

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
July 5, 2016

Chairman Robinson opened the meeting with the Pledge of Allegiance to the Flag. There were 14 members of the Public in attendance at the start of the meeting.

Roll Call: Chairman Robinson, Councilors Roullard, Shepard, Benner, Phinney, Hartwell and Stelk. Also present, Town Manager David Cole and Acting Town Clerk Laurie Nordfors.

Moved by Councilor Benner, seconded by Councilor Shepard and VOTED to accept the minutes of the June 7, 2016 Regular Town Council and the June 13, 2016 Special Town Council Meeting. 7 yeas

Open Public Communications

There were no comments from the Public.

Councilor Communications

Councilor Roullard commented that he hoped everyone had a safe and happy 4th of July. He congratulated Councilor Stelk for recently being appointed to the executive board of the Greater Portland Council of Government.

Chairman Robinson thanked the Council for attending the numerous meetings and workshops this past month. He also thanked the many volunteers who helped out at the Baxter Memorial Library's Spring into Summer event. He noted that the next Big Town Festival for Gorham will likely be held in 2019 which will allow for plenty of time to plan an extraordinary event for the town.

Town Managers Report

David Cole reminded citizens that trash pickup will be pushed back a day due to the July 4th holiday. He noted that the Police Chief will hold another meet and greet at Aroma Joes on July 14, 2016 from 9:30-10:30am. David noted that he presented a 5 year service pin to Jim Dalrymple from Public Works and a 10 year service pin to Brian Key from the Police Department. He also reported that the Town received a Certificate of Achievement for Excellence in Financial Reporting and noted that we have received this award every year since 2003.

Election Report

Laurie Nordfors stated that the Election which was held on June 14, 2016 went well. It was a small turnout, with only 1244 voters casting their votes, which is approximately a 10% turnout. She reported that all three Town questions passed. She also reported that she had quite a few comments from residents thanking her for opening the Little Falls Polling place and thinks that this election was a great opportunity to get Little Falls up and running smoothly for the November Presidential Election. Laurie thanked the Clerk's office as well as all of the Election Workers for their help in ensuring that the election ran smoothly. She also thanked Public Works and the School Department for their assistance in coordinating and setting up and taking down the polls for Election.

School Committee Report

Darryl Wright thanked everyone that voted in the June Election and also thanked all of the Teacher5s, Administrators, the Superintendent and the School Committee for all of their hard work in preparing the budget. He updated everyone on the work that is going on that was part of the Referendum funds. He noted that all of the schools are being cleaned and prepared for the students return in August. Darryl reported that the School Department has hired Brian Jandreau as the Interim Principal at GHS. The next regular School Committee meeting will be September 14, 2016 at 7:00pm.

Greg Jordan from METRO bus made a presentation about a possible expansion of service to Gorham in the near future.

Chairman Robinson opened Public Hearing #1. Noah Minor of 33 Green Street noted that as a member of the Historic Preservation Committee, he urges the Council to approve the Historic Preservation Ordinance. There were no other comments from the Public and the hearing was closed.

Item # 9093 Moved by Councilor Phinney, seconded by Councilor Shepard and VOTED to waive the reading of the Order. 7 yeas

Moved by Councilor Roullard, Seconded by Councilor Phinney and ORDERD,
Whereas, on May 14, 2014, the Town Council appointed a Historic Preservation Committee and asked the Committee to evaluate the need for and to make a recommendation about whether the Town should adopt a Historic Preservation Ordinance, and

Whereas, on January 5, 2016, the Town Council authorized the Committee to develop a Historic Preservation Ordinance for the Council to consider, and

Whereas, the Town of Gorham has 3 Historic Districts and 5 Historic Landmarks designated in the National Register of Historic Places, and

Whereas the Committee believes the items designated in the National Register of Historic Places are assets of high value to the Gorham Community and worthy of preservation, and

Whereas, over time, other Historic buildings or landmarks may become important

enough to be designated for preservation,
Now, Therefore Be it Ordered, that the Town Council approve the following Historic
Preservation Ordinance:

TOWN OF GORHAM HISTORIC PRESERVATION ORDINANCE

Section 1. PURPOSE

1.1 The purpose of this Ordinance is to preserve, protect, and enhance historic resources within Gorham by providing a legal framework within which the residents of the town can protect the architectural heritage of its historically significant neighborhoods, landmarks, and sites while also encouraging compatible new construction and fostering proper maintenance and repair of existing resources. The heritage and economic well-being of the town will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of Gorham.

Section 2. DEFINITIONS

2.1 Archaeological Site: A geographic location of the remains of prehistoric life or historic human beings. These include, but are not limited to, structures, artifacts, terrain features, graphics and evidence of plants or animals.

2.2 Architectural Feature: Any feature that helps give a structure its distinctive architectural character. Such character defining features include but are not limited to columns, pilasters, cornice boards, brackets, balustrades, quoins, fanlights, corner boards, window and door frames and transoms.

2.3 Demolition: The complete or substantial removal of any building, structure, or site located in a historic district.

2.4 Historic District: A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Town Council as a Historic District pursuant to the criteria established in Section 5 of this Ordinance.

2.5 Historic landmark: Any building or monument of historic value.

2.6 Historic Preservation Certificate: A document issued by the Historic Preservation Commission that signifies approval of an application to make a material or

significant change in the exterior appearance of a designated historic property, landmark or historic site.

2.7 Historic site: means any parcel of land which is of historic value, or upon which is positioned any historic landmark.

2.8 National Register of Historic Places: A register assigned by The National Historic Preservation Act of 1966, as amended, that recognizes building, sites, districts, structures and objects significant in American history, archaeology, architecture, engineering or culture and identifies them as worthy of preservation.

2.9 Structure: A work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Section 3. USES PERMITTED

3.1 The uses permitted in historic districts and individual historic properties and at historic sites or historic landmarks shall be those set forth in the Land Use and Development Code of the Town of Gorham, Maine for the zone in which such a district, site, property or landmark is located.

Section 4. HISTORIC PRESERVATION COMMISSION

4.1 This ordinance establishes the Gorham Historic Preservation Commission. The members of the Commission shall be appointed by the Town Council. Members appointed shall be residents or property owners of Gorham and have a combination of interest, knowledge, and experience in the Town, its history and historic preservation. The members of the Commission shall serve without compensation.

4.2 The Commission shall consist of seven (7) members who serve staggered 3-year terms. For the initial appointments, 2 members shall be appointed for 1-year terms, 2 members shall be appointed for 2-years terms and 3 members shall be appointed for 3-year terms.

4.3 All meetings of the Historic Preservation Commission are public meetings and governed in accordance with Title 1 MRSA Sections 401-414, as amended.

4.4 Duties of the Commission:

a. The Commission shall receive all applications for the establishment of Historic Districts Historic Sites, Individual Historic Properties and Historic Landmarks and requests for Historic Preservation Certificates. Upon receipt of an application the

Commission shall schedule a public hearing and after hearing, make a written recommendation to the Town Council.

- b.** The Commission shall assist, advise and educate residents, property owners and officials of the Town concerning the physical and financial aspects of preservation, renovation, rehabilitation and re-use of historic and archaeological sites, structures, buildings and landmarks.
- c.** Serve as an advisor to the Town regarding historical and cultural resources.
- d.** Establish and maintain a detailed inventory of property within historic districts and of landmarks and historic sites in Gorham.
- e.** Compile resources that may be useful to individual property owners who wish to construct or maintain historic property.

Section 5. HISTORIC DISTRICTS, HISTORIC SITES, HISTORIC LANDMARKS AND INDIVIDUAL PROPERTIERS

5.1 In considering applications for designating structures or districts as significant, the Commission shall be guided by the following criteria and shall make specific findings with respect to how the application conforms to the following criteria.

5.2 In addition to Section 7, one or more of the following characteristics shall serve to qualify a historic district, historic site, historic landmark or individual historic property:

- a.** Structures or sites listed on or eligible for listing on the National Register of Historic Places and structures or sites listed as or eligible for listing as a National Historic Landmark.
- b.** Structures of sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military or social history of Gorham or of larger patterns of the North American heritage.
- c.** Structures or sites importantly associated with historic personages.

d. Structures or remains and sites, not significantly altered, embodying examples of architectural types valuable for study or representing a period, style or method of building construction or community living.

Section 6. DESIGNATION OF DISTRICTS AND STRUCTURES FOR PRESERVATION

6.1 The following described lands, buildings, structures or areas of the Town of Gorham are currently designated as historic districts or historic landmarks by the National Register of Historic Places and recognized for the purposes of this Ordinance:

a. Historic Districts:

1. South Street Historic District located on South Street.
2. Gorham Campus Historic District on the campus of the University of Southern Maine.
3. Gorham Historic District located along College Avenue, State Street and School Street.

b. Landmarks listed on the National Register of Historic Places:

1. Art Gallery at the University of Southern Maine.
 2. Gorham Academy Building at the University of Southern Maine.
 3. Isaac Dyer Estate at 180 Fort Hill Road.
 4. Baxter House Museum on South Street.
5. McLellan House on the University of Southern Maine campus.

6.2 Significant structures and districts, except for districts established prior to the passage of this ordinance, shall be designated in accordance with this ordinance. Such designations may be initiated by written notification of the Historic Preservation Commission by any one of the following:

- a. Reference from the Town Council;
- b. A petition signed by ten (10) or more residents or property owners of Gorham, eighteen (18) years of age or older;
- c. The Planning Board;
- d. The Gorham Historic Preservation Commission;
- e. Maine Historic Preservation Commission;
- f. The Greater Portland Landmarks.

6.3 Any application for the designation of structures and districts for historic preservation shall be in writing and shall include the following:

a. Structures:

1. A concise description of the physical elements, qualities, architectural style and period represented by the structure, including a consideration of scale, materials, workmanship and special qualities;
2. A concise statement of how the structure meets the review criteria;
3. Exterior photographs of the structure, illustrating significant details.

b. Districts:

1. A concise statement of the physical elements that make this area a historic district and a description of building types and architectural styles and periods represented;
2. A concise statement of how the district meets the review criteria;
3. A justification of the boundaries of the district;
4. A definition of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures;
5. A map showing all district structures with the identification of contributing structures.

6.4 The Historic Preservation Commission shall hold a public hearing on any written application.

- a.** The public hearing shall be held within thirty (30) days of receipt of the application.
- b.** The Commission shall provide written notice of the public hearing to all applicants and to all owners of property within a proposed district and a public notice must be provided at least 7 days before the public hearing by posting at the Municipal Center and on the Town's Web Site.
- c.** Failure of any petitioner to receive the notice of the public hearing shall not necessitate another hearing nor shall it constitute grounds for objections by such petitioner and shall not invalidate any recommendation by the Commission on such matter.
- d.** The Commission shall make its report and recommendation, including the identification of contributing structures, when applicable, to the Town Manager within thirty (30) days after the public hearing has been closed. Failure of the Commission to issue its report constitutes a denial of the designation of the proposed historic structure or district.

Section 7. STANDARDS FOR DESIGNATION

In considering applications for designating structures or districts as significant, the Commission shall be guided by the following criteria. In making a recommendation to the Town Council for the designation of a structure or district, the Commission shall make specific findings with respect to how the application conforms to the following standards:

7.1 Historic Importance:

a. The structure, district or site:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the Town, State or Nation;
2. Is the site of a historic event with an effect upon society;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

7.2 Architectural Importance:

a. The structure or district:

1. Portrays the environment of a group of people in an area of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the Town; or
4. Contains elements of architectural design, detail, materials, or craftsmanship that represent a significant innovation.

7.3 Geographic Importance:

a. The structure or district:

1. Because of being part of, or related to, a square, park or other distinctive area, should be developed or preserved

according to a plan based on a historic, cultural or architectural motif;

2. Due to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Town.

7.4 Archaeological Importance:

a. The site has yielded or may be likely to yield, information important in prehistory or history.

Section 8: ACTIVITIES REQUIRING A HISTORIC PRESERVATION CERTIFICATE

8.1 A property owner shall obtain a Historic Preservation Certificate for any of the following activities within any historic district or activities at any historic site, landmark, or individual historic property listed on the National Register of Historic property.

a. Demolition of a historic landmark, individual historic property of any contributing structure in a historic district.

b. Moving a historic landmark, individual historic property or any contributing structure in a historic district.

8.2 A historic landmark, or any structure in a historic district or any attached structure, whether residential or commercial, shall not be demolished, moved or constructed without a Historic Preservation Certificate. A Historic Preservation Certificate shall not be issued unless one of the following conditions is met:

a. The structure has been identified by the Commission as non-contributing or incompatible with the historic district in which it is located, or

b. The property owner can demonstrate that it cannot be renovated or constructed so as to earn an economic return on its value in its present location as determined by a qualified real estate appraiser. If a home is demolished or moved and another home is to be constructed, the building plans must be approved by the Historic Preservation Commission

Moved by Councilor Phinney, seconded by Councilor Shepard and VOTED to amend the order to refer the Ordinance to the Ordinance Committee. 7 nays (All Councilors)

Moved by Councilor Phinney, seconded by Councilor Shepard and VOTED to postpone the Item until the August Council Meeting. 7 yeas

Chairman Robinson opened Public hearing #2. There were no comments from the Public and the hearing was closed.

Item # 9094 Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED, that the Town Council approve a renewal liquor license for Southern Maine Community Recreation Center, DBA Gorham Sports Center, 2115 Narragansett Street. 7 yeas

Item # 9095 Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council indicate preliminary support for a Tax Increment and Financing District, based on a 15 year term and approximately 50% of the captured revenue returned to the developer to support a project to develop a 24,000 square foot destination brewery on lower Main Street, subject to the final development plan and negotiated terms.
7 yeas

Item # 9096 Moved by Councilor Shepard, seconded by Councilor Benner and ORDERED, that the Town Council authorize an application for a Community Oriented Policing Services (COPS) grant to hire an additional Police Officer with the grant providing 75% of the base wages and benefits of this position for 3 years and, with the position fully funded by the Town after 3 years. 7 yeas

Item # 9097 Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED, that the Town Council approve a request from Bramblewood LLC, to construct a paved roadway on an unimproved public easement to connect the current end of Water Street to Dogwood Lane, a proposed roadway to Glenwater Village Subdivision. 7 yeas

Item # 9098 Moved by Councilor Shepard, seconded by Councilor Roullard and ORDERED, that the Town Council approve the Capital Improvement Planning Document dated July 5, 2016.
7 yeas

Item # 9099 Moved by Councilor Phinney, seconded by Councilor Shepard and VOTED to waive the reading of the order. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Benner and ORDERED, that the Town Council approve the Internet Safety Policy for Baxter Memorial Library, as recommended by the Library Board of Trustees, as follows:

Baxter Memorial Library Internet Safety Policy

Introduction

It is the policy of the Baxter Memorial Library to: (a) prevent user access over its computer network to, or transmission of, inappropriate material, as defined by the Children's Internet Protection Act, via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L .No. 106-554 and 47 USC 254(h)].

Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter access to inappropriate information via the Internet or other forms of electronic communications over the Baxter Memorial Library's computer network.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene, child pornography, and to any other material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the Baxter Memorial Library's online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called "hacking," and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the Baxter Memorial Library staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act.

Procedures for disabling or otherwise modifying any technology protection measures shall be the Responsibility of the Technical Services Librarian or designated representatives.

Item # 9099 was VOTED 6 yeas, 1 nay (Robinson)

Item # 9100 Moved by Councilor Phinney, seconded by Councilor Stelk and ORDERED, , that the Town Council authorize placing net revenue derived from the sale of tax acquired property and from the sale of the McLellan/Sampson House into the Land Acquisition Reserve Fund for the future benefit of the community. 7 years

Item # 9101 Moved by Councilor Stelk, seconded by Councilor Phinney and VOTED to waive the reading of the order. 7 years

Moved by Councilor Phinney, seconded by Councilor Stelk and ORDERED,

WHEREAS, the voters of the Town of Gorham, Maine (the "Town") on June 14, 2016 approved a capital expenditure of a sum of money not to exceed \$1,365,000 for costs of acquisition and equipping of a new Tank 1 Fire Engine, to replace the Town's 26 year old Tank, and a new Ladder Fire Engine to replace the Town's 27 year old Ladder 1 Fire engine (the "New Projects"); and

WHEREAS, the Town has previously issued its \$20,384,680 2010 General Obligation Bonds, dated April 1, 2010 that were issued on April 15, 2010 as authorized by a referendum vote on September 16, 2008 and a Bond Order adopted by the Town Council on November 10, 2008 and the Town also previously issued its \$3,450,000 2010 General Obligation Bonds, dated as of August 1, 2010 that were issued on August 25, 2010 as authorized by a referendum vote adopted on June 8, 2010 and a Bond Order adopted by the Town Council on June 22, 2010 (collectively, the "Prior Bonds"), which Prior Bonds were issued to finance costs of a school construction project, as more particularly described in the referendum question approved by the voters of the Town on September 16, 2008 and to finance improvements to roads in the Town and acquisition of a heavy rescue truck as more particularly described in the referendum question approved on June 8, 2010; and

WHEREAS, the Town desires to issue general obligation bonds to finance costs of the New Projects, and due to a decline in interest rates, the Town desires to authorize the issuance of general obligation bonds to refinance and refund all or a portion of the Prior Bonds through an advance refunding in order to obtain debt service savings;

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of Gorham, Maine:

Section 1: Authorization of Bonds. The issue and sale of the Town's general obligation bonds in an aggregate principal amount: (a) not to exceed \$1,365,000 to finance the New Projects, and (b) not to exceed \$17,504,680 to refund all or a portion (the amounts and maturities to be refunded shall be as determined appropriate by the Town Treasurer) of the Prior Bonds (collectively the "Bonds"), is hereby authorized pursuant to the provisions of Section 5772 of Title 30-A of the Maine Revised Statutes, the Town Charter, referendum elections of the Town held on September 16, 2008, June 8, 2010 and June 14, 2016, orders of the Town Council adopted on November 10, 2008 and June 22, 2010 and all other authority thereto

enabling. The Treasurer is hereby authorized to prepare, issue, and sell the Bonds at one time, or from time to time, as one or more separate bond issues, and to determine the dates, form(s), denominations, interest rates (as term bonds or serial bonds or some combination thereof), maturities and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by his execution thereof. The Bonds shall be designated "Town of Gorham, Maine, General Obligation Bonds." Each Bond 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. The Treasurer is hereby authorized to provide that any of the Bonds hereinbefore authorized be made callable, with or without premium, prior to their maturity.

Section 2: Contracts. The Treasurer is authorized to negotiate, execute and deliver, in the name of and on behalf of the Town such contracts, agreements, and other documents, including refunding escrow agreements, bond purchase agreements, and other agreements, instruments and certificates as may be necessary or appropriate as determined and approved by the Treasurer in connection with the issuance of the Bonds to finance the New Projects and/or to refund the Prior Bonds, or the portion thereof to be refunded as determined by the Treasurer, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer, such approval to be conclusively evidenced by his execution thereof.

Section 3: Financial Advisor; Underwriter. The Treasurer is hereby authorized to select a financial advisor for the sale of the Bonds and an underwriter for the Bonds, 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. The Bonds may be sold at a public or private sale and the Treasurer of the Town is authorized and empowered to arrange for the underwriting of the Bonds at private sale through negotiated agreement, compensation for such underwriting to be provided by negotiated fee payable out of a premium on the sale of the Bonds or in such other manner as approved by the Treasurer of the Town.

Section 4: Official Statement. The Treasurer is hereby authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, and that the distribution of the Preliminary Official Statement and the Official

Statement in the name of and on behalf of the Town in connection with offering the Bonds be and hereby is approved.

Section 5: Transfer Agent; Escrow Agent; Verification Agent. The Treasurer is hereby authorized to select (a) the registrar, paying agent and transfer agent (the "Transfer Agent"), (b) a verification agent relating to the escrow for an advance refunding of the Prior Bonds or a portion thereof, and (c) an escrow agent for the refunding of the Prior Bonds or such portion thereof as determined appropriate by the Treasurer, and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

Section 6: Registration. The Bonds shall be transferable only on registration books of the Town kept by the Transfer Agent, and said principal amount of the Bonds 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, 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 upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 7: Book Entry. The Treasurer is hereby authorized to undertake all acts necessary to provide, if deemed necessary or appropriate by the Treasurer in his discretion, for the issuance and transfer of such Bonds 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 the Treasurer is hereby authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 8: Exchanges and Transfers. The Treasurer and Chair of the Town Council from time to time shall execute such Bonds as may be required to provide for exchanges or transfers of Bonds as heretofore authorized, all such Bonds to be executed as above described, and in case any officer of the Town whose signature appears on any Bond shall cease to be such officer before the delivery of said Bond, 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 9: Tax-Exempt Covenants. The Treasurer is hereby authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of 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 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 Bonds (including any bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The Treasurer is hereby authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Bonds to be subject to federal income taxation.

Section 10: Disclosure. The Treasurer is hereby authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the 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 11: Town Officials. If any of the officers or officials of the Town who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds 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 had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds any such person shall not have been such officer or official.

Section 12: Deputy Officers. If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the Bonds 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 13: Other Actions. 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 any letter of credit agreement or liquidity facility agreement necessary to the issuance of any Bonds, to carry out the provisions of the orders and resolutions heretofore adopted at this meeting in connection with the projects financed by the Prior Bonds, the execution, sale, and delivery by the Town of the Bonds and the execution and delivery of any related financing documents. The Treasurer is authorized to deposit the proceeds of the Bonds pursuant to the escrow deposit agreement, and to call for redemption and defease the Prior Bonds, or such portion thereof as determined appropriate by the Treasurer, which are to be advance refunded by the Bonds.

Section 14: Tax Levy. In each of the years during which any of the Bonds 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, payable in such year, and the principal of such Bonds maturing in such year.

Section 15: Qualified Tax-Exempt Obligations. To the extent permitted under the Code, the Treasurer is hereby authorized to designate any of the Bonds authorized to be issued hereunder as qualified obligations for purposes of Section 265(b) of the Code.

Section 16: Consolidation. Any or all of the Bonds issued hereunder may be consolidated with and become a part of any other issue of general obligation bonds authorized to be issued by any previous or subsequent Order of the Town Council of the Town of Gorham.

Section 17: Investment Earnings; Premium. The investment earnings on the proceeds of the Bonds, if any, and the excess proceeds and premium of the sale of the Bonds, if any, be and hereby are appropriated to be used to fund the refunding escrow for the Prior Bonds or the portion thereof to be advance refunded, to pay any redemption premium on the Prior Bonds to be redeemed, to pay interest on the Prior Bonds or the Bonds and to pay issuance costs for the Bonds, with any excess of such premium to be used to pay costs of the New Projects.

Section 18: Reimbursement. 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 New Projects in an amount up to \$1,365,000, which costs the Town reasonably expects to reimburse with proceeds of the Bonds or Notes.

Item # 9101 was voted 7 yeas

Item # 9102 Moved by Councilor Phinney, seconded by Councilor Roullard and ORDERED, that the Town Council ask the Ordinance Committee to review a proposal to allow the Fire Department to provide an option to conduct reviews and issue construction permits of building plans that currently require review and approval by the State Fire Marshall's Office, and to make appropriate recommendations to the Town Council. 7 yeas

Item # 9103 Moved by Councilor Phinney, seconded by Councilor Stelk and ORDERED, that the Town Council vote for Shawn Babine and David Cole as representatives to the Maine Municipal Association Legislative Policy Committee. 7 yeas

Item # 9104 Moved by Councilor Shepard, seconded by Councilor Stelk and ORDERED, that the Town Council go into Executive Session pursuant to Title 1 MRSA Section 405 (6) (D) to discuss the process of selecting a Town Clerk and pursuant to Title 1 MRSA Section 405 (6) (C) to discuss the disposition of property at 4 Briarwood Lane (Tax Map 39, Lot 40). 7 yeas

Moved by Councilor Phinney, seconded by Councilor Stelk and VOTED to come out of Executive Session. 7 yeas

Moved by Councilor Phinney, seconded by Councilor Shepard and ORDERED, that the Town Council accept an offer from Tammy B Stiffler to purchase Town owned property at 4 Briarwood Lane (Tax Map 39, Lot 40). 7 yeas

Moved by Councilor Phinney, seconded by Councilor Roullard and VOTED to adjourn. 7 yeas
Time of adjournment 9:24pm

At True Record of Meeting

ATTEST _____
Laurie Nordfors, Acting Town Clerk

