



**REPORT OF THE GORHAM TOWN COUNCIL
REGULAR MEETING
July 16, 2013
Burleigh H. Loveitt Council Chambers**

Chairman Gagnon opened the meeting at 7:00 PM with the Pledge of Allegiance to the Flag. There were 24 members of the public present at the start of the meeting.

Roll Call: Chairman Gagnon: Councilors; Benner, Moulton, Phillips, Phinney, Pressey, Robinson. Also present were David Cole, Town Manager; Connie Loughran, Town Clerk and William Dale, Town Attorney.

Moved by Councilor Phinney, seconded by Councilor Benner and Voted to Accept the minutes of the June 4, 2013 Regular Meeting and June 18, 2013 Special Meeting 7 yeas

Open Public Communications

Susan Duchaine, Design Dwellings spoke regarding the Code Enforcement office not being covered for inspections at all times and that maybe the impact fees need to be challenged again.

Andrew Cook, Manager of Key Bank and President of the Westbrook/Gorham Chamber of Commerce welcomes everyone to the Founder Festival being held on July 26 and 27, 2013.

Ken Curtis, South Street, urges the Council to look into building a Public Safety building on the existing site. He recommends the fire bay doors face Main Street. He also urges everyone in Town to become aware of the Chick Property site. Mr. Curtis complimented the Public Works Department on the marvelous things they are doing around Town. He asked if any thought had been given to any other time cuts other than the Town Clerk's Department. He also questioned the sound level at the village bandstand.

Jim Means, Beatrice Drive, complimented David Cole and the Public Works Department for the signs that have been removed.

Councilor Communications

Councilor Benner also was pleased that the signs have been removed.

Councilor Robinson reminded the public that the Founders Festival was coming up on July 26 and 27th and the Lions Club is having a car show at Gorham High School that weekend.

Councilor Phillips reported that the Little Falls Master Plan Committee has completed their charge and a presentation will be made later tonight. Also the Finance Committee has met and reviewed the monthly financials.

Councilor Phinney reported that the Ordinance Committee has reviewed the Special Amusement Ordinance and their recommendations are on tonight's agenda.

Councilor Gagnon reminded everyone that the Founders Festival is next weekend and thanked the Westbrook/Gorham Community Chamber of Commerce.

Town Manager Report

David Cole reported that he had the pleasure of presenting 25- year service pins to Deb Buker and Carol Robinson at Baxter Memorial Library.

School Committee Report – There was no School Committee Report.

Election Report

Connie Loughran reported on the results of the June 11, 2013 Elections. See the attached Report.

NEW BUSINESS

Chairman Gagnon opened the public hearing on a renewal Liquor License in the name of Southern Maine Community Recreation Center d/b/a Your Space. There were no comments from the public and the Public Hearing closed at 7:15 pm.

Item #8322 Moved by Councilor Phinney, seconded by Councilor Moulton and ORDERED that the Town Council renew a Liquor License in the name of Southern Maine Community Recreation Center d/b/a Your Space located at 215 Narragansett Street. 7 years

Chairman Gagnon opened the public hearing on a proposal to amend the Special Amusement Ordinance, twelve (12) members of the public spoke against the Special Amusement Ordinance and amendments. The public hearing closed at 7:50 pm.

Item #8323 The order as read by the Clerk was moved by Councilor Phinney, seconded by Councilor Benner; Moved by Councilor Phinney, seconded by Councilor Robinson to send the Special Amusement Ordinance back to the Ordinance Committee. 6 years 1 nay (Pressey)

Chairman Gagnon opened the public hearing to Amend the Streets and Sidewalks Ordinance by changing the Parking on the east side of School Street, from the intersection of Main Street North 90 feet, and on the westerly side, from State Street, north 96 feet, from 1-hour parking to 2-hour parking. There were no comments from the public and the public hearing closed at 8:50 pm.

Item #8324 Moved by Councilor Benner, seconded by Councilor Moulton that:

WHEREAS, the Town has a Streets and Sidewalks Ordinance that restricts parking in certain areas of Town, and

WHEREAS. Parking on areas of the east side and west side of School Street are currently limited to 1-hour parking, and

WHEREAS, a 2-hour parking limit would better accommodate the needs of customers who shop in that area and the businesses located there, while also promoting reasonable turnover of parking space,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Gorham, Maine in Town Council assembled that the Town Council amend Schedule B-Limited Parking, of the Streets and Sidewalks Ordinance, by changing the parking limit from 1-hour to 2-hours on School Street on the easterly side from Main Street continuing north a distance of approximately 90 feet and on the westerly side from State Street continuing north a distance of approximately 96 feet. 7 years

Item #8325 Moved by Councilor Robinson, seconded by Councilor Benner and Resolved that The 2013 Gorham, Maine Spirit of America Foundation Tribute honors The Westbrook/Gorham Community Chamber of Commerce for commendable community service.

BE IT RESOLVED by the Gorham Town Council as follows:

WHEREAS, The Westbrook/Gorham Community Chamber of Commerce took the leadership role in organizing/fundraising/implementing the Gorham Founders Festival, and

WHEREAS, The Westbrook/Gorham Community Chamber of Commerce planned and organized the opening ceremony celebrating the founding families while emphasizing Gorham's history, and

WHEREAS, The Westbrook/Gorham Community Chamber of Commerce emphasized community involvement and inclusion of various civic groups, and

BE IT RESOLVED by the Gorham Town Council that The Westbrook/Gorham Community Chamber of Commerce is hereby recognized for their outstanding achievements and honors they have brought upon this community with the 2013 Gorham, Maine Spirit of America Foundation Tribute. 7 years

Item #8326 Moved by Councilor Robinson, seconded by Councilor Benner and ORDERED, that the Town Council refer a proposal to amend Chapter 1, Section V-Definitions and Section V-III(B) Permitted uses in the Rural District of the

Land Use and Development Code to add definitions for Airstrip, ATV, All-Terrain Vehicle and Motocross Track, and Section 6-III(B) Permitted Uses in the Rural District to clarify permitted Uses, of the Land Use and Development Code, to the Planning Board for public hearing and their recommendation. 6 yeas 1 nay (Phillips)

Item #8327 Moved by Councilor Moulton, seconded by Councilor Benner; Moved by Councilor Benner, seconded by Councilor Phinney to AMEND the proposed order and expedite this request. 6 yeas 1 nay (Pressey) The Amended Order was voted resulting in the following: ORDERED, that the Town Council expedite a request from Daniel Winslow and Scott Richards to rezone their property at 63 County Road from the Suburban Residential Zone to a Contract Zone, similar to other contract zones in the area and to refer the request to the Ordinance Committee for their review and recommendation. 7 yeas

Item #8328 Moved by Councilor Phillips, seconded by Councilor Phinney and ORDERED, that the Town Council schedule a public hearing for August 6, 2013 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. 7 yeas

Item #8329 Prior to the following vote Councilor Phinney asked to be recused from discussion and voting on this item as his company does business with Great Falls Builders. 5 yeas 1 nay (Benner) 1 abstention (Phinney) Moved by Councilor Robinson, seconded by Councilor Pressey Moved by Councilor Benner, seconded by Councilor Robinson to AMEND the proposed Order to waive the fees "to the extent permitted by law." 6 yeas The Order as Amended was voted resulting in the following: ORDERED that the Town Council conditionally accept a proposal from Great Falls Builders to purchase the White Rock School property substantially consistent with their proposal submitted on June 4, 2013 for one dollar (\$1.00) and, which includes an investment of a minimum of at least \$800,000 to develop twelve one-bedroom apartment units which will be subject to property taxes and with the public (through the Town) having access to and use of the existing athletic facilities, a waiver of all development and application fees to the extent permitted by law from the Town, with the conditional approval subject to all final details of the agreement being worked out, and

BE IT FURTHER ORDERED, that the Town Manager and Town Attorney are authorized to work out a final agreement that will brought back to the Town Council for final approval. 6 yeas

Item #8330 Moved by Councilor Robinson, seconded by Councilor Phillips and ORDERED, that the Town Council pursuant to Chapter II, Section III, Signs (E) Performance Standards, Subsection (2) Projecting signs, approve the placement of a projecting sign over the public sidewalk for Carters Green Market at 8 Main Street, provided that the applicant provides and continues the appropriate insurance coverage as required in the Town's Land Use and Development Code. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Moulton to take Item #8338 out of order. 7 yeas Item #8338 will be reported on in its proper order.

There was no action taken on items #8331, #8332, #8333, and Item #8334.

Item #8335 Moved by Councilor Phinney, Seconded by Councilor Moulton and Voted to waive the Clerk reading aloud the proposed order. 7 yeas Moved by Councilor Phinney, seconded by Councilor Moulton and ORDERED that

WHEREAS, the voters of the Town of Gorham, Maine (the "Town") on (a) June 12, 2012 approved capital expenditures of a sum of money not to exceed \$450,000 for acquisition of a fire engine and related equipment, and (b) on November 6, 2012 approved capital expenditures of a sum of money not to exceed (i) \$450,000 for acquisition of another fire engine and related equipment, and (ii) \$500,000 for improvements to the Little Falls School building and recreation area (collectively, the "Projects"), and the issuance of general obligations bonds and/or notes of the Town to finance such costs; 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 ORDERED by the Town Council of Gorham, Maine:

Section 1. The sum of \$1,400,000 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 Elections duly called and held on June 12, 2012 and November 6, 2012, 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 \$1,400,000. 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. In lieu or as an alternative to the method of offering of the Bonds described above, the Treasurer is authorized to file an application for sale of the Bonds to the Maine Municipal Bond Bank (the "Bank"), and the Treasurer and the Chair of the Town Council are hereby authorized and empowered in the name and on behalf of the Town to borrow up to \$1,400,000 from 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 \$1,400,000, and the Treasurer 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 her approval to be conclusively evidenced by her execution thereof; the Treasurer and the Chair of the Town Council are further authorized to issue, sell and deliver to the Bank as evidence of the aforesaid loan of up to \$1,400,000 and against payment therefor, Bonds in a principal amount not to exceed \$1,400,000, such Bonds to mature and be payable on such dates and in such amounts as approved by the Treasurer and the Chair of the Town Council; to bear interest at the rates specified by the Bank, which rates shall be subject to approval by the Treasurer and the Chair of the Town Council, such approval to be conclusively evidenced by their 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 \$1,400,000 maturing and payable in installments as aforesaid; to be signed by the Treasurer and countersigned by the Chair of the Town Council, and sealed with the seal of the Town, attested to by its Clerk; and the Treasurer, the Chair of the Town Council 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 \$1,400,000 and the issue and delivery to said Bank as evidence thereof of a corresponding principal amount of the Bonds of the Town as authorized in this Order.

Section 24. 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. 7 years

There was no action taken on Items #8336 and #8337.

Item #8338 Moved by Councilor Benner, seconded by Councilor Moulton; Moved by Councilor Moulton, seconded by Councilor Pressey and Voted to AMEND the proposed Order by adding "be it further ordered, that \$11,000 be re-appropriated from the Capital Part 2 funds set aside for the White Rock School into the contingency account." 6 years 1 nay (Robinson) The Order as Amended was voted resulting in the following:

ORDERED that the Town Council appropriated \$11,000 from the contingency account to the Town Clerk's account for the purpose of allowing the Clerk's office to remain open Friday mornings, and

BE IT FURTHER ORDERED, that \$11,000 be re-appropriated from the Capital Part 2 funds set aside for the White Rock School be put into the contingency account. 7 years

Moved by Councilor Phinney, seconded by Councilor Phillips to take Item #8335 out of order. 7 years Item #8335 is reported in its proper order.

Moved by Councilor Phinney, seconded by Councilor Phillips and VOTED to ADJOURN. 7 years Time of adjournment 11:12 PM.

A TRUE RECORD OF MEETING

Attest

Cornelia C Loughran, Town Clerk