

CORRECTED REPORT OF THE
GORHAM TOWN COUNCIL
May 7, 2013

Chairman Gagnon opened the meeting at 7:00 pm with the Pledge of Allegiance to the Flag

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

Moved by Councilor Benner, seconded by Councilor Moulton and Voted to ACCEPT the minutes of the April 2, 2013 Regular Meeting and April 9, 2013 Special Meeting. 7 yeas

Open Public Communications

Blanche Alexander, Wilson Road, representing the Lakes Region Seniors spoke regarding the senior center. Gerry Day, 20 Running Springs Road thanked the Council for allowing the seniors to 'hang out' at the Little Falls School and urges the Council to consider them when making decisions.

Councilor Communications

Councilor Benner reported that next week is National Police Week and thanked the Gorham Police Department for their work. Ms. Benner also stated that she had attended the CommUNITY Gorham Event at the Odd Fellows Hall last weekend. She also urged the Council to consider a traffic light at Libby Avenue.

Councilor Robinson quoted from a letter received from Governor LePage in response to a letter from Council. Mr. Robinson reported that the scoreboard at Robie Field has been refurbished through a request from the Recreation Director and courtesy of Moodys Collision Center. He also spoke regarding Freedom of Access requests and suggests that a computer be set up for access to the e-mail server by the public.

Councilor Phillips gave an update on the Little Falls Recreation Plan Committee and they will be meeting again next week. The Finance Committee also met and asked the Manager for off budget reserve accounts so they could be reviewed. Ms. Phillips reminded everyone that the Taste Walk will be held on June 2nd.

Councilor Phinney reported that he had recently read an article regarding Bernard Rines who was an original Councilor and all he has contributed to the Town of Gorham. Mr. Rines celebrated his 90th Birthday and Mr. Phinney congratulates him on this milestone.

Chairman Gagnon, thanked the Police Department for their representation at the funeral of the MIT officer after the tragedy which occurred on Patriots Day in Massachusetts. He also attended the well run CommUNITY event at the Odd Fellows hall.

Town Manager Report

David Cole yielded his time.

School Committee Report

Kyle Currier, Chairman of the School Committee reported on a realignment of the guidance councilors at the High School; a presentation by Michael Sanborn, head of nutrition and the Gorham High School renovation committee is still meeting every 6-8 weeks. The School Committee has presented the Manager and Council with the FY 13-14 Budget. All day kindergarten is not included in this year's budget, however they continue to study the concept in preparation for next year. There will be a review of the School Committee Budget on May 21, 2013 with the Town Council.

Public Safety Building Committee Report

Brenda Caldwell, Chairman of the Committee, reported that they have held two open houses at 270 Main Street and there are six more scheduled. Their next meeting is scheduled for May 29, 2013 and there will be discussion regarding a community center at 270 Main Street.

Moved by Councilor Pressey, seconded by Councilor Benner to take up an item not on the Agenda. 7 yeas Prior to the following vote it was Moved by Councilor Pressey, seconded by Councilor Phinney to move the question without discussion. 7 yeas Moved by Councilor Pressey, seconded by Councilor Benner and ORDERED that the Town Council reinforce the Council's intention to create a community center at 270 Main Street including a dedicated space for a senior citizen center upon passage of the Referendum for a Public Safety Building at Little Falls. 7 yeas

Old Business

Item #8298 Prior to discussion and voting on this item Councilor Phillips requested to be recused as she volunteers at the establishment. 4 yeas 2 nays (Pressey, Robinson) 1 abstention (Phillips) Councilor Robinson asked for a Point of Order. 5 yeas, 1 nay (Gagnon) 1 abstention (Phillips) Councilor Robinson asked that shouldn't Chairman Gagnon also ask to be recused. Chairman Gagnon asked to be recused. 1 yea 5 nays (Moulton, Benner, Robinson, Phinney, Pressey) 1 abstention (Phillips) Councilor Moulton Moved the Question, seconded by Councilor Benner. 6 yeas 1 abstention (Phillips) As previously moved and seconded 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. 6 yeas 1 abstention (Phillips) Prior to the above vote a motion to amend the proposed order to allow 2 concerts per month FAILED for lack of a second.

New Business

Chairman Gagnon opened a Public Hearing to hear 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.

Owens McCullough and Kathy Garrard the two citizen members of the Public Safety Building Committee explained the process the committee went through. David Alexander, Wilson Road asked for an explanation of the \$500,00 already approved by voters. Town Manager, David Cole explained that the Council has not issued the bonds for the \$500,000 and only the voters can rescind that vote. Jim Means of Gorham stated that he is now in favor of this referendum. The Public Hearing closed at 9:15 pm.

Chairman Gagnon opened a 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. There were no comments from the public and the public hearing closed at 9:16 pm.

Item #8299 Moved by Councilor Phinney, seconded by Councilor Robinson and 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. 7 years

Chairman Gagnon opened a 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. There were no comments from the public and the public hearing closed at 9:17 pm.

Item #8300 Moved by Councilor Robinson, seconded by Councilor Phinney and 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. 7 years

Item #8301 Prior to the vote Councilor Benner asked to be recused as she has a listing in this area. 5 yeas 1 nay (Moulton) 1 abstention (Benner) The Motion as moved by Councilor Phinney, seconded by Councilor Moulton, 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 FAILED OF PASSAGE. 3 yeas, 3 nays (Robinson, Moulton, Phinney) 1 abstention (Benner)

Item #8302 Moved by Councilor Phinney, seconded by Councilor Robinson and 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. 5 yeas 2 nays (Pressey, Gagnon)

Item #8303 The Order as read by the Town Clerk was Moved by Councilor Phinney, seconded by Councilor Phillips; Moved by Councilor Robinson, seconded by Councilor Phillips to AMEND the proposed Order. 7 yeas The Amended Order was then voted resulting in the following: ORDERED that the Town Council authorize the Town Manager to solicit proposals for the reuse of the White Rock School and associated property; with a preference for proposals that keep the existing ball fields for community use, and

BE IT FURTHER ORDERED that staff proceed on as expedited a schedule as possible while maintaining the integrity of the solicitation process, and

BE IT FURTHER ORDERED that staff review the proposals and make a recommendation to the Town Council regarding the proposal that provides the best value to the Town and the final determination to be made by the Town Council. 7 years

Item #8304 A Motion to Waive the reading of the proposed Order FAILED OF PASSAGE. 6 years 1 nay (Pressey) The Order as read by the Town Clerk was moved by Councilor Phinney, seconded by Councilor Phillips;

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: 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 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.

7 yeas

Item #8305 Moved by Councilor Robinson, seconded by Councilor Benner and 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. 6 yeas 1 nay (Gagnon)

Item #8306 Moved by Councilor Phinney, seconded by Councilor Moulton; Moved by Councilor Phinney, seconded by Councilor Robinson and Voted to Amend the proposed Order to allow the Town Manager to select the consultant. 7 yeas The Order as Amended was voted resulting in the following: ORDERED, that the Town Council appropriate \$15,000 from the unallocated Capital Part 2 funds for a parking study in Gorham Village, and

BE IT FURTHER ORDERED, that the Town Manager is hereby authorized to select the consultant. 7 yeas

Item #8307 Moved by Councilor Phinney, seconded by Councilor Moulton and 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. 7 yeas

Item #8308 Moved by Councilor Phinney, seconded by Councilor Robinson 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'Arcangelo as the Assessor for a term to expire on May 31, 2016. 7 yeas

Item #8309 Moved by Councilor Phinney, seconded by Councilor Benner; Moved by Councilor Robinson, seconded by Councilor Phinney to Amend the proposed Order by adding to send this to the Finance Committee to get more information on how many units are there and get a report from Code on what needs to be done. 6 yeas 1 nay (Pressey) The Order as Amended was voted resulting in the following: ORDERED, that the Town Council send to the Finance Committee to get more information as to the number of units at 10 Preble Street and a report from the Code Officer on what needs to be done and to report back to the Council . 7 yeas

Item #8310 Moved by Councilor Phinney, seconded by Councilor Moulton to Waive the reading of the proposed Order. 7 yeas Moved by Councilor Phinney, seconded by Councilor Benner and 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. 7 yeas

Item #8311 Moved by Councilor Phinney, seconded by Councilor Benner, Moved by Councilor Phinney seconded by Councilor Phillips to Amend the proposed Order 7 yeas; The Order as Amended was voted resulting in the following: 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 and pursuant to Title 1, MRSA Section 405 (6)(C) to discuss the potential economic development of Town property.

Moved by Councilor Phillips, seconded by Councilor Phinney to come out of Executive Session. 7 yeas

Moved by Councilor Benner, seconded by Councilor Phinney and Voted to ADJOURN. 7 yeas Time of adjournment 11:57 pm.

A TRUE RECORD OF MEETING

Attest

Cornelia C Loughran, Town Clerk