 2013 and due back by September 23, 2013. Mr. Cole also wished Connie Loughran the very best and a wonderful and happy retirement.

School Committee Report

There was no School Committee report.

OLD BUSINESS

Item #8331 Moved by Councilor Moulton, seconded by Councilor Phinney and 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. 6 years

Item #8332 Moved by Councilor Moulton, seconded by Councilor Benner and ORDERED, that the Town Council amend the Internet Use Policy for Baxter Memorial Library as presented. 6 years

Item #8333 Moved by Councilor Benner, seconded by Councilor Moulton and 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. 6 years

Item #8334 Moved by Councilor Moulton, seconded by Councilor Benner and VOTED to WAIVE the reading of the proposed order due to its length. 6 years Moved by Councilor Phinney, seconded by Councilor Moulton that, 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. 6 years

Item #8336 Moved by Councilor Moulton, seconded by Councilor Phillips; Moved by Councilor Pressey, seconded by Councilor Moulton to Amend the proposed Order by removing Tax Map 47, lot 2 from the list as the taxes have been paid. 6 years The Order as AMENDED was voted resulting in the following: ORDERED, that the Town Council authorize the Town Manager and Finance Director to solicit sealed bids for the following parcel of tax-acquired property and, after reviewing the bids received, make a recommendation to the Town Council. The properties are:

Tax Map 81, lot 9, John J. and Ellen W. Reynolds, 20 Sanborn Street
6 years

Item #8337 Moved by Councilor Moulton, seconded by Councilor Benner; Moved by Councilor Moulton, seconded by Councilor Benner and VOTED to AMEND the prepared order by changing the word 'contract' to 'construction'. 6 years Moved by Councilor Moulton, seconded by Councilor Phinney and VOTED to AMEND the Order by adding 'Ordered, that the Town Manager solicit proposals for the roof, the heating system, the windows, ADA compliance and make recommendations of any other critical items that may ensue and bring all those proposals back to the Council with recommendations from Staff.' 6 years Moved by Councilor Benner, seconded by Councilor Phillips to add 'be it further ordered that the building continue to be used for the immediate future for recreational and community center kind of programs as it has been used for in the past.' 6 years

The Amended Order was VOTED resulting in the following: ORDERED, that the Town Council authorize the Town Manager to solicit proposals for the Little Falls School Building and Little Falls Recreation area, as approved by the voters on November 6, 2012 for the roof, the heating system, the windows, ADA compliance and make recommendations of any other critical items that may ensue and bring all those proposals back to the Council with recommendations from Staff, and

BE IT FURTHER ORDERED that the building for the immediate future continue to be used for recreational and community center programs as it has been used in the past. 6 years

NEW BUSINESS

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. Owens McCullough made a presentation regarding the work of the committee. There were no comments from the public and the Public Hearing closed at 7:50 PM.

Item #8339 Moved by Councilor Phinney, seconded by Councilor Phillips and 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. 5 yeas 1 abstention (Pressey)

Item #8340 Moved by Councilor Moulton, seconded by Councilor Phillips and 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. 6 yeas

Item #8341 Moved by Councilor Phinney, seconded by Councilor Benner to waive the reading of the proposed Order. 6 yeas The order as presented was Moved by Councilor Phinney, seconded by Councilor Phillips. Chairman Gagnon called for a straw vote to postpone this item for one month. 4 yeas Moved by Councilor Phillips, seconded by Councilor Phinney and VOTED to POSTPONE to the next regular meeting the authorization for a referendum vote 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) 5 yeas 1 nay (Gagnon)

Item #8342 The Order as read by the Town Clerk was Moved by Councilor Phinney, seconded by Councilor Phillips FAILED OF PASSAGE, 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.
2 yeas 4 nays (Pressey, Phinney, Benner, Moulton)

Item #8343 Moved by Councilor Moulton, seconded by Councilor Phinney and 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. 6 yeas

Item #8344 Moved by Councilor Phinney, seconded by Councilor Benner and 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. 6 yeas

Item #8345 Moved by Councilor Benner, seconded by Councilor Moulton and 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. 6 yeas

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

Item #8346 Moved by Councilor Phinney, seconded by Councilor Benner and ORDERED, that the Town Council, appoint Jennifer Elliott as the Acting Town Clerk, effective September 7, 2013. 5 yeas
1 nay (Gagnon)

Item #8347 Moved by Councilor Moulton, seconded by Councilor Phinney and ORDERED, that the Town Council deny application A13-46 for an abatement of taxes based on poverty because the applicant has assets that can be used to contribute to the public charge and the application is premature. 5 yeas
1 nay (Gagnon)

Moved by Councilor Moulton, seconded by Councilor Phillips and VOTED to ADJOURN. 6 yeas Time of Adjournment 10:44 PM.

A True Record of Meeting

Cornelia C Loughran