

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, AUGUST 14, 2018
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

The meeting was called to order by Chair Nesbitt and the Pledge of Allegiance was recited.

ROLL CALL

Councilors present: Delcourt, Libby, Nesbitt, Pomerleau, Sirpis and Starostecki.

MINUTES OF PREVIOUS MEETING (S)

Moved by Sirpis seconded by Libby and voted to approve the July 10th, 16th, 23rd and August 7th Town Council Meeting Minutes as submitted. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Co-acting Town Manager, Scott Gesualdi reported on the following:

- The Code Enforcement Department reports that they have been very busy, 8 new home and the condo project permits have been issued.
- The Recreation Department is offering an outdoor concert series this summer. One concert was rained out, however two more will be offered on August 26th and August 29th at the Steep Falls gazebo.
- The Planning Department continues to work with Acres of Wildlife Campground and the DEP regarding the improvements at the campground. The Code Officer noted that the campground's owners have completed the checklist of items that needed to be corrected. The CEO is waiting for the Planning/DEP process to be completed before issuing permits.

Chief Caron reported that other than a few items the Steep Falls Fire Station project is complete. An open house will be held to allow the public to see the improvements there. Since July 1st the department has responded to 184 calls, of those, 141 were EMS calls, of all the calls, 102 came out of the Steep Falls Station. The Steep Falls Station has had four walk-in patients; response times to Baldwin have been cut in half, the response time across town has gone from 9 minutes 3 seconds to 6 minutes 16 seconds. Chief Caron thanked the Council and the towns people for their support of this project. He also thanked the Portland Water District for the new building that they placed at the boat launch, PWD is allowing the boat launch staff to store materials in the building and utilizing the building during the hours the launch is opened as an office. He announced that on August 5th one of the Town's ambulances was involved in a crash, there were no injuries, however the ambulance did suffer damage. The accident was the fault of the other driver. The department has just advertised for four firefighter paramedics who will be hired in September.

Roger Mosley, Public Works Director updated the Council on the Route 35 road project which included the construction of the scenic outlook. The project is almost complete, the outlook will provide a great view and it is a great asset to the town. Over the last month or so, the Public Safety and Public Works Departments have been meeting every other week with FEMA regarding the October 2017 storm related damage. Upcoming bids include paving projects of the Steep Falls Fire State parking lot and Route 113 end of Manchester Road, including River Meadows Circle and River Meadows Drive. He noted that Saturday, August 18 will be the Hazardous Waste collection date here in Standish.

Scott Gesualdi thanked the staff for their help.

Chair Nesbitt asked Chief Caron to update them on the Dispatch Office turnover to Cumberland County.

Chief Caron said that everything is going great, more and more people are using the online burn permit site. New electronic locks are being installed on the doors at the Municipal Center, so employees can enter the building, previously the dispatcher would let employees into the building.

Chair Nesbitt commented that he was pleased with the progress on the scenic outlook and suggested that a grand opening event be held to mark the occasion.

PUBLIC HEARINGS

92-18 Public Hearing on Proposed Amendments to Sections 701, 703 and 706 of the Town Charter and Action to Submit the Amendments to the Voters on November 6, 2018 [Nesbitt]

Chair Nesbitt explained there is a new way that the MSAD 6 Directors are elected. The Town Charter needs to be updated. Chair Nesbitt noted that the order needed to be amended to attach the warrant.

Moved by Sirpis seconded by Libby and voted to amend the order by adding and approving the election warrant. (Unanimous)

Chair Nesbitt called for public discussion, hearing none he called for Council discussion, hearing none he closed the public hearing and called for the vote.

VOTE ON ORDER AS AMENDED: 6 Yeas

Chair Nesbitt explained that a late order regarding a utility location permit needed to be added to tonight's agenda.

Moved by Sirpis seconded by Pomerleau and voted to add order 113-18 Utility Location Permit – Central Maine Power Company -- Boundary Road [Nesbitt]

93-18 Application Submitted by Daniel Roberts dba Boat Launch Café located at 450 Northeast Road for Renewal of a Malt, Vinous and Spirituous Restaurant License [Nesbitt]

Moved by Sirpis seconded by Libby and voted to dispense with the reading of the order. (Unanimous)

Chair Nesbitt called for public discussion, hearing none he called for Council discussion.

Chair Nesbitt questioned if the application was in order and inspected.

The Clerk explained that the town approves the application, however in the inspection is done by the state, town staff inspects the Special Amusement application.

Chair Nesbitt called for additional Council discussion, hearing none he closed the public hearing and called for the vote.

VOTE: 6 Yeas

94-18 Application Submitted by Daniel Roberts dba Boat Launch Café Located at 450 Northeast Road for Renewal of a Special Amusement Permit [Nesbitt]

Moved by Starostecki seconded by Sirpis and voted to dispense with the reading of the order. (Unanimous)

Chair Nesbitt explained that this facility provides live music. The Chair noted that the local inspections have been completed.

Chair Nesbitt called for public discussion, hearing none he called for Council discussion, hearing none he closed the public hearing and called for the vote.

VOTE: 6 Yeas

COMMITTEE REPORTS

Councilor Starostecki noted that there was not a PWD Steering Committee meeting this month.

Councilor Libby explained that the Ordinance Committee is working on several subjects at this time.

Councilor Pomerleau said that there are a number of Capital Improvements Committee items on the agenda this evening.

Councilor Pomerleau noted that the Public Safety Committee has not met yet this month.

Councilor Delcourt explained that the Personnel Committee will meet as once the interim manager is appointed.

Councilor Sirpis noted that the Economic Development Committee will not be meeting this month, the next meetings date will be announced soon.

Chair Nesbitt announced that the Appointments Committee met earlier this evening, an order will be presented later in the meeting.

Chair Nesbitt explained that the Finance Committee met yesterday. The committee reviewed Period 13 of last fiscal year, final numbers will be provided during the auditor's report in December. He explained that both state revenue sharing and excise tax collections exceeded projections. He noted as reported previously there are three departments that may be overdrawn. General Administration – partly due to hiring of the new manager; Building Maintenance – due to having to replace an oil tank; Employee Benefits – due to payout on accrued time paid to retiring employees; Public Safety – due to salaries from the October 2017 storm and a cistern that needed to be replaced. He said that the committee reviewed the first month of FY 19. Chair Nesbitt noted that there are several items on the agenda from the Finance Committee.

CONSENT CALENDAR

The Clerk explained that consent calendar items are read by title only and voted on collectively.

95-18 Appointment of Ballot/Election Clerks and Election Warden for the November 6, 2018 Elections [Nesbitt]

96-18 Establish Hours for Voter Registration Prior to the November 6, 2018 Elections [Nesbitt]

VOTE ON CONSENT CALENDAR: 6 Yeas

UNFINISHED BUSINESS

54-18 Amendments to Standish Town Code, Chapter 252, Streets and Sidewalks, Regarding Sidewalk Plans (Sent back to Ordinance Committee 6/5/18) [Libby]

This ordinance remained in committee.

The next two orders remained postponed until the September meeting.

82-18 Road Acceptance Request Submitted by Tompson Development, Inc. for a Portion of Lindsey Drive (Postponed until the September Town Council Meeting) [Nesbitt]

83-18 Road Acceptance Request Submitted by Shadow Woods, LLC for a Portion of Woodrow Drive (Postponed until the September Town Council Meeting) [Nesbitt]

89-18 Amendments to Standish Town Code, Chapter 263, Vehicles and Traffic. Article 1, Parking and Weight Restrictions (First Reading) [Libby]

Chair Nesbitt explained that this was brought forth last month, due those visiting river, when parking their vehicles on the side of the road, causing a hazard since it prevents vehicles using the road to travel safely.

Chair Nesbitt called for public discussion, hearing none he called for Council discussion, hearing none he called for the vote to move this to public hearing at the September Council meeting. (Unanimous)

NEW BUSINESS

97-18 Accept Resignation from Councilor Higgins [Nesbitt]

Chair Nesbitt called for public discussion.

William Hill – Wildridge Road - citing a recent news article where Mrs. Higgins noted contention as the reason she resigned. Mr. Hill asked if the Chair had additional information at this time regarding the resignation.

Chair Nesbitt said that the reasons noted are her reasons for resigning.

William Hill questioned if the Town Council has taken steps to address the atmosphere surrounding the Council.

Chair Nesbitt noted that they have had discussions.

Mr. Hill asked that he share those discussions?

Chair Nesbitt told him those matters were discussed in executive session and could not be shared.

Mr. Hill asked if they would be appointing someone soon and did he have a candidate in mind?

Chair Nesbitt said that he had no-one in mind, later he will announce how interested individuals can apply.

Mr. Hill asked if they would make candidates aware of the situation?

Chair Nesbitt said that they would.

Kathy Johnson – Woodridge Drive – thought that Councilor Higgins did a great job and this is a sad situation. She hoped that moving forward we can all work together and make things better.

Maurie Hill – Wildridge Road – with Mrs. Higgins resigning she noted that it leaves only one woman on the Council, she also questioned what they would do to inhibit the bullying on the board? She said that it is a shame that that the bullying was allowed to happen.

Chair Nesbitt called for additional public discussion, hearing none he called for Council discussion.

Chair Nesbitt said that the last time that he saw Mrs. Higgins was the night she resigned, and she apologized. He said that she has nothing to apologize for, it is he that needs to apologize to her and the residents of Standish for what has happened. He recalled that they worked well together, he said that she worked for the residents of Standish to make it a better town. He said that he will miss her, this is a loss for the town, and he wished her the best.

Chair Nesbitt called for additional Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

98-18 Waive Bid and Authorize Contract for Town Manager Search [Nesbitt]

Moved by Sirpis seconded by Libby and voted to amend the order by adding the following:

ORDERED that the bid process for the town manager is hereby waived and that the proposal for Eaton-Peabody for the town manager search as described in the agreement is hereby accepted at a cost not to exceed \$4,000 plus a 20% contingency, and. (Unanimous)

Councilor Sirpis explained that the town received one other bid from MRI at a cost of approximately \$7,500, and he noted that he had contacted the Maine Municipal Association who were too busy to submit a bid due to other manager searches that they are conducting.

Chair Nesbitt called for public discussion.

William Hill – Wildridge Road – asked what was paid to Eaton-Peabody for the first manager search?

Chair Nesbitt said it was just over \$8,000.

Mr. Hill said then you'd expect to pay the same for this search.

Chair Nesbitt said that it will be half that because of the work that was done in the past.

Mr. Hill said than that's \$12,000 plus the severance payment the town will have paid out \$36,000. He then questioned if there would be a lawsuit against the regarding this matter?

Chair Nesbitt said that there has been no lawsuit filed.

Mr. Hill questioned if the town's legal counsel had advised them about a suit and what the cost would be?

Chair Nesbitt noted that they had been advised of the possibility of a lawsuit but there was not a discussion of costs.

Mr. Hill had heard that the cost could range from \$25,000 to \$40,000. He then questioned why hadn't there been mediation taken prior to taking the extreme measure of firing Mr. Tucker?

Chair Nesbitt said based on Mr. Tucker's performance evaluation, it was felt that it was in the best interest of the town to move ahead.

Chair Nesbitt called for additional public discussion, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE ON ORDER AS AMENDED: 6 Yeas

99-18 Town Council Appointments to Various Boards or Committees [Nesbitt]

Chair Nesbitt noted that the Appointments Committee met earlier to review applications.

Moved by Nesbitt second by Pomerleau and voted to amend the order as follows:

Deborah Boxer to the Planning Board Area 2 Seat until June 30, 2019

Adam Higgins to the Recycling Committee until June 30, 2021

Susan Folley to the Recreation Committee until June 30, 2021

Deborah Boxer to the Saco River Community TV Board of Directors –Alt Mbr until June 30, 2019
(5 Yeas – 1 Nay, Delcourt)

Chair Nesbitt called for public discussion on the amended order, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE ON ORDER AS AMENDED: 5 Yeas -1 Nay, Delcourt

Moved by Sirpis seconded by Libby and voted to take orders 100-18, 101-18, and 102-18 together since they are related. (Unanimous)

The Clerk read the orders by title only.

100-18 Authorize Finance Director to Issue Municipal Quit Claim Deeds to Steven Sossong (Map 50 Lot 66) [Nesbitt]

101-18 Authorize Finance Director to Issue Municipal Quit Claim Deeds to Steven Sossong (Map 50 Lot 119) [Nesbitt]

102-18 Authorize Finance Director to Issue Municipal Quit Claim Deeds to Steven Sossong (Map 50 Lot 123) [Nesbitt]

Chair Nesbitt explained that all three parcels went into foreclosure, at a previous meeting the Council voted to sell these properties, however under the Town's Tax Acquired Property Policy the previous owner has one last opportunity to acquire the property back and that is what the following order are relating to. He noted the total amount of taxes being paid is approximately \$17,000 with fees approximately \$24,000.

Chair Nesbitt called for public discussion on the order.

Mr. Peter Milia of Emery Road - asked if there was a judgement for a public sale?

The Finance Director explained that once the properties are voted on to go out for sale, the previous owner has the first refusal.

Chair Nesbitt called for additional public discussion on the order, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE ON ORDERS 100-18, 101-18, and 102-18: 6 Yeas

103-18 Town of Standish Orders of Town Council Authorizing Issue of \$1,826,005 Principal Amount of Bonds and Notes in Anticipation of Such Bonds [Nesbitt]

Moved by Sirpis seconded by Libby and voted to dispense with the reading of the order. (Unanimous)

Chair Nesbitt explained that the approval of this order will give the Finance Director the authority to secure the bonds for the projects that were approved by the voters in June.

Chair Nesbitt called for public discussion on the order, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

104-18 Town of Standish Ongoing Planning Projects Reserve Account [Nesbitt]

Chair Nesbitt said that this was discussed at the Finance Committee meeting noting that for the past few years in the Planning Department's contractual budget there have been funds that have been carried forward for village design studies and other studies. Over the years it's difficult to track, through the audit process it was recommended to create this account for these funds. He said that this is a better way to track these funds.

Chair Nesbitt called for public discussion on the order, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

105-18 Carry Forward Certain Accounts [Nesbitt]

Moved by Libby seconded by Starostecki and voted to dispense with the reading of the order. (Unanimous)

Chair Nesbitt said that this was a Finance Committee item. He explained that at the end of each fiscal year if there are projects or bills that we haven't paid for we carry the fund into the next fiscal year so that the item can be paid for in the next year. He noted that other than bonds the only thing being carried forward this year is playground funding.

Chair Nesbitt called for public discussion on the order, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

106-18 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing [Nesbitt]

Moved by Libby seconded by Sirpis and voted to dispense with the reading of the order. (Unanimous)

Chair Nesbitt noted that this order comes from the Finance Committee, he explained that most of the town's income comes from property taxes which are collected twice a year in November and May. He explained that as we approach the fall our cash reserves drop low and we need to acquire a Tax Anticipated Note to help us pay the bills until taxes start coming in.

Chair Nesbitt called for public discussion on the order, hearing none he called for Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

107-18 Award Bid and Authorize Contract for Paving of Various Roads [Pomerleau]

Moved by Pomerleau seconded by Sirpis and voted to amend the order as follows:

ORDERED that the attached bid of \$293,154 from F.R. Carroll, for this road project as described in the bid specifications, is hereby accepted, with a cost not to exceed \$304,880 for the project, allowing for a 4% contingency, and

Before the vote on the amendment Councilor Starostecki questioned if he should recuse himself from the vote on this order since he lives on one of these roads? The consensus was that he did not need to recuse himself.

Vote on the amendment: 6 yeas

Chair Nesbitt called for public discussion on the order, hearing none he called for additional Council discussion, hearing none he called for the vote.

VOTE ON ORDER AS AMENDED: 6 Yeas

108-18 Award Bid and Authorize Contract for Resurfacing of the Steep Falls Fire Station Parking Lot [Pomerleau]

Moved by Pomerleau seconded by Sirpis and voted to amend the order as follows:

ORDERED that the attached bid from Shaw Brothers, for this project as described in the bid specifications, is hereby accepted, with a cost not to exceed \$38,365 for the project, and (Unanimous)

Councilor Pomerleau noted that they were the lowest bidder and the Town has worked with them in the past.

Chair Nesbitt called for public discussion on the order, hearing none he called for additional Council discussion, hearing none he called for the vote.

VOTE ON ORDER AS AMENDED: 6 Yeas

109-18 Award Bid and Authorize Purchase of a Chevrolet Tahoe 4X4 for the Public Safety Department Through the State's Bid Process [Pomerleau]

Moved by Starostecki seconded by Libby and voted to dispense with the reading of the order. (Unanimous)

Councilor Pomerleau noted that this was the low bid, in addition much of the equipment from the previous vehicle can be added to this vehicle.

Chair Nesbitt called for public discussion on the order, hearing none he called for additional Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

110-18 Amendment to Town of Standish Fee Schedule [Nesbitt]

Chair Nesbitt said that this comes from the Finance Committee with input from the Recreation Director.

Chair Nesbitt called for public discussion on the order.

Kathy Johnson – Woodridge Drive – asked about the process to add a second vehicle to an existing account at this time.

Councilor Starostecki said that the resident should contact the Parks and Recreation Department they'll be able to update their records to include the additional vehicle information.

Chair Nesbitt called for additional public and Council discussion on the order, hearing none he called for the vote.

VOTE: 6 Yeas

111-18 Cast Ballot for Maine Municipal Association's Vice President and Executive Committee Members [Nesbitt]

Chair Nesbitt said that there's only one candidate for each race, there's not a lot of choice.

Councilor Sirpis noted that there was a discrepancy in the numbering of the order on the agenda and wanted it noted in the record.

Chair Nesbitt called for public discussion on the order, hearing none he called for additional Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

112-18 Establish an Ad-hoc Dog Park Committee to Explore the Creation of a Dog Park at Standish Memorial Park [Nesbitt]

Chair Nesbitt noted that there has been some press lately about establishing a dog park in town and there has been group of residents that have been exploring various options. He explained that the Dog Park will be located at Standish Memorial Park and this order will establish the Ad-hoc Committee to get the planning underway.

Chair Nesbitt called for public discussion on the order.

Maurie Hill – Wildridge Road – supported the project, she said that Sandy Boutin deserves every bit of credit for bringing this idea forward. It was her opinion that this was a positive way to bring the community together.

Chair Nesbitt called for additional public discussion on the order, hearing none he called for Council discussion.

Councilor Sirpis asked if the \$20,000 that will be raised, will be from private fundraising efforts and not taxpayer dollars?

Chair Nesbitt said at this time yes.

Councilor Delcourt asked that he be considered for the Town Council Representative position on this committee.

Chair Nesbitt called for additional Council discussion on the order, hearing none he called for vote.

VOTE: 6 Yeas

113-18 Utility Location Permit – Central Maine Power Company -- Boundary Road [Nesbitt]

Chair Nesbitt noted that this arrived late, and he asked that Mr. Mosley speak to the order.

Roger Mosley the Director of Public Works explained that he inspected the location and the pole location is consistent with the existing poles at that location.

Council Nesbitt asked if this was for a new residence?

Mr. Mosley said that it was.

Chair Nesbitt called for public discussion on the order, hearing none he called for additional Council discussion, hearing none he called for the vote.

VOTE: 6 Yeas

PUBLIC ITEMS

Deborah Boxer – Cole Hill Road – questioned about the freedom of information request that was submitted to the Town regarding the firing of the Town Manager, when will the Town respond to the request?

Chair Nesbitt noted all request have been answered.

Ms. Boxer said that it seemed that Mr. Tucker was a qualified applicant, it was her opinion to try to hire someone else when we don't the reason that Mr. Tucker was fired and that they too could be fire at the at a whim may make it hard to find a qualified candidate.

Chair Nesbitt announced that since there was the resignation of Mrs. Higgins the Area 1 seat is now open. Area 1 residents that are interested in serving in this seat should contact the Town Clerk.

Councilor Starostecki asked how long the appointment would be for?

Chair Nesbitt said until June 2019.

ANNOUNCEMENTS

Several upcoming meetings were announced.

EXECUTIVE SESSION

Moved by Sirpis seconded by Libby and voted to move into an executive session for the discussion of personnel matters pursuant to 1 M.R.S.A. Section 405 (6) (A), representatives from Eaton and Peabody will join them in the session. (Unanimous) Chair Nesbitt noted that no further business will take place after the executive session.

Moved seconded and voted to arise from the executive session. The Council arose from the executive session at 9:00 p.m. by unanimous consent and the meeting adjourned.

Submitted by: _____
Clerk/secretary