

**MINUTES  
SPECIAL STANDISH TOWN COUNCIL MEETING  
JUNE 17, 2023  
TOWN COUNCIL CHAMBERS  
STANDISH MUNICIPAL CENTER  
STANDISH, MAINE  
BEGINNING IMMEDIATELY AFTER THE ANNUAL TOWN MEETING  
WHICH BEGINS AT 9:00 AM**

**CALL TO ORDER**

The meeting was called to order by the Town Clerk and the Pledge of Allegiance was recited.

The Town Clerk explained that prior to the swearing in of the newly elected Town Councilors the Town Attorney, Sally Daggett would explain her legal opinion regarding the swearing in of the Town Councilors.

Sally Daggett explained that there had been some questions regarding whether the Election Day winner of the Town Council – Area 4 seat should be sworn into office since a recount of the ballots for that race has been requested. Her advice to the Town was that yes you should proceed with searing Mr. Deakin subject to the results of the recount. She noted if the recount changed the results of the Election, Mr. Deakin would have to resign and Mr. Lampron would be sworn in. Sally Daggett explained the next matter is to elect the Chair and Vice Chair of the Town Council. Her advice was that they could proceed with that, however, if there is a change in the composition of the Town Council, they could reconsider the Chair and Vice Chair vote at the July 11 Town Council Meeting. She said another option is if they feel as if they want to wait, they could postpone the vote on the Chair and Vice Chair until the July 11 Town Council Meeting. She noted that the recount is scheduled for July 6 so the results of the recount will be known at the July 11 meeting. Sally Daggett said that there has also been discussion regarding Brian Libby holding over his Area 4 seat, like what has happened in the past two recounts. She explained that this year it is different because in 2021, Greg LeClerc the incumbent Councilor was the Election Day winner and the seat held over. She said that the same was true last year, Sarah Gaba the incumbent Councilor was the Election Day winner and her term was over. She said that this year is different because Brian Libby is not on the ballot and is not holding over an office. She said that the new Councilor's need to be sworn in today, but it's up to the Council if they want to elect the Chair and Vice Chair today or wait until July 11.

Councilor Macri confirmed that if they elect a Chair and Vice Chair today and the recount changes the Election Day results, then on July 11 we could elect a new Chair and Vice Chair.

Sally Daggett said that a motion to reconsider would be in order at the next regular meeting.

Councilor Macri said that from what he's hearing there is no difference between electing the Chair and Vice Chair today or electing the Chair and Vice Chair at the July 11 meeting. He said

that if we elect the Chair and Vice Chair today, we can proceed normally and if there is a change, we can reconsider that at the July meeting.

Councilor Watson said that last year Sarah Gaba was not sworn in at the meeting due to the pending recount, he questioned why Mr. Deakin be sworn in if there is a recount?

Sally Daggett said that because Sarah was already in that seat, her seat would hold over.

The Town Clerk called for comments from the audience.

Philip Pomerleau, resident – said that he disagreed with Sally Daggett, at the past recounts there was not a mention of Mr. LeClerc being sworn in. He then read the following from the Town Charter: *Every officer or official of the town shall, within five (5) business days following the final determination of the election or appointment of said officer, and before entering upon the duties of his/her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk.* Mr. Pomerleau said that during the past two years, based on the pending recount, the Election Day winner was not sworn in, noting that they held their seat. He said that they were told because they were sworn in three years earlier, they held that seat. He said today, the way he looks at it is that Brian Libby was sworn in three years ago and should hold over until the results of the recount are known. He said that Mr. Libby has the right to stay in that seat until the results of the recount.

Maurie Hill, resident – suggested that all Councilors be sworn in and we proceed as we should.

John Gardner, resident – question the recount rules regarding the margin needed to call for a recount.

The Town Clerk noted that depending on the margin there may be a deposit required.

Mr. Gardner said that there has been a precedence set at the past two elections regarding the incumbent Councilor holding over through the recount. He said that at this time we do not have a declared winner until the recount is completed.

The attorney explained that any candidate can request a recount, there is no limit on the number of votes, and as the Town Clerk had mentioned depending on the percentage of the difference in the number of votes a candidate may have to pay a deposit when requesting a recount. Attorney Dagget said that this year is different since there was not an incumbent candidate on the ballot.

Isabel Higgins, resident – the difference between the current and past elections has been made, moving forward id the way to go.

The Town Clerk asked for direction on moving forward on the election of the Town Council Chair.

Moved by Leclerc seconded by Macri to move forward with the swearing in of the newly elected Town Councilors.

Councilor Macri questioned the number of votes required to pass this motion.

Town Attorney Sally Daggett noted that their rules require four votes in favor of a motion to pass.

Philip Pomerleau said that the only new Councilor's swearing in that was in question was Mr. Deakin. It was his opinion that he and Mr. Gardner should be sworn in and the Area 4 Seat should wait until the results of the recount.

Maurie Hill encouraged them to proceed with the swearing in of all of the Councilors.

Councilor Macri stated that we have a legal opinion from our attorney to swear in all seats at this time, noting that if the results of the recount change the outcome of the election, the prevailing candidate will be sworn in at that time.

John Gardner questioned why the candidates at previous weren't sworn in.

The Town Clerk explained that the circumstances were different since in both cases the Election Day winner was the incumbent for that seat. At that time, legal guidance was that their seat held over. In this instance, the legal guidance was to swear in the Election Day winner, since the incumbent was on the ballot.

Town Attorney Sally Daggett said that the facts for this election are different than the past two. In this case, Mr. Libby is not on the ballot and this the new Council deciding who will serve as chair and vice-chair and that should be done by the new council.

Mr. Pomerleau said that his opinion was that the guidance was not following the Town Charter.

Elmer Farley, resident – said that the new Councilors should be sworn in now.

Councilor Watson voiced his opinion that this divisiveness is what the town needs to get rid of. He said that this year's swearing in, is the pivotal key on how the town moves forward.

Councilor Macri said that we could seat all the new Councilors today and vote for the Chair and Vice-chair at the next meeting.

Mr. Pomerleau said that they are not following the Charter. He then read the section of the charter.

Moved by Leclerc seconded by Macri and voted to move forward with the swearing in of the newly elected Town Councilors.

**VOTE: 3 YEAS, Gaba, Leclerc and Macri – 1 Nay, Watson**  
**MOTION Failed**

Moved by Watson to swear in the two Councilor's that were not involved in the recount.

**THERE WAS NOT A SECOND TO THE MOTION**  
**THE MOTION FAILED**

Mr. Pomerleau suggested that Councilor Watson considers to change his vote this can move forward.

Moved by Watson seconded Macri to swear in all three new Town Councilors.

The Town Clerk called for comments from the public, hearing none, called for comments from the town council, hearing none called for the vote on the motion.

Moved by Watson seconded Macri and voted to swear in all three new Town Councilors.

**VOTE: 4 Yeas**

#### **Swearing-in of newly elected Town Councilors**

The Town Clerk called the newly elected councilors elect to the podium and administered their oath of office:

John Gardner – Town Council Area 2

Robert Deakin – Town Council Area 4

Philip Pomerleau – Town Council At Large

#### **Election of Council Chair and Vice Chair**

The Clerk called for nomination for Town Council Chair.

Moved by Pomerleau seconded by Watson for Councilor Watson to serve as Chair.

Moved by Macri seconded by LeClerc and for Councilor Deakin to serve as Chair.

Roll call vote for Councilor Watson to serve as chair.

**VOTE FOR WATSON AS CHAIR: 3 Yeas, Gardner, Pomerleau and Watson – Nays, Deakin, Gaba, Leclerc and Macri**

**VOTE FOR DEAKIN AS CHAIR: 4 Yeas, Deakin, Gaba, Leclerc and Macri – 3 Nays, Gardner, Pomerleau and Watson**

At this time, Town Manager Tasha Pinkham presented Councilor Gaba with a plaque acknowledging her service as Town Council Chair.

Councilor Deakin took the Chair and proceeded with the election for Town Council Vice-chair.

Chair Deakin called for nominations for Town Council Vice-Chair.

Moved by LeClerc seconded by Gaba for Councilor Macri to serve as Vice-Chair.

Moved by Pomerleau seconded by Watson for Councilor Watson to serve as Vice-Chair.

**VOTE FOR MACRI AS VICE-CHAIR: 4 Yeas, Deakin, Gaba, Leclerc and Macri – 3 Nays, Gardner, Pomerleau and Watson**

**VOTE FOR WATSON AS VICE-CHAIR: 3 Yeas, Gardner, Pomerleau and Watson – Nays, Deakin, Gaba, Leclerc and Macri**

**NEW BUSINESS**

**47-23 Adopt Standish Town Council Rules of Procedure [Gaba]**

Chair Deakin called Council comments on the order, hearing none, he called for public comments, hearing none, the order was read and he called of the roll call vote.

ORDERED that the Council adopts the *Standish Town Council Rules of Procedure* dated August 2001, as amended as the procedural document for the Town Council.

**VOTE: 6 YEAS - 1 NAY, Watson**

**48-23 Authorize Town Council to Accept Federal, State or Private Funds Received in the Form of Grants or Gifts [Gaba]**

Chair Deakin called Council comments on the order, hearing none, he called for public comments, hearing none, he called of the roll call vote.

ORDERED that pursuant to the vote of the Town Meeting, the Town Council on behalf of the residents of Standish, accept and expend on behalf of the town, federal, state or private funds received in the form of grants or gifts, through June 30, 2024.

**VOTE: 7 YEAS**

## **49-23 Approval of an Additional Allocation of American Rescue Plan Act Funds [Gaba]**

Chair Deakin called Council comments on the order, hearing none, he called for public comments, hearing none, he called of the roll call vote.

WHEREAS, the American Rescue Plan Act (ARPA) authorizes federal funding for the Town of Standish in the amount of approximately \$1,066,549.73; and

WHEREAS, there are several authorized spending categories of ARPA funds by municipalities, including, without limitation, providing government services to the extent of the reduction in revenue due to COVID-19; and

WHEREAS, the Town Manager offered a supplemental proposed spending plan to the Town Council for an additional portion of the Town's ARPA funds in the amount of \$441,458 as part of the Fiscal Year 2023/24 budget; and

WHEREAS, an opportunity for public input on this proposed spending plan for an additional portion of the Town's ARPA funds has been provided;

NOW, THEREFORE, BE IT ORDERED, that the Town Manager's supplemental proposed spending plan for \$441,458 in ARPA funds be approved to fund Fire and Emergency Medical Services Department personnel wages and salaries as part of the Public Safety Department budget for Fiscal Year 2023/24.

**VOTE: 7 YEAS**

### **PUBLIC ITEMS**

Councilor LeClerc suggested that Town Councilor use their annual stipend to work towards agreed upon goal, such as a sports group or another civic group. He also asked the Chair consider utilizing the workshop as a goal setting opportunity for the upcoming year.

Councilor Pomerleau said that he agreed that Councilor's could donate their stipend to causes but was on the fence regarding pooling their stipend for one cause.

Finance Director, Scott Gesualdi reminded the Council that they have to accept their stipend and then can do as they wish with the funds they receive.

There was discussion regarding whether the Town Council Workshop should be held on June 27, 2023. Councilors LeClerc and Watson entertained the idea to wait until July to hold the Council Workshop.

Maurie Hill, resident – suggested that the Council hold their next workshop on June 27 to move forward with their business.

Councilor LeClerc explained that his rational to wait was based on the results of the recount, if there is a new Councilor for Area 4 that person should be involved in the goal setting workshop for the Council.

Moved by Watson to move the workshop to July 25, 2023. No second. Motion Failed

The consensus of the Council was to move forward with the June 27, 2023 Town Council Workshop. Chair Deakin encouraged all interested parties to attend the workshop.

Michael Delcourt, resident – voiced his opinion regarding the newly elected Town Council chair.

### **EXECUTIVE SESSION(S)**

Moved by Pomerleau seconded by LeClerc to move into an executive session will be held for consultation with the Town Attorney pursuant to 1 M.R.S. § 405(6)(E) regarding pending tax abatement appeals, *Brookfield White Pine Hydro, LLC v. Town of Standish*.

Councilor LeClerc withdrew his second and Councilor Pomerleau amended his motion as follows:

Moved by Pomerleau seconded by LeClerc to move into an executive session will be held for consultation with the Town Attorney pursuant to 1 M.R.S. § 405(6)(E) regarding pending tax abatement appeals, *Brookfield White Pine Hydro, LLC v. Town of Standish*. The Town Council will be joined by the Town Attorney, Town Manager, Town Assessor and Town Finance Director and no town business will be conducted after they arise from the executive session.

### **ADJOURN**

Moved, seconded and voted to arise from the executive session. The Town Council arose from executive session at 11:38 a.m. and the meeting adjourned.

Submitted by: \_\_\_\_\_  
Clerk/secretary

*Mary Curran*