

South Portland City Council
Position Paper of the Interim City Manager

Subject:

ORDER #148-16/17 – Setting the date of the public hearing on the proposed termination of the Peter H. Debevoise Memorial Scholarship Trust pursuant to 18-B M.R.S. § 414. Passage requires majority vote.

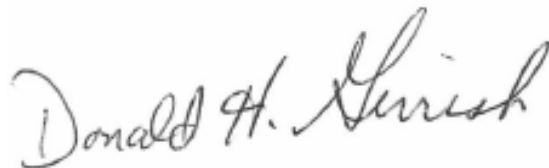
POSITION:

In May of 1981, Order #156-80/81 established a scholarship trust in the name of Peter H. Debevoise and the City has administered this trust since that time. In recent years, the income from the trust has been significantly reduced and the affect has been scholarships being distributed for as little as \$140 to \$224 to recipients.

In making this request, Finance Director, Greg L'Heureux, the scholarship recipient selection committee and Mr. Debevoise's widow are in hopes of making the annual scholarship award more significant to the recipients.

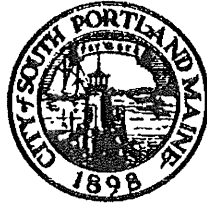
Requested Action:

Council passage of ORDER #148-16/17 and set April 3, 2017 as the date for a public hearing date for the termination of the Peter H. Debevoise Memorial Scholarship Trust.



Interim City Manager

District One
FRANK S. MORONG
District Two
SANTO S. DIPIETRO
District Three
SIDNEY H. SCHWARTZ



District Four
Robert W. Fickett
District Five
RALPH T. KILGORE
At Large
Linda B. Johnson
At Large
CHARLES J. BEHOUNEK

City of South Portland, Maine

SIDNEY H. SCHWARTZ, Mayor
Robert B. Ganley, City Manager

Order #156-80/81

Ordered, that the City of South Portland establish and administer the Peter H. Debevoise Memorial Scholarship Trust in accordance with the terms of said trust attached hereto; and

Be it further Ordered that the following named individuals be and hereby are authorized to solicit and raise funds for said Peter H. Debevoise Memorial Scholarship Trust:

James Alden
Peter Allen
Grace Corey
Ronald Cote
Joshua Curtis
Eugene Davis
Andre Hemond
William J. Kayatta, Jr.
George McLeod
Marsha McVane
Earl Nicholson
Henry Tosi
Arthur Tordoff
Benjamin Tupper

Dated: May 4, 1981

PETER H. DEBEVOISE MEMORIAL SCHOLARSHIP TRUST

Terms and Conditions

1. The City of South Portland, Maine, shall accept contributions for the Peter H. Debevoise Memorial Scholarship, and all moneys donated and the income earned therefrom shall be held in trust by the City of South Portland for said scholarship. The purposes and terms of said trust and the scholarships to be awarded hereunder shall be as set forth in this document.

2. Commencing in 1982, all income generated by said trust shall annually be distributed in the form of an educational scholarship, or scholarships as provided below, to the graduating senior of South Portland High School who is selected according to the criteria and by the procedures set forth herein. This scholarship shall be paid directly to the college or university of the recipient's choice.

3. This scholarship is to be given in memory and honor of Peter H. Debevoise and to perpetuate the values for which he cared and which he instilled in others. The recipient is to be selected with this purpose in mind, along with the following thoughts:

Peter Debevoise was a devoted and superb teacher. He was a good tennis and squash player, an avid sailor, and among the greatest of coaches. He generously gave of his time and energy in helping others. He always cared particularly for those who were in need of assistance. He respected excellence, both in scholastics and athletics. Even more, however, he respected the willingness to pursue excellence, whether or not it be obtained. Finally, and most of all, he was independent in spirit, sometimes stubborn but never intolerant; he chose laudable goals with care, and then pursued them with determination.

4. The selection of the recipient shall be made on behalf of the City of South Portland, as trustee, by majority vote of the members of the Peter H. Debevoise Memorial Scholarship Committee. The Committee may select either a single recipient or multiple recipients each year based upon a determination in its exclusive judgment of which best serves the purposes of this scholarship fund. Each school year the Committee shall be responsible for providing adequate publicity of the scholarship's availability and for encouraging applications. The Committee shall coordinate its functions with the administration of South Portland High School. All applicants for the scholarship must furnish two letters of recommendation, a grade transcript, and proof of admission to a college or university.

5. The Committee shall consist of seven (7) members, initially chosen on behalf of the City of South Portland by the following individuals:

James Alden, 143 Hillside Ave., South Portland 04106
Peter Allen, 124 Mitchell Rd., South Portland 04106
Grace Corey, 926 Sawyer Street, South Portland 04106
Ronald Cote, 14 Old Mill Rd., Falmouth 04105
Joshua Curtis, 77 Wild Rose Ave., South Portland 04106
Eugene Davis, 580 Highland Ave., South Portland 04106
Andre Hemond, 207 Walnut St., South Portland 04106
William J. Kayatta, Jr., 94 Neal St., Portland 04102
George MacLeod, 67 Wild Rose Ave., South Portland 04106
Marcia MacVane, RR3 Stagecoach Lane, So. Portland 04106
Janice Nicholson, 47 Cloyster Rd., South Portland 04106
Peter Small, 71 Plymouth Rd., South Portland 04106
Henry Tosi, 77 Wild Rose Ave., South Portland 04106
Arthur Tordoff, 225 Richland St., South Portland 04106

The above-named individuals are eligible for selection to the Committee. Appointments shall be for life. The Committee shall be named no later than December 31, 1981, and the names of the Committee members submitted to the City of South Portland for filing with this document.

6. After the initial selection of Committee members, vacancies shall be filled as necessary by a majority vote of the remaining Committee members, and strong consideration shall be given to selecting former recipients of this scholarship.

7. At least one member of the Committee shall be a member of the faculty of South Portland High School.

8. The City of South Portland shall make a reasonable effort to maximize the income earned on said trust funds, but neither the City nor any of its officers, agents, or employees shall be liable in any way for failing to maximize said income.

May 4, 1981



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

DON H. GERRISH
Interim City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDER #148-16/17

WHEREAS, by Council Order #156-80/81, the City Council established the Peter H. Debevoise Memorial Scholarship Trust (the "Trust") pursuant to certain terms and conditions (copy of order attached);

WHEREAS, pursuant to 30-A M.R.S. § 5653, the City Council, as the municipal officers of the City, serves as the Trustee of the Trust;

WHEREAS, the current balance of the Trust is approximately \$19,000 and said Trust accrues interest at the annual rate of approximately 1%;

WHEREAS, the income of the Trust has ranged from approximately \$140/year to \$224/year, which income is annually distributed in the form of an educational scholarship to the graduating senior of South Portland High School who is selected according to the criteria and procedures set forth in the terms and conditions of the Trust;

WHEREAS, the Finance Director and the scholarship recipient selection committee desire to make the annual scholarship award more meaningful to recipients;

WHEREAS, 18-B M.R.S. § 414(1) provides that the trustee of a trust consisting of trust property less than \$100,000 may, after notice to qualified beneficiaries, terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration;

WHEREAS, the qualified beneficiaries of the Trust are the inhabitants of South Portland; and

WHEREAS, pursuant to 18-B M.R.S. § 414(3), if a trust is terminated as uneconomic, upon termination, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

District One
CLAUDE V. Z. MORGAN

District Two
PATRICIA A. SMITH

District Three
EBEN C. ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

NOW, THEREFORE, BE IT ORDERED, that a public hearing on the proposed termination of the Trust pursuant to 18-B M.R.S. § 414 is hereby set for the Council meeting of April 3, 2017 at 7:00 p.m. in Council Chambers, South Portland City Hall; and

BE IT FURTHER ORDERED, that the City Clerk be, and hereby is, ordered to send notice of the hearing, and a brief explanation of the same, to the widow of Mr. Debevoise and to those living individuals authorized to solicit and raise funds for the Trust and for whom she can reasonably locate a mailing address, at least seven (7) days before the public hearing; and

BE IT FURTHER ORDERED, that the City Clerk be, and hereby is, ordered to publish a notice of the hearing, and a brief explanation of the same, in a newspaper having general circulation in the City of South Portland at least seven (7) days before the public hearing.

Fiscal Note: Less than \$1,000

Date: March 6, 2017