

## Town Council Meeting Minutes 9/10/2013

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**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, SEPTEMBER 10, 2013  
STANDISH MUNICIPAL CENTER  
TO BEGIN IMMEDIATELY FOLLOWING  
THE SPECIAL TOWN MEETING WHICH STARTS AT 7:00 P.M.**

### **CALL TO ORDER**

The meeting was called to order at 7:24 p.m. by Chair Blanck and the Pledge of Allegiance was recited.

### **ROLL CALL**

Councilors present: Blanck, Olson, Pomerleau, Sargent, Spencer, Stack and Tompson.

Moved by Pomerleau seconded by Sargent and voted to move into Executive Session for consultations with the town attorney as provided under M.R.S.A. 1 § 405 (6)(E), the Town Attorneys, Town Manager and Town Manager from Frye Island will attend the Executive Session. (Unanimous)

Moved by Spencer seconded by Sargent and voted to arise from the Executive Session. The Council arose from the Executive Session at 8:35 p.m. and continued with the regular meeting.

### **MINUTES OF PREVIOUS MEETING (S)**

Moved by Spencer seconded by Sargent and voted to accept the minutes from the August 13 meeting, the minutes were approved by unanimous consent.

### **PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

### **REPORT OF THE TOWN MANAGER**

Gordon Billington spoke on the following items:

The Public Works Department expansion project is underway. It is hoped that that work will be substantially completed before winter is upon us. He noted that Stoneridge, Middle and Saco Roads will be repaved this year.

The Recreation Department reports that they held a successful road race, the second annual Running for a Reason was held August 25. The recipient of the proceeds from the run was the VIP's program. Organizations interested in being the recipient of the proceeds from next year's race should contact Linda Brooks. The Johnson Field Playground Committee has completed their bid process on the playground, the bid award is on tonight's agenda. A community build day will be held October 19. The annual Standish Spooktacular will be held on Saturday, October 26 at the George E. Jack School.

### **PUBLIC HEARINGS**

**66-13 Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as Provided by the Maine Municipal Association [Blanck]**

Chair Blanck explained that these levels are determined by the state which we then need to adopt.

After a Public Hearing without public or additional Council discussion the Council voted on the ordinance and the hearing was closed.

### **VOTE: 7 Yeas**

**67-13 Amendment to Standish Town Code, Chapter 115, Cable Television, Franchising § 115-3, CATV System Franchise [Blanck]**

Chair Blanck explained that Time Warner provides funding to the towns that they have agreements with them. Those monies are then used for equipment such as we have in this room.

Daniel Kasprzyk noted that he was pleased that we were going to a 15-year contract. He went on to say that he's heard complaints from town's people that not all channels, such as the meeting channel, are no longer available. He said that through his research, he's been told conflicting reasons as to the cause of this. He sent a letter to Time Warner about this matter and received an odd response from them. He wanted to urge the Council to make sure that we're receiving the benefits of the contract that we're entitled to get.

Town Manager, Gordon Billington said that the channels are not being scrambled yet, you can still watch the channels.

After a Public Hearing without additional public or Council discussion the Council voted on the ordinance and the hearing was closed.

**VOTE: 7 Yeas**

**83-13 Application Submitted by James Paquette dba Memory Lane Music Hall Located at 35 Blake Road for Renewal of a Malt, Spirituous and Vinous Class A Lounge License [Blanck]**

After a Public Hearing without public or Council discussion the Council voted on the application and the hearing was closed.

A copy of the application is on file at the Town Clerk's Office.

**VOTE: 7 Yeas**

**84-13 Application Submitted by James Paquette dba Memory Lane Music Hall Located at 35 Blake Road for Renewal of a Special Amusement Permit [Blanck]**

After a Public Hearing without public or Council discussion the Council voted on the application and the hearing was closed.

A copy of the application is on file at the Town Clerk's Office.

**VOTE: 7 Yeas**

**COMMITTEE REPORTS**

Councilor Tompson noted that the Ad-hoc Beach Committee has reviewed the bids that have been submitted for the Engineering Study. An order is being brought forward tonight to award the bid. Their next meeting will be the first Thursday in October.

Councilor Spencer explained that the Finance Committee met this week to review the Town's finances.

Councilor Spencer reminded people that the Bottles for Fuel Committee is still accepting returnable bottles and cans for the program.

Councilor Stack said that the Ordinance Committee continues to work on Sebago Lake Master Plan.

Councilor Olson announced that next Monday the Economic Development Committee will meet to discuss if the Town will participate in the Lake Region Chamber Business Event that will be held October. She noted that the Standish Business subcommittee will meet tomorrow at 8:00 a.m.

Councilor Sargent noted that the current board and committee vacancies are posted on the web site. He said that he would like to point out that the Recycling Committee is in need of membership and reactivating that committee could save the town money through encouraging residents to recycle thus saving tax dollars.

Councilor Sargent said that on Saturday, September 21 the Portland Water District will hold an open house on the Sebago Lake Land Reserve. That is the area encompassed by Johnson Field to Route 35 and Route 237. There has been a two-year process of developing the trails. Many events including a family nature walk, trail run, mountain bike ride will be held. Register online or by calling Portland Water District. Rain date is Sunday, September 22.

Councilor Pomerleau said that the Public Safety Committee met with a group relating to the re-build of the Limington Bridge. He was concerned with re-routing traffic and the effect that the bridge being down for the anticipated five-month period will have on local businesses. He hoped that the Council would hold the states feet to the fire to get the re-build done in the five-month time period.

Councilor Pomerleau said that he attended a school board meeting, and won't go back again for a long time due to the way that he was treated.

#### **CONSENT CALENDAR**

The Consent Calendar items were read by title only then voted on collectively.

#### **85-13 Approval of Election/Ballot Clerks and Election Warden for the November 5, 2013 State Referendum Election [Blanck]**

#### **86-13 Authorize Change in Voter Registration Hours Prior to the November 5, 2013 Referendum Election [Blanck]**

**VOTE ON CONSENT CALENDAR: 7 Yeas**

#### **UNFINISHED BUSINESS**

There was no unfinished business at this meeting.

#### **NEW BUSINESS**

#### **87-13 Award Bid and Authorize Contract for Purchase of Winter Sand [Pomerleau]**

Councilor Pomerleau explained that they received four bids and selected the lowest bid. The successful bidder is Shaw Brothers of Gorham, Maine at a cost not to exceed \$6.99 per cubic yard.

Moved by Pomerleau seconded by Olson and voted to amend the order to include the name of Shaw Brothers of Gorham at a cost not to exceed \$6.99 per cubic yard. (Unanimous)

**VOTE ON AMENDED ORDER: 7 Yeas**

#### **88-13 Resolution to Establish October 12, 2013 as Standish Health and Safety Day [Pomerleau]**

Councilor Pomerleau noted that the Fire/Ems Department puts on various displays and activities throughout the day. He said that they are still accepting donations for the bike give-a-way. There will be a pumpkin patch, hayride, PTA book table, and many other events here on Saturday, October 12.

Daniel Kasprzyk asked what was the age range of recipients for the bikes that were to be purchased.

Councilor Pomerleau said that bikes would be purchased for toddlers to teens.

Daniel Kasprzyk said that he'd like to challenge anyone watching to match his \$20 donation.

Councilor Pomerleau said that an individual donating \$50 would have their name noted on the bike their money purchased.

Daniel Kasprzyk doubled his donation to \$40.

Councilor Pomerleau expounded that each child that attends will receive a T-shirt along with a bag filled with a variety of items.

Councilor Stack pointed out that American Legion Post 128 is appreciative to be able to take part in the Health and Safety Day Event.

**VOTE: 7 Yeas**

#### **89-13 Order to Consider to Discontinue the Portion of Emery Road Westerly of Blake Road and Northerly of Ossipee Trail East and Call for Public Hearing on the Discontinuance [Pomerleau]**

Moved by Pomerleau seconded by Stack and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Pomerleau explained that we plan to improve the Blake Road intersection. This roadway is a little by-pass that will be discontinued.

**VOTE: 7 Yeas**

#### **90-13 Establish Steep Falls Village Master Plan Advisory Committee [Blanck]**

Chair Blanck said that the Town has done Standish Village, Sebago Lake Village and now it's time to proceed with the Steep Falls Village plan. He said that we have a leg up on this plan because Sustain Southern Maine is currently working on a pilot project in the Steep Falls area. Many of the items on the plan have already been done by Sustain Southern Maine.

Wayne Newbegin asked where do you sign-up?

Chair Blanck said that interest persons can contact the Town Clerk.

Daniel Kasprzyk questioned why this wasn't going through the Committee process that's been used in the past.

Town Manager, Gordon Billington explained that this is an Ad-hoc committee not a standing committee so appointment procedure is different.

Chair Blanck said that many of the individuals that they would like to have serve, served on the previous committees. He said that that the Sebago Lake Village was easier because we had done Standish Village, and this will be easier because we have two under our belt.

Councilor Olson said that this is the same way the other two committees were established.

Councilor Pomerleau voiced his concern that if there wasn't an application process the some individuals that want to serve on this committee won't be able to do so. He went on to asked who would make the final decision on who will be on the committee.

Chair Blanck said that he would be appointing the members.

Councilor Pomerleau said that he was concerned that someone that wanted to serve would be left out.

Councilor Olson explained as on the previous committees, while some committee members were appointed, the general public is encouraged to attend. In fact, in the past plans some member of the public attended each meeting. So, if they don't make the official list they still can participate.

Chair Blanck said that it's an open forum, even if an individual is not appointed to the committee they still can participate.

**VOTE: 7 Yeas**

**91-13 Award Bid and Authorize Contract for Playground Equipment at Johnson Field [Pomerleau]**

Councilor Pomerleau said that they received three bids. He said that the Recreation Department did a terrific job with this. M.E. O'Brien worked with the town on the Steep Falls Playground. They were the low bidder and are a local company.

Recreation Director, Linda Brooks said that the community build day will be on October 19. She noted that three of the committee members were there tonight, all of the committee members did their due diligence and raised the needed funds, and then some, for this playground. She noted that an Eagle Scout would be building benches or picnic tables.

Councilor Pomerleau noted that he's in the Steep Falls area several times a week and is amazed at the use that the Steep Falls playground gets.

**VOTE: 7 Yeas**

**92-13 Award Bid and Authorize Contract for Engineering Study for Standish Beach [Pomerleau]**

Councilor Tompson explained that there was a question an answer period with the bidders, then the Committee discussed the bids and voted to award the bid to BH2M of Gorham at cost of approximately \$58,000.

Moved by Stack seconded by Olson and voted to amend the order to add the name of BH2M of Gorham at a cost as submitted in the bid. (Unanimous)

ORDERED that the bid from BH2M of Gorham, Maine in the amount not to exceed (\$\_cost submitted in bid) for the engineering services as recommended by the Capital Improvements Committee is hereby accepted, and

Moved by Stack seconded by Olson to amend as follows:

FURTHER ORDERED that the Town Manager is authorized, on behalf of the Town, to expend up to \$5,000 from the Conservation Fund for survey work to secure rights-of-way for access from Harmon's Beach Road across Ditsier and Rich, purchase of these rights-of way would be pending the results of a referendum vote on the beach project. The manager authorized to related contract documents.

**VOTE ON ORDER AS AMENDED: 7 Yeas**

**93-13 Carry Forward Certain Accounts [Spencer]**

Moved by Olson seconded by Tompson and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Spencer explained that these are our carry forwards on items or projects that are not yet completed, however, some of the work has been completed at this time.

Daniel Kasprzyk questioned some of the unfinished projects.

Councilor Spencer said some of those projects have now been completed.

**VOTE: 7 Yeas**

**94-13 Emergency Amendment to Standish Town Code, Chapter 237, Shoreland Zoning [Stack]**

Councilor Stack said that essentially the state legislature changed Shoreland Zoning in the last session and we're trying to implement those changes. The changes include adding the definitions for agriculture and foot-print. It amends the circumstances in which not-conforming lots in the Shoreland Zone can be expanded. It amends the standards governing clearing of vegetation. It provides exemptions for remediation in certain Shoreland zones. It exempts municipalities from certain provisions of the law for excavation activities in a Shoreland Zone. It eliminates the need for the Code Enforcement Officer to report certain transactions to the Department of Environmental Protection.

Daphne Harris of 191 Whites Point Road said that she was in favor of this amendment due to the fact that the property that they have purchased needs extensive repairs that is unusable under the current regulations. The new amendments would allow improvements to her property.

**VOTE: 7 yeas**

**95-13 Amendment to Standish Town Code, Chapter 237, Shoreland Zoning [Stack]**

Councilor Stack said that this is the same as the previous item, however it will go through our legislative process. He said that the law that was passed was L.D. 1490.

Daphne Harris of 191 Whites Point Road said that she was in favor of this amendment as well.

Moved to First Reading at the October meeting of the Council by unanimous consent.

**96-13 Set Mil Rate, Due Dates and Interest Rate of the Fiscal Year 2014 Taxes [Spencer]**

Daniel Kasprzyk said from this it appears that the taxes are increasing and the money that we have to borrow is at 3%, and how much is the loss in revenue from the state.

Finance Director, Scott Gesualdi, said that the rate of borrowing is .77% and he did not know the assessment information.

Councilor Stack said that any movement on the valuation side bumps up the mil rate. He went on to say that the overall taxes might not change.

Daniel Kasprzyk said that he thought that if the valuation went down then so would his taxes.

Gordon Billington said that if the valuation goes down then the mil rate goes up to compensate. He noted that this year shorefront valuations on Watchic Lake were reduced and all land in the town was decreased by 1%.

Councilor Stack noted that change in the valuation amounts to .23¢, the money that we did not receive from the schools amounts

to about .17¢, if you add them together, that's .40¢. The mil rate went up .48¢, from \$11.60 to \$12.08 so the bulk of the increase is from the school not acting in an expeditious manner to send us relief that they received from the state. He said that we're paying the District about \$17,000 a month more than we should.

**VOTE: 7 Yeas**

**97-13 Authorize Sale of Tax Acquired Property to Previous Owners and Authorize Finance Director to Issue Quit Claim Deeds on Previously Tax Acquired Properties [Spencer]**

Moved by Pomerleau seconded by Tompson and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Blanck said that the owner has paid all back taxes and would like to clear this up.

**VOTE: 7 Yeas**

Moved by Pomerleau seconded by Spencer to add order 98-13 Award Bid and Authorize Contract for Repairs and Repainting of Municipal Center to the Agenda. (Unanimous)

**98-13 Award Bid and Authorize Contract for Repairs and Repainting of Municipal Center [Pomerleau]**

Councilor Pomerleau explained that there were three bidders and Certa Pro Painters of Westbrook was the low bidder.

Councilor Stack asked which account was this coming out of.

Gordon Billington said that it will be paid out of the Building Maintenance Account. He said that this amount is more than he expected, so other painting projects will be deferred to stay within the overall authorization of the account.

**VOTE: 7 Yeas**

**PUBLIC ITEMS**

Wayne Newbegin of Harmon's Beach Road voiced his concern regarding the enforcement of the Fire Works Ordinance. He asked who has the authority to enforce this ordinance.

Gordon Billington said that the Sherriff's Office should be called.

Wayne Newbegin said what do we do if they don't respond.

Gordon Billington said the he has not heard of the Sheriffs Department not responding to any calls, he would want to know if that was happening.

Chair Blanck asked if he was certain the fireworks were generating in Standish.

Wayne Newbegin said that they were.

Daniel Kasprzyk said as a School Board Member....

Chair Blanck said that the Council would now be limiting School Board discussions to five-minutes just as the School Board had limited them at a recent School Board meeting.

Daniel Kasprzyk said that he personally wanted to thank those that have attended the School Board meetings. A special thanks went to Councilor Stack who has attended several meetings. He went on to thank Councilor Pomerleau, Councilor Sargent and Town Manager, Gordon Billington for attending the meeting. The information and feedback that he received from other School Board members was positive in regards to their attendance. In addition, he wants to make sure that they are aware of upcoming School Board Meetings. He noted the next meeting is on Monday, September 16 at 7 p.m. at the Bonny Eagle High School.

Councilor Pomerleau wanted to send a message back to the School Board that they should change the agenda to allow people to speak at the time something is discussed on the agenda.

Daniel Kasprzyk said that if finances are that important to him he should attend the meetings. He said that recently Mr. Billington attended a meeting and provided a great presentation. He said that he's appreciative that his Councilors are attending the School Board Meetings.

Councilor Pomerleau said at their meeting the other night, on the first eleven items, there was no public opportunity to speak. The items were discussed by the board then voted on. He said that he was amazed that there was no public participation. He said that Carolyn Biegel was the board member that requested that the Council would have the ability speak.

Daniel Kasprzyk said that Todd Delany was instrumental in placing the item on the agenda, Carolyn Biegel supported them speaking as did he. He said that the School Board follows Roberts Rules of Order during their board meetings. Again, he thanked all that attended the School Board meeting.

#### **ANNOUNCEMENTS**

There were no announcements.

#### **EXECUTIVE SESSION**

An additional Executive Session was not needed at this meeting.

#### **ADJOURN**

Moved by Spencer seconded by Tompson and voted to adjourn. The meeting adjourned at 9:55 p.m. by unanimous consent.

Submitted by: \_\_\_\_\_  
Clerk/Secretary

**PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE DURING REGULAR BUSINESS HOURS**