

**AGENDA
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, DECEMBER 13, 2016
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

MINUTES OF PREVIOUS MEETING (S)

Approval of the November 1, 2016 Town Council Meeting minutes.

PETITIONS AND COMMUNICATIONS

REPORT OF THE TOWN MANAGER

Departmental Report – Finance Director and Town Auditors

PUBLIC HEARINGS

119-16 Application Submitted by Stephanie Biggs for Renewal of a Combined Massage Establishment/Therapist at Kosmetikos Spa and Wellness Center located at 1 Northeast Road [Nesbitt]

120-16 Application Submitted by Deborah Boxer for Renewal of a Massage Therapist License at Kosmetikos Spa & Wellness Center located at 1 Northeast Road [Nesbitt]

121-16 Application Submitted by Xiong Tran for Renewal of a Massage Therapist License at Kosmetikos Spa & Wellness Center located at 1 Northeast Road [Nesbitt]

122-16 Application Submitted by Bryan Bizer for a New of a Massage Therapist License at Kosmetikos Spa & Wellness Center located at 1 Northeast Road [Nesbitt]

COMMITTEE REPORTS

CONSENT CALENDAR

UNFINISHED BUSINESS

NEW BUSINESS

123-16 Tax Abatement Request of Stuart and Tara Hill on Real Property to be Gifted to the Town [Nesbitt]

124-16 Amendment to Standish Town Code, Chapter 263, Vehicles and Traffic, Article I, Parking Weight Restrictions [Nesbitt]

125-16 Request that the Maine Department of Transportation Review the Speed Limit on Newly accepted Portion of Pond Road [Nesbitt]

126-16 Town Council Appointment of Registrar of Voters [Pomerleau]

127-16 Authorize Finance Director to Issue Municipal Quilt Claim Deeds to Judith Stanton [Nesbitt]

128-16 Authorize Submission of CDBG Grant Application for Sidewalk Project at Standish Corner [Nesbitt]

129-16 Authorize use of Street Light Impact Fees for Installation of Street Lights [Sargent]

130-16 Authorize Consent Agreement – Stewart Map 21 Lot 16

PUBLIC ITEMS

ANNOUNCEMENTS

EXECUTIVE SESSION

A motion may be made to go into executive session at any time during the meeting in accordance with state law to discuss, personnel, real estate, labor negotiations, or legal matters.

ADJOURN

This agenda is for informational purposes and does not preclude the Council from acting upon other business which may be brought forth at the meeting.

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016
ORDER NUMBER: 121-16

Submitted by: Nesbitt

TITLE: APPLICATION SUBMITTED BY XIONG TRAN FOR RENEWAL OF A MASSAGE THERAPIST LICENSE AT KOSMETIKOS SPA AND WELLNESS CENTER LOCATED AT 1 NORTHEAST ROAD

ORDERED that the application submitted by Xiong Tran for renewal of a Massage Therapist License for employment at Kosmetikos Spa and Wellness Center located at 1 Northeast Road, upon the recommendation of the Code Enforcement Officer, Fire Chief, Health Officer and Town Manager, is approved by Council, to expire December 31, 2017.

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BLANCK _____
DELCOURT _____
HIGGINS _____
NESBITT _____
POMERLEAU _____
SARGENT _____
SIRPIS _____

CLERK/SECRETARY _____

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016
ORDER NUMBER: 122-16

Submitted by: Nesbitt

TITLE: APPLICATION SUBMITTED BY BRYAN BIZER FOR A NEW MASSAGE THERAPIST LICENSE AT KOSMETIKOS SPA AND WELLNESS CENTER LOCATED AT 1 NORTHEAST ROAD

ORDERED that the application submitted by Bryan Bizer a new Therapist License for employment at Kosmetikos Spa and Wellness Center located at 1 Northeast Road, upon the recommendation of the Code Enforcement Officer, Fire Chief, Health Officer and Town Manager, is approved by Council, to expire December 31, 2017.

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY _____

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016

ORDER NUMBER: 123-16

Submitted by: Nesbitt

TITLE: TAX ABATEMENT REQUEST OF STUART AND TARA HILL ON REAL PROPERTY TO BE GIFTED TO THE TOWN

WHEREAS, by Order No. 60-16 dated June 7, 2016, the Town Council accepted the donation of real property currently shown as Assessor's Tax Map 32, Lot 15A from Stuart and Tara Hill as a gift; and

WHEREAS, the Hills are working on having an appraisal of the property completed prior to the conveyance of the property to the Town; and

WHEREAS, the Hills have paid the real property taxes on the property through the 2016 fiscal year; and

WHEREAS, taxes for the property have been assessed to the Hills and committed to the Tax Collector for the 2017 fiscal year in the amount of \$433.32 (based on a \$33,800 assessed valuation); and

WHEREAS, in light of the Hills anticipated gift to the Town on or before December 31, 2016, the Hills have requested a tax abatement from the municipal officers pursuant to 36 M.R.S.A. § 841(1) for the 2017 fiscal year in the amount of \$433.32 plus any interest accrued to date.

NOW, THEREFORE, be it ORDERED, that the outstanding real property taxes plus any interest accrued on the property currently shown as Assessor's Tax Map 32, Lot 15A be abated on the condition that the Hills complete the gift conveyance to the Town on or before December 31, 2016.

APPROVED _____ DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
BLANCK	_____	_____	_____
DELCOURT	_____	_____	_____
HIGGINS	_____	_____	_____
NESBITT	_____	_____	_____
POMERLEAU	_____	_____	_____
SARGENT	_____	_____	_____
SIRPIS	_____	_____	_____

CLERK/SECRETARY _____

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016
ORDER NUMBER: 124-16

Submitted by: Blanck

TITLE: AMENDMENT TO STANDISH TOWN CODE, CHAPTER 263, VEHICLES AND TRAFFIC, ARTICLE I, PARKING AND WEIGHT RESTRICTIONS

ORDERED that the Town of Standish hereby ordains the following amendments to the Vehicles and Traffic Ordinance, effective immediately upon adoption.

The Vehicles and Traffic Ordinance of the Town of Standish shall be amended as follows (additions are underlined and deletions are ~~struck-out~~):

§ 263-1 Prohibited parking.

It shall be unlawful to park any vehicle within the public way at the following locations:

Q. On either side of Main Street (Route 11) from Heath Lane to Veterans Memorial Bridge.

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BLANCK	_____
DELCOURT	_____
HIGGINS	_____
NESBITT	_____
POMERLEAU	_____
SARGENT	_____
SIRPIS	_____

CLERK/SECRETARY _____
COUNCIL CHAIR _____

Proposed Timeline:
Planning Board Hearing: Not Needed
Introduction: 12/13/2016
First Reading: 01/10/2017
Public Hearing: 02/14/2017

ORDER
STANDISH TOWN COUNCIL

DATE: December 13, 2016
ORDER NUMBER: 125-16

Submitted by: Nesbitt

TITLE: REQUEST THAT THE MAINE DEPARTMENT OF TRANSPORTATION REVIEW THE SPEED LIMIT ON NEWLY ACCEPTED PORTION OF POND ROAD

WHEREAS the Town of Standish recently accepted a portion of Pond Road that had been previously discontinued as a town road, and

WHEREAS the Town would like a speed limit to be established in keeping with the surrounding area, now therefore be it

ORDERED that Standish Town Council requests that the Maine Department of Transportation conduct a traffic analysis for the appropriate speed limit for this section of Pond Road running northerly from the intersection of Thomas Road Extension for 750 feet.

APPROVED _____ DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY _____

December 13, 2016

Maine Department of Transportation
PO Box 358 (Pleasant Hill Road)
Scarborough, Maine 04070

Re: Speed Limit on Newly Accepted Portion of Pond Road

Dear Mr. Soucie:

The Town of Standish recently accepted a portion of Pond Road that had previously been discontinued as a town road. At this time, the Town of Standish would like Maine Department of Transportation to evaluate the speed limit on this section of Pond Road running northerly from the intersection of Thomas Road Extension for 750 feet to establish a speed limit that is appropriate.

We appreciate the Maine Department of Transportation's consideration of this request and look forward to your findings.

Sincerely,

Steven Nesbitt

Chair, Standish Town Council

enc: Town Council Order 125-16

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016

ORDER NUMBER: 126-16

Submitted by: Pomerleau

TITLE: TOWN COUNCIL APPOINTMENT OF REGISTRAR OF VOTERS

Mary ChapmanRegistrar of Voters through January 1, 2019

APPROVED _____ DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
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BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY _____

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016
ORDER NUMBER: 127-16

Submitted by: Nesbitt

TITLE: AUTHORIZE FINANCE DIRECTOR TO ISSUE MUNICIPAL QUIT CLAIM DEEDS TO JUDITH STANTON

WHEREAS, the sole purpose of the deed is to release to the Grantee(s) herein any interest which the Town of Standish may have acquired in the foregoing property by virtue of unpaid taxes, as evidenced by tax lien certificates recorded in the Cumberland County Registry of Deeds, now be it

ORDERED that the Finance Director is authorized to issue a municipal quit claim deeds to Judith Stanton of Newton, Massachusetts as follows:

Map 047, Lot 7, Sub 000-000

Lien dated October 10, 2014 recorded in Book 31838, Page 336
Lien dated October 7, 2015 recorded in Book 32647, Page 71
Lien dated September 28, 2016 recorded in Book 33478, Page 211

Map 047, Lot 10, Sub 000-000

Lien dated October 10, 2014 recorded in Book 31838, Page 337
Lien dated October 7, 2015 recorded in Book 32647, Page 72
Lien dated September 28, 2016 recorded in Book 33478, Page 212

Map 047, Lot 15, Sub 000-000

Lien dated October 10, 2014 recorded in Book 31838, Page 338
Lien dated October 7, 2015 recorded in Book 32647, Page 73
Lien dated September 28, 2016 recorded in Book 33478, Page 213

Map 047, Lot 15, Sub 00A-000

Lien dated October 10, 2014 recorded in Book 31838, Page 339
Lien dated October 7, 2015 recorded in Book 32647, Page 74
Lien dated September 28, 2016 recorded in Book 33478, Page 214

APPROVED _____ DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY _____

MUNICIPAL QUITCLAIM DEED without COVENANTS

The inhabitants of the Town of Standish, a municipal corporation existing under the laws of the State of Maine and located in the County of Cumberland, State of Maine, for consideration paid, release to **STANTON, JUDITH** of NEWTON, MASS. a certain parcel of land with buildings thereon, if any, located in the Town of Standish, County of Cumberland, State of Maine, identified as follows:

Map 047, Lot 15, Sub 00A-000, on the Assessor's Tax Maps of the Town of Standish, Maine, made by Utilities, Inc. of Standish, Maine in 1997 and updated on April 1, 2015 consisting of 80 maps, 1 to 80 inclusive, which are on file at the Assessor's Office in the Town of Standish.

The sole purpose of this deed is to release to the Grantee(s) herein any interest which the Town of Standish may have acquired in the foregoing property by virtue of unpaid taxes, as evidenced by tax lien certificates recorded in the Cumberland County Registry of Deeds as follows:

Lien dated October 10, 2014 recorded in Book 31838, Page 339

Lien dated October 7, 2015 recorded in Book 32647, Page 74

Lien dated September 28, 2016 recorded in Book 33478, Page 214

IN WITNESS WHEREOF, the Town of Standish has caused this deed to be signed by its Treasurer as authorized.

DATED: December 13, 2016

SCOTT GESUALDI, TREASURER
TOWN OF STANDISH, MAINE

State of Maine
Cumberland, ss

December 13, 2016

Personally appeared the above named Scott Gesualdi, Treasurer, Town of Standish, and swore the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Standish.

Before me,

Rayleen Pinkham, Notary Public
Commission Exp. June 2, 2019

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016

ORDER NUMBER: 128-16

SUBMITTED BY: Nesbitt

TITLE: AUTHORIZE SUBMISSION OF CDBG GRANT APPLICATION FOR
SIDEWALK PROJECT AT STANDISH CORNER

WHEREAS the Town of Standish wishes to enhance the appearance and promote safety at Standish Corner by constructing sidewalks as recommended Village Design Master Plan for Standish Corner, and

WHEREAS grant assistance is available to support this endeavor, now be it

ORDERED that the Town Manager is authorized to submit a grant application to Cumberland County for a CDBG grant to assist in the sidewalk project.

APPROVED _____ DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
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BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY _____

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016

ORDER NUMBER: 129-16

SUBMITTED BY: Sargent

TITLE: AUTHORIZE USE OF STREET LIGHT IMPACT FEES FOR INSTALLATION OF STREET LIGHTS

WHEREAS the town has several street light impact fee reserve accounts with designated purposes according to the attached spreadsheet, and

WHEREAS funds have been collected from the appropriate parties, and

WHEREAS funds already collected are to be used where street light poles already exist, now be it

ORDERED that the funds collected are used for their designated purpose to offset street light expenses for each particular light and authorize Director of Public Works to coordinate with Central Maine Power for the installation of said street lights.

APPROVED _____ DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
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BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY _____

ORDER

STANDISH TOWN COUNCIL

DATE: December 13, 2016

ORDER NUMBER: 130-16

SUBMITTED BY: Nesbitt

TITLE: AUTHORIZE CONSENT AGREEMENT – STEWART - Map 21 Lot 16

ORDERED that the attached Consent Agreement between Jonathan D. Stewart and Kristina Stewart and the Town of Standish regarding property located at 59 Shore Road, is approved by Council, and

FURTHER ORDERED that the Code Enforcement Officer is authorized to execute the attached agreement on behalf of the Town.

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK / SECRETARY _____

CONSENT DECREE

This Agreement is made this 13th day of December, 2016 between Jonathan D. Stewart and Kristina Stewart of Jonathan Stewart Living Trust of Standish, State of Maine “property owner” and the inhabitants of the Town of Standish, a municipal corporation located in Cumberland County, Maine (the “TOWN”)

WHEREAS, property owner of real property located at:
59 Shore Road

further identified on Town Assessors’ Map as MAP 21 LOT 16
(the “PREMISES”) and:

WHEREAS, the Town Building Inspector has determined that violations of the dimensional requirements of the Standish Zoning Ordinance exists on the Premises, as follows:

* Front setback 18.3 feet (20 feet required)

WHEREAS, the Town Building Inspector has determined that said zoning violation occurred in conjunction with construction on the premises pursuant to building permits lawfully issued, and that there is no evidence to indicate that the violation was willful when initiated, and

WHEREAS, the Standish Council at its meeting held on December 13, 2016 has determined that no useful purpose would be served by requiring the removal or alteration of the structure which is in violation, and that the public health, safety and welfare would not be adversely affected by allowing the structure to continue in existence and has therefore authorized the execution of this Agreement; and

WHEREAS, both the property owner and the Town wish to avoid litigation over a zoning violation,

NOW THEREFORE; in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The property owner acknowledges that the circumstances of the zoning violation do not warrant the granting of a variance under the variance criteria of the Zoning Ordinance and therefore waives the right to apply to the Zoning Board of Appeals for a variance.
2. The property owner agrees to pay to the town a penalty in lieu of legal action in the amount of _____.
3. By accepting said penalty, receipt of which is hereby acknowledged, the Town agrees to waive its rights under the Standish Zoning Ordinance to seek judicial relief against the particular zoning violation described above as it exists the date of this agreement.

4. Both parties agree that this Agreement shall be recorded in the Cumberland County Registry of Deeds as evidence that the zoning violation set forth above is deemed cured, and that the resulting nonconformity shall hereafter be deemed a lawful conformity, which is allowed to continue under the Standish Zoning Ordinance.

DATED:
MUNICIPAL OFFICERS OF THE TOWN OF STANDISH

BY: _____, CHAIRMAN

Michael Blanck

Michael Delcourt

Isabel Higgins

Steven Nesbitt

Kimberly Pomerleau

John Sargent

Greg Sirpis

PROPERTY OWNERS:

(Jonathan D. Stewart)

(Kristina Stewart)

State of Maine, County of Cumberland

Date: _____

Then personally appeared the above name _____,
acknowledged the foregoing instrument to be their free act and deed.

Before me, _____

(Notary Public)

My Commission Expires:

State of Maine, County of Cumberland

Date:

Then personally appeared the above name Town Councilor's acknowledged the foregoing
instrument to be their free act and deed.

Before me, _____

(Notary Public)

My Commission Expires:

December 8, 2016

NOTICE OF PENDING CONSENT AGREEMENT

Dear Property Owner:

This letter constitutes notice that the Standish Town Council will consider authorization of a consent agreement between the Town and Jonathan D. Stewart. and Kristina Stewart regarding property located on **59 Shore Road**, further described as **Map 21 Lot 16**. This pending agreement concerns a potential violation of the Standish Land Use Ordinance at the referenced location. Consideration will occur at the Council's regular meeting scheduled for 7:00 pm December 13, 2016 at the Standish Municipal Center at 175 Northeast Road, Standish Maine.

A consent agreement authorized by the Standish Town Council has the same practical effect as a variance granted by the Standish Zoning Board of Appeals. Both documents are registered at the Cumberland County Registry of Deeds. The difference between the two is in timing. Consent agreements are considered, upon petition by the applicant, after the violation has occurred. Variances are considered prior to the commencement of construction.

The nature of the violations currently under consideration for this consent agreement is as follows:

House 18.3' from front property line – 1.7' violation

You are not required to respond to this letter. It is provided only to inform you of a pending action by the Council and to make you aware of your right to communicate your position (if any) in this matter. Oral and /or written testimony may be provided to the Town Council on December 13, 2016.

Please contact this office if you have any further questions regarding this matter.

Sincerely,

Gordon Billington
Town Manager