

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, DECEMBER 14, 2021
STANDISH MUNICIPAL CENTER
6:00 PM**

CALL TO ORDER

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

ROLL CALL

Councilors present: Butler, Delcourt, Gaba, LeClerc, Libby, Macri and Paul.

MINUTES OF PREVIOUS MEETING (S)

Moved by Libby seconded by Butler voted to approve the minutes from the November 9, 2021, Town Council meeting. (Unanimous)

NEW BUSINESS

100-21 Amendment to Standish Town Code, Chapter 181, Land Use, Regarding Orchard Road Solar Contract Zone (Introduction) [LeClerc]

Andrew Kellar from NH Solar Garden, the applicant of the Orchard Road Solar project, provided an overview of the of contract zone process, including working with the town attorney and at the same time working with the Planning Department. He noted that there is a January 3, 2022 Planning Board meeting that they are preparing to submit materials for, and in addition they have been working with Central Maine Power on potential permitting. He explained that since the last time he was before them the state law has changed. He said that the new law requires them to reduce the size of the project from what was originally planned. He explained that they have gone through the state approval process and DEP review, the next step in the process is the contact zone approval by the town. Mr. Keller offered to field solar specific questions that they might have.

Town Attorney, Sally Daggett explained that before them tonight is the introduction of the Orchard Road solar contract zone. She noted that the contract zone is both an amendment to the zoning ordinance and slight amendments of the text to reference this new zoning district that being creating as an overlay district. In addition, there will be an amendment to the zoning ordinance map. She said that those are the amendments to the Zoning Ordinance. In addition, the materials include an agreement that is a contract between the Town of Standish, the actual developer and owners of the property and that is the contract zone agreement. So, that is why included in the packet, there's a little bit of text amendments, amendments to the zoning ordinance, text and the map. She explained they will also see the actual agreement between the Town, the developer and the owners of the property. She noted that the Council held a workshop in August regarding is matter where a draft of the agreement was reviewed. Some changes have been made to that document since then, the ones that probably are of most interest to the Council are in the contract zone agreement. She explained that the new version has added provisions in Section 4 that require that there be some site connectivity between the solar project and Rose Lane. In Section 5, there is a requirement that the developer contributes \$10,000 that will be used to equip the Fire Department's utility terrain vehicle with a water tank since these solar arrays can be hard to get to, this was something that the town staff thought was beneficial to the town and related directly to this project. She said that those are

two of the main things that have been added into the contracts and agreements since the council saw a draft in August. Beyond that, procedurally there are two things that are going to be going through the planning board, one is a planning board public hearing and recommendation on the contract zone itself, both of the amendments to the text of the ordinance and the contract agreement. So, that's the contract zone application of the developer. But in addition, there's going to be a publication due to the way the zoning ordinance is written in Standish, an applicant cannot obtain a final contract zoning approval from the Town Council until the applicant has also obtained their site plan approval. She said if you look at the schedule that calls for introduction tonight, but then they'll be a planning board public hearing on the contract, zoning amendment on February 7 of 2022. But, then simultaneously, the developer will be filing its site plan application, and only once the developer has its site plan approval in hand, will this come back to the Council for final approval. So that's why these dates are bumped out a little bit, you have first reading scheduled for March of 2022, because we don't know if the developer will then have their site plan approval in by the end or not. But then the final approval is scheduled for April 12 of 2022, so that gives the developer a bunch of time to obtain its site plan approval from the planning board gives everybody a lot of time. Sally Daggett said, and with that, any questions about either process or the substance of the agreement?

Bill Giroux explained that they need to keep in mind that they're reviewing the contract rezoning. The Planning Board will basically the same time be reviewing the site plan itself. So, it's not really the Council's job to ask for shrubs to be planted in certain areas, or what a planning board is going to deal with that, the Council will deal with the concept of the contract zone, which would allow them to build this project where they're requesting it in the same fashion as they've represented to you.

Chair Leclerc called for Council comments.

Councilor Delcourt asked if there are arrangements for the trails for people to use the trails when you build this area?

Mr. Kellar explained that matter will be included in part of the Planning Board process. He said that they need to see that within the planning board process, like you know where the site plan is and make sure that we've designed it where it needs to be.

Councilor Delcourt questioned the storing of electricity?

Mr. Kellar said that there is a process available to store electricity but we're not we're not using that technology for this project.

Councilor Delcourt questioned when these panels wear out how is the removal handled?

Mr. Kellar said that he previously shared a document that describes what is done with the panels when they wear out, he said that if needed, he can provide that information to them again. Mr. Kellar explained the current recycling process, in fact in the past few years, the industry has started to create services that can take care of these panels. Recently, most recycling needs were related to natural disasters such as Hurricane Maria or other storms that have hit places where there's been a lot of these solar panels. He said that processes have been put into place to dispose of panel components appropriately. He noted that there is a scrap value for the aluminum, glass and copper

components. There are companies that will, as part of the state required decommissioning plan will assist solar entities and property owners during the decommissioning of a solar site.

Councilor Butler questioned the Town Attorney, we're not voting on the contract zoning agreement tonight as a council? we're voting on the changes to Chapter 181?

Attorney Daggett you are, because if you look at the proposal it adds text to Chapter 181, and it references a new Appendix D, which is the contracts that are in agreement. Daggett said it's a change to the zoning ordinance, incorporate by the reference to the contract zone agreement. This is just the introduction, so that the applicant then can then go out to the Planning Board for both the planning board public hearing on the zoning ordinance amendment, but also on the site plan application. She noted that at the workshop back in August, it was thought it was a good idea that the Council at least see some sort of the final or at least semi-final version of the contract zone agreement from the applicant before it went off to the planning board, just so that you had a chance to weigh in before everything got referred to the planning board. She said that, yes, you are moving forward both the text amendments to the zoning ordinance that that includes the contract zone agreement itself.

Town Manager, Bill Giroux said that this is not the final vote, and the first reading is March 8.

Chair Leclerc called for additional comments, hearing none, he called for the vote to move this to First Reading at the March Council meeting. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

PUBLIC HEARINGS

101-21 Application Submitted by Kristin Guffey DBA Guff's Grub and Pub, LLC for a New Restaurant License (Class I, II, III, IV-Malt Liquor (beer), Wine and Spirits) at Guff's Grub and Pub Located at 450 Northeast Road Liquor License [LeClerc]

Chair Leclerc called for public comments.

Kristin Guffey the owner of Guff's Grub and Pub explained that they have been opened for about 12-days and it's going well, however many customers have asked that alcohol beverages be served, and she believes that it will increase the sales if alcoholic beverages are available at the establishment.

Chair Leclerc called for comments on the order.

Councilor Libby said that he thinks it's good that we have a business back in that location.

Chair Leclerc said that he completely agrees. He said that it's awesome to see businesses that startup in the community. He said that he saw the pictures online for some of the chicken tenders, he hopes to eat there soon.

Chair LeClerc called for additional comments or questions, hearing none, he called for the roll call vote and the hearing was closed.

ORDERED that the application submitted by Kristin Guffey DBA Guff's Grub and Pub, LLC for a new Restaurant License (Class I, II, III, IV-Malt Liquor (beer), Wine and Spirits) at the Guff's Grub and Pub located at 450 Northeast Road, is approved by the Town Council, to expire as determined by the Department of Public Safety.

VOTE: 7 YEAS

102-21 Approving an Initial Plan for Allocation of American Rescue Plan Act Funds [Gaba]

Councilor Gaba said that she would like to point out that with the ARPA funds there are there are a lot of strings attached regarding use of the funds. The Economic Development Committee sat down and went through the eligible items that of relate back to covid. She said that this is a small portion of those funds, but the committee thought that the items in this order would be the most impactful use initially, to get some of these funds out there to benefit the public.

Chair LeClerc called for Council comments or questions in regard to the proposed order.

Chair LeClerc said that the Economic Development Committee wanted to make a point especially since it's starting to get cold to fund heating assistance in terms of a fund to provide oil assistance. He said that use of the fund in this manner don't have stipulations attached. He said that they wanted the funds to immediately help those the need fuel assistance. He said in regard to the computers at the Steep Falls Library, these funds will upgrade the computers that are approximately eight years old and expand internet access.

Chair LeClerc called for additional comments or questions, hearing none, he called for the roll call vote and the hearing was closed.

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, (1) to respond to the public health emergency or its negative economic impacts (i.e., assistance to households, small businesses, and nonprofits, or aid to impacted industries); and (2) to provide premium pay to eligible workers responding to the public health emergency; and

WHEREAS, the Town Manager has offered a proposed spending plan to the Town Council for an initial portion of the Town's ARPA funds in the amount of \$195,000;

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

NOW, THEREFORE, BE IT ORDERED that the Town Manager's proposed spending plan for \$195,000 in ARPA funds be approved as follows:

- (1) \$105,000 to provide premium pay to eligible workers responding to the public health emergency;
- (2) \$50,000 to provide assistance to local non-profit organizations providing assistance to vulnerable populations during the COVID-19 pandemic, which organizations will be determined by the Town Council at a later date;
- (3) \$30,000 for heating assistance to Standish residents experiencing hardship during the COVID-19 pandemic; and
- (4) \$10,000 for the Steep Falls Library to provide additional publicly accessible computer related improvements and Internet access for Standish residents.

VOTE: 7 YEAS

REPORT OF THE TOWN MANAGER

Town Manager, Bill Giroux introduced the Finance Director town auditor to present the annual report regarding the Town's finances.

Justin Berg of the accounting firm Berry Talbot Royer explained that he audited the Town's finances for the past year. He noted that the report is before them tonight that shows the financial statement which includes the letter that explains what our responsibilities are as your auditor. It also goes through the scope and any specific issues that may have arose during our audit or things that would need to be brought to your attention. He reported that there were no disagreements with any management procedures. The materials also provide an accompanying adjusting journal entry report, which will show you the proposed adjusting journal entries that we as the auditors proposed to management. Mr. Berg stated that Scott and his staff are really good at keeping the books together and also proposing all the year-round adjustments. He explained that most of those are just reclassified entries for your financial statement presentation. He explained the independent auditors report provides their clean unmodified opinion. He said what that means is they are expressing an opinion that the financial statements are materially stated in all aspects. He said that their responsibility is to exercise professional judgement and maintain professional skepticism throughout the audit. Basically, we're not part of the operation or management. So, even though we have a working relationship, we approach every audit and every aspect of the audit with professional skepticism. He said they are there to identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, designed to perform audit procedures responsive to those risks. This isn't a fraud audit, if we had found fraud, we will certainly let the appropriate management or you those charged with governance. He noted that there was no fraud detected, does not mean it's not happening. But again, nothing that would tip us off to any fraud occurring within the town. And back to our procedures, we examine, and we test evidence, essentially to express our opinion at the end of the audit based on all the work and testing we have done. He said that they need to obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness, town's internal control. Accordingly, no such opinion is expressed. We evaluate the appropriate accounting policies used in the reasonable this reasonableness of significant accounting estimates made by management like depreciation and on available property taxes at year end. He said they evaluate the overall presentation of the financial statements, and we conclude whether in our judgement, there are conditions or events considered in the aggregate that raise substantial doubt about the town's ability to continue for a reasonable period of time. He said, of course, we don't have any doubt or concern in the operation and management responsibility, just to reiterate, the financial statements are really management's responsibility. We help by making disclosures, but Scott is designated as the person that has the skills, knowledge and experience to accept the financials and any adjustments we may propose. It's ultimately his decision on whether those adjustments need or should be posted. He said, again, we can't tell him to post things, which is part of your management team decision. He explained that the audit includes a management discussion analysis which is an overview which is easier to understand, it is basically a summary of the actual financial statements. He pointed out that the Town does have a policy where roughly two to three months of operating funds need to be maintained. These funds are appropriation in the budget, when calculating this, we generally look at the next year's taxes and approved appropriations. He noted they look at the end of year at the unassigned fund balances. He said the

funding amount should fall within a range of 16.67% to 25%, that's about two to three months of expenditures. He noted that over the last couple of years, the Town has fallen just short of that range. But this year, you have moved within the range adhering to the Town's policy as it's written. He reported that's been an ongoing adjustment on management's behalf to essentially correct that it's not something you can generally do in one year turn around. So, he just wanted to bring mentioned to that, he said that this is my third year at helping with this audit and this was the first year that it fell within the range accordingly. He then pointed out the *statement of net position* and *statement of activities*. Those are presented on the accrual basis, which is kind of like similar process to a for profit business, it will consider things like depreciation and things that are going to happen beyond the one-year term. Those two statements are going to differ from the fund financials, which is more in line with kind of your budgeting process and your overall day to day operations. Those statements are going to look at what we call a modified accrual basis, which is a near term horizon of things that essentially happened within a year. He noted that those two sets of statements are going to differ from each other. He said that there are no disclosures which break down the elements within the financials. So, if you look at a number like cash and cash equivalents, there will be a note disclosure, which will break that down into further detail, kind of a glimpse of what makes up that number and changes, things like that. He said in a nutshell, the Town has a clean audit, there were no issues that came to our attention. It was due to Scott and staff here in the office, I was out here for probably four or five different days in the late summer.

Chair LeClerc called for Council questions or thoughts in regard to what's been said so far?

Councilor Macri asked if after they read through this will he come back if they have questions or should they contact Scott?

Mr. Berg said that he can come back or they email him. He said that he would certainly be available to address any questions.

Chair LeClerc said that it would have been beneficial to have more time to review the audit booklet. He asked that in the future, if possible, to allow the Council as much time to be able to look through this because it's just it's a very tough subject if you're not sure educated in the subject and don't have this background to understand even what's going on. No, there's no, there's no fault he said that he would just like the information provides earlier, in the future. He said that he thought it would be more

Mr. Berg noted that he came out in early November and met with the finance committee. We went over in a little more detail. He said that there were no changes that happened. I think that was like November 8, if I remember correctly, the actual audit was issued on the 23rd. Mr. Berg said as far as the timing, he thought there would be adequate time, but, and he can go into more detail, you know, whether it's today or in the future.

Bill Giroux said that the audit materials hadn't been requested to be reviewed prior to the presentation, however it makes sense and next year the audit will be distributed a week ahead of the meeting.

Scott Gesualdi said that he'd like to thank his staff, this audit report is a testament to their work over the year.

COMMITTEE REPORTS

Councilor Paul – Capital Improvements Committee - met earlier today, there are capital items on the agenda.

Councilor Macri – Public Safety Committee – met last week, a presentation on Project Lifesaver was provided by the Auburn PD and Cumberland County Sheriff's Department. It was the committee's opinion that the technology employed in the Project Lifesaver program is outdated.

Councilor Macri – PWD Steering Committee – a meeting is to be scheduled to hear PWD's reasoning behind their hesitancy to expand sections of the Mountain Division Trail.

Councilor Libby – Finance Committee – met yesterday, he announced that the Town's Finances are in good shape, noting that excise taxes are stronger than expected and real estate taxes are right where they should be.

Councilor LeClerc – Ordinance Committee – discussed establishing a sound ordinance to deal with sound made by roosters; they continue to review the form-based code to make it more streamline. They briefly touched upon the proposed order to put out to bid town owned parcels.

Councilor LeClerc – Transportation Policy Committee - had its first committee meeting, they discussed a number of ideas such as the condition of Route 35, considering constructing a park and ride lot, potentially installing blinking signage at the elementary schools to alert drivers that school is in session.

Councilor Gaba – Appointments Committee – met this evening due to an agenda item.

Councilor Delcourt – Personnel Committee – met last week, everything is running smoothly.

Councilor Butler – Economic Development Committee – met and discussed ARPA funds and their disbursement as outlined in Council order 102-21, more funds will be disbursed in the future.

Chair LeClerc explained that the committee needs to review future allocations to perhaps fund micro loans or other programs to assist facets of the community that have been affected by covid.

CONSENT CALENDAR

There were no Consent Calendar items at this meeting.

UNFINISHED BUSINESS

54-21 Road Acceptance Request Submitted by JKH, Inc. for a Portion of Quail Ridge in the Hartwell Subdivision (Postponed to the December meeting on 11/9/2021) [LeClerc]

The Clerk noted that this item was postponed to this meeting in November.

Bill Giroux explained that we're anxious to wrap this one up, progress has been made on it, but it's not ready yet. It should be postponed until the January meeting for completion of the survey.

Moved by Libby seconded by Butler and voted to postpone this order until the January meeting.

VOTE: 6 YEAS – 1 NAY, DELCOURT

NEW BUSINESS CONTINUED

Moved by Butler second by Libby and voted to take orders 103-21, 104-21, 105-21 and 106-21 collectively. (Unanimous)

103-21 Application Submitted by Stephanie Biggs for Renewal of a Combined Massage Establishment/Massage Therapist License at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2 [LeClerc]

The Clerk explained that the applications are on file at the Town Clerk’s Office and the inspections have been completed.

ORDERED that the application submitted by Stephanie Biggs for renewal of a Combined Massage Establishment/Massage Therapist License at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2, upon the recommendation of the Code Enforcement Officer, Fire Chief, Health Officer and Town Manager, is approved by Council, to expire December 31, 2022.

104-21 Application Submitted by Bryan Bizer for Renewal of a Massage Therapist License at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2 [LeClerc]

ORDERED that the application submitted by Bryan Bizer for renewal of a Massage Therapist License for employment at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2, upon the recommendation of the Code Enforcement Officer, Fire Chief, Health Officer and Town Manager, is approved by Council, to expire December 31, 2022.

105-21 Application Submitted by Xiong Tran for Renewal of a Massage Therapist License at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2 [LeClerc]

ORDERED that the application submitted by Xiong Tran for renewal of a Massage Therapist License for employment at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2, upon the recommendation of the Code Enforcement Officer, Fire Chief, Health Officer and Town Manager, is approved by Council, to expire December 31, 2022.

106-21 Application Submitted by Brianna Sears for Renewal of a Massage Therapist License at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2[LeClerc]

ORDERED that the application submitted by Brianna Sears for renew of a Massage Therapist License for employment at Kosmetikos Skin Care located at 15 Ossipee Trail West, Suite 2, upon the recommendation of the Code Enforcement Officer, Fire Chief, Health Officer and Town Manager, is approved by Council, to expire December 31, 2022.

Chair LeClerc called for comments on the combined orders, hearing none, he called for the roll call vote.

VOTE ON ORDERS 103-21, 104-21, 105-21 and 106-21: 7 YEAS

107-21 Award Bid for Ambulance [Paul]

Councilor Paul explained that the bid was for a new ambulance, and he asked the Fire Chief to provide the details of the bid.

Chief Caron explained that some bid submissions didn't meet the bid specs and the time to build the unit varied considerably. He continued to explain that Town has done business with Sugarloaf Ambulance for years and they have always been reliable. In addition, since they have the chassis in stock delivery of the ambulance should be in September.

Chair LeClerc called for comments on the order, hearing none, he called for the roll call vote.

WHEREAS as a bid process has been conducted for the purchase of an ambulance in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED the attached bid from Sugarloaf Ambulance & Rescue Vehicles for this ambulance in the amount not to exceed \$260,000. is hereby accepted, and

FURTHER ORDERED that the Town Manager is authorized on behalf of the Town to execute related contract documents.

VOTE: 7 YEAS

108-21 Town Council Appointments to the Greater Portland Council of Governments General Assembly [Gaba]

Moved by Gaba seconded by Butler to and voted to amend the order by adding the names as shown and correcting the typographical error of GPGOG to GPCOG:

<u>Sarah Gaba</u>	GPCOG General Assembly Mbr	December 31, 2022
<u>Gregory LeClerc</u>	GPCOG General Assembly Mbr	December 31, 2022
<u>Zachary Mosher</u> (Unanimous)	GPCOG General Assembly Alt Mbr	December 31, 2022

Chair LeClerc called for comments on the order as amended, hearing none, he called for the roll call vote.

ORDERED that the following individuals are appointed to the following board or committee through the date given:

Appointee	Board/Committee	Term Expires
<u>Sarah Gaba</u>	GPCOG General Assembly Mbr	December 31, 2022
<u>Gregory LeClerc</u>	GPCOG General Assembly Mbr	December 31, 2022
<u>Zachary Mosher</u>	GPCOG General Assembly Alt Mbr	December 31, 2022

VOTEON ORDER AS AMENDED: 7 YEAS

109-21 Authorize Utility Location Permit – Central Maine Power Company – Dolloff Road [Leclerc]

Chair Leclerc noted that this is a housekeeping order that been reviewed by the Public Works Department.

Chair LeClerc called for comments on the order as amended, hearing none, he called for the roll call vote.

ORDERED that the application by Central Maine Power Company to install and maintain poles on the Dolloff Road in accordance with the attached application (Notification #10300791151), is approved by the Town Council, and

FURTHER ORDERED that the Town will collect a \$25 excavation permit fee from the applicant.

VOTE: 7 YEAS

110-21 Consider Application for Land Use Text Amendment - Medical Marijuana Caregiver Retail Sales - Submitted by Mark R. Goodwin [LeClerc]

Town Manager, Bill Giroux explained that the applicant is here this evening. The applicant is asking for a text amendment to allow a medical marijuana caregiver to do retail in the industrial zone. He said you all know what a limited area that is. Normally, a request such as this would be referred to the Ordinance Committee for work, but where you've taken up marijuana and several occasions, I asked the chair if we could bring it here, so, you'd be aware that this was in process. He said that he would suggest that you send this to the Ordinance Committee for some work, and then it will come back to you.

Chair LeClerc reiterated the Town Managers comments that this order will move the topic to the Ordinance Committee for review.

Mark Goodwin the individual that submitted the text amendment request explained his reason for the request. He said that according to the Standish town ordinance that is currently in place, a medical dispensary is an allowed use within the industrial zone. A medical marijuana dispensary is a retail operation. The difference between a dispensary and a caregiver storefront is that a dispensary is a nonprofit and a caregiver storefront is for profit. He said that all caregivers by law must sell their product to approved patients and caregivers. He said that currently patients and wholesalers must visit our operations to pick up their product and the transaction must be conducted indoors. He said that it is basically the same operation as a storefront with the only differences being parking and signage. He said that he is not looking to unleash some barrage of caregivers into the town. He said what he is looking to do, is to simply to expand the operation that he already has and to be able to reach my customers in a more comfortable environment than a than the current cultivation area that he operates out of.

Chair LeClerc said that this will only refer the matter back to the Ordinance Committee. He then called for Council comments.

Councilor Delcourt questioned if the industrial zone is near the school?

Chair LeClerc explained that the Industrial Zone is off a Moody Road going towards a transfer station. It's pretty sizable area.

Councilor Delcourt questioned that's where the where the building would be in the business would be?

Chair LeClerc said that it is his understanding is that it's only area where it's currently permitted. This was an ordinance that was passed in June of 2021, right before the elections. He noted that the ordinance limits it to medical side and just in industrially zoned area. He was what Mr. Goodwin was saying is that as of right now, because he's a for profit entity he does, he just does through the medical side of things. Since he's for profit, what we have on the books right now, we wouldn't allow him to do it, because he's for profit. He said what we'd be voting on tonight is to refer back to the Ordinance Committee. He explained those meetings are s open to the public, they people want to come and discuss it and give their thoughts on it.

Council Delcourt said that he didn't trust these people, so he'd be voting no.

Chair LeClerc called for comments on the order as amended, hearing none, he called for the roll call vote.

WHEREAS, the Town of Standish has received a request for a text amendment to the Land Use Ordinance, and

WHEREAS, the applicant is requesting permission to operate a medical marijuana caregiver retail storefront in the Industrial Zone, now therefore be it

ORDERED, the Standish Town Council forwards this text amendment request to the Ordinance Committee for consideration.

VOTE: 6 YEAS – 1 NAY, Delcourt and

111-21 Amendments to Standish Town Code, Chapter 123, Dogs and Other Animals, Animal Noise (Introduction) [LeClerc]

Chair LeClerc noted that the Town Planner, Scott Hastings provided a memo that explains the proposed order, which he read:

The proposed changes to this chapter broaden the existing language governing noise created by dogs to include all animals. This was developed by the ordinance committee in response to complaints about the noise created by domestic roosters and empowers the Animal Control Officer to issue warnings and tickets for animals that violate these standards. This section does not apply to commercial farming operations in keeping with the Maine Agriculture Protection Act.

Chair LeClerc explained that the impetus for this was that there have been residents in the community where roosters are disrupting their quality of life all hours of the day. He then cited a resident's situation where that person was brought to tears due to roosters crowing. He said that this is the lightest footprint, we won't get want to come down and prohibit people from owning things. But what we want is for people to be good neighbors. He said that there will be a series of warnings. This shifts the responsibility from the Cumberland Couty Sheriff's Department to the Animal Control Officer. He said that potentially there could be tickets, however, we're hoping that through the series of warnings it will remedy any violations. He said, again, this was supposed to be the lightest footprint possible in terms to address this particular issue.

Chair LeClerc called for Council comments.

Councilor Macri questioned the reference of 30-minutes, is it 30-minutes a day, 30-minutes consecutively, 30-minutes through a lifetime? He said that he didn't know what that means. If it is consecutive, then you know, a rooster and other animals, you know can make noise for a while, stop, then make some more noise. I'm just not sure what this does, or how this can be applied.

The Clerk said that it is her understanding that it is 30-consecutive minutes. The Director of Planning agreed with the Clerk's understanding of the duration of time.

Moved by Butler to add the language continuous to the ordinance.

Chair Leclerc said there is a motion to amend the proposal order to include 30-minutes continuous. Is there a second for that?

Moved by Butler seconded and voted to amend the to add the language 30-minutes continuous to the proposed order. (Unanimous)

Chair LeClerc called for comments on the order as amended.

Councilor Macri questioned the recent amendment to the State Constitution regarding food, does this violate anything regards to that? Because his understanding, if I have a rooster and I'm raising this rooster to eat, then I have a constitutional right to be able to raise as many roosters as I want. Does violate the State Constitution, has that ever been asked or talked about?

Chair LeClerc said that it had been discussed mentioned, however since the state law change just recently passed, it hasn't been flushed out.

Councilor Gaba questioned the enforcement process. If someone submits a complaint that they're the peaceful enjoyment has been disturbed, how is that verified?

Bill Giroux said that the complaint has to be verified.

Chair LeClerc said that his understand is the instead of having the Cumberland County Sheriff handle these matters the responsibility is shifted to the Animal Control Officer. He continued to say that someone could recording the incident.

Councilor Gaba voiced her concern with this order trying to dictate good neighborhood. She said that obviously, we want everyone to be good neighbors and respectful of one another. She echoed Councilor Macri's comments that people have the right to raise animals. She questioned what is a reasonable solution to quiet a rooster down?

Chair LeClerc said that procedurally it would be through a series of warnings, so it can be brought to the owner's attention. He said that people in the community have standard and are generally very accommodating and kind. He said that the owner may not even know that their rooster is bothering their neighbors.

Councilor Butler said that it seems to him that this is just going after those people, and he didn't think that was right.

Councilor Delcourt explained the town guy came to his house, because my neighbor said my chickens with digging up his lawn. He said that it was discovered that a skunk was actually the animal that was digging up the neighbor's yard. It was his opinion that you can't go after one person. He didn't think that was right. I didn't understand why the neighbors can't talk and fix it problem.

Councilor Butler said that the way he looks at this is that everyone is allowed to have a dog and we have a barking dog ordinance. He said that other animals should be regulated under the ordinance. It's cat that's bothering let them go the animal control. It's not an animal specific ordinance anymore. It's a noise ordinance. And it gives people an outlet to be able to complain about a noise seems innocuous to me.

Councilor Libby asked Council Butler a question, when you made your motion? Did you say minutes continuous or continuous minutes?

Councilor Butler said it should be whichever is most appropriate.

Chair LeClerc thank them for the clarification.

Chair LeClerc called for additional council comments, hearing none, he called for public comments, hearing none he called for the vote to move this ordinance to first reading at the January Council meeting.

VOTE TO MOVE ORDINANCE AS AMENDED TO FIRST READING: 7 YEAS

112-21 Amendments to Standish Town Code, Chapter 181, Land Use, FBCVD SCD TC Allowed Uses – Auto Repair/Sales (Introduction) [LeClerc]

Chair LeClerc explained in regard to the proposed order Mr. Webster, who lives in the community wishes to there'd be a change in use to allow him to put him to put in his automotive repair business at the corner of 25 and 35 at the old Mobil Station, which has been vacant for quite some time. He explained that allowing him to move forward with this change in use, may create jobs for the community. It was a prior use for the building, it was formerly a garage. He said that opening a business there could send a signal to the community that Town is moving forward, there's some hustle and bustle and there's some good stuff going on. Hopefully, this can lead to more business going forward.

Jason Webster, the business owner explained that he and his wife are looking to take over the Mobil Station. He said that they own two separate automotive businesses in Portland. He explained they live in the community and looking to start a business out this way. He said that they number of customer bases in the Limerick, Limington and the Cornish area who travelled down to Portland. This facility would be outlet for them to come into the town and to get their vehicle serviced. He suggested that his business may bring more revenue to the town if they go to Hannaford or any local businesses.

Chair LeClerc called for Council comments.

Chair LeClerc said that he'd reiterate, that it was his opinion that this would be welcome addition to the Standish community, business community, just community in general. He said that he hoped that it will lead others to open businesses.

Chair LeClerc called for public comments, hearing none, he called for the roll called vote to move this item to.

VOTE TO MOVE ORDINANCE TO FIRST READING: 7 YEAS

113-21 Authorized a Professional Services Agreement to Provide Assistance in the Recruitment of a New Town Manager [Leclerc]

Chair Leclerc explained in regard to this proposed order, the current Town Manager Bill Giroux, has submitted a letter of resignation, that's going to be in effect in mid-April. He said that we want to begin the process of selecting a new town manager and the first thing we need to do is select or affirm a company that can help us spearhead that effort. He said that he's received insight from Bill in terms of what services are available. He said that he has also spoke with the town's attorney, Sally Daggett, and received input from other Town Councilors. He said that the three entities have been selected as consultant candidates, they are: the Maine Municipal Association, Municipal Resources, Inc. and Eaton Peabody Consulting Group. He said that speaking with the other Councilor's they agreed that the materials provided were sufficient to allow us to select one of these entities. He said that he's like to begin the discussion by getting people's thoughts.

Councilor Libby said that his preference would be in Peabody, we've used him several times. They're very proficient in what they do, and they have done well by us in the past, and I think we need to give them high consideration.

Councilor Macri said that he was not on the Council during the previous manager searches, so he did not know any of these groups. He said as he went through the materials, Eaton Peabody was the one that I actually had the two issues with. He said that they didn't spell Standish correctly, he said that we want someone that's that paying attention to details. He said the other thing that concerns him about them was their approach regarding a particular matter, he then read the section in question. He said that they talked about working with everybody, which would include developing a format that allows citizens and employees to have input into the personal characteristics, education, traits, and experience that the new town manager should possess. He said that seemed really odd to him, that there are specific personal characteristics or education that this town manager would need to have. I mean, we absolutely want to hire on experience, but what personal traits do we require this person to have? He said that seemed a lot like typing a specific type of person for the job, and that threw red flags up for him. In regard to other two proposals, I don't necessarily have one over another, but Eaton was one that was on the bottom of his list of the three.

Councilor Paul said it was his opinion that we could take the three companies line them up and flip a coin and choose wherever it lands.

Chair LeClerc said that the Municipal Recourses, Inc. is very really expensive. It seemed like that potentially could be the most expensive option. He said that he did agree their search process is very similar.

Councilor Paul said between the three, Eaton Peabody would be his first choice only because they've worked with the town in the past, noting that was a good thing.

Councilor Butler said that he shared a lot of Councilor Paul's comments, so that any one of the three can probably do a pretty good job, they are in the business of doing this. He said based on that, he dismissed the expensive company since they all do the same job. He said from his perspective regarding Eaton Peabody, with nothing against that current time manager, we had bad experience with them. He said that he'd like to try Maine Municipal. He said that he thought that they were least expensive if he's not mistaken.

Chair LeClerc said that Maine Municipal is the middle tier at \$6,400. Eaton Peabody is the least expensive.

Councilor Delcourt said that the problem we had wasn't with the company, it was with us. He said that they suggested several people, they're not forced on you, we voted on it, and we voted for the wrong one.

Councilor Gaba said that she agreed with Councilor Butler's comments. She said she rules out Municipal Resources because she found their proposal unclear and the high costs. She said that she thought that it would be a good idea to try something new. She said liked the idea of Maine Municipal. She then asked Mr. Giroux if he was contacted by Eaton Peabody regarding his position?

Bill Giroux said that they don't recruit, they place ads and in addition the word gets around through the managers.

Councilor Gaba and in that case, she said that Maine Municipal would be her vote.

Chair LeClerc explained that he had some additional information. He said that he spoke to the company's regarding when they would they be able to start if we selected them. Other than Municipal Resources Inc. they all would be able to start as soon as possible, but because of the time of year, none could start until the new year. So generally, they're all ready to go. He said that in regard to the Maine Municipal proposal they had highlighted as helping recently Waterville, procure and lineup their city manager. He explained that he contacted one of the Waterville Town Councilors, his name's Mike Morris, to get his thoughts on the Maine Municipal process. Chair LeClerc highlighted his notes of the feedback which included: they're phenomenal, it was a very fluid adaptive process, it took about three months due to Covid, there were about 70 applicants that they whittled down, it was great experience/ very comfortable, they met with department heads. Chair LeClerc said that these comments were from someone from a different community that nothing got positive experience with to Maine Municipal. He said that he spoke with Mr. Barrett of Maine Municipal today briefly regarding Maine Town and City Managers annual awards. Chair LeClerc said that Mr. Barrett explained that the Manager of Kennebunkport recently was awarded the *Up-and-Coming Manger's Award*, and Maine Municipal assisted Kennebunkport in their manager search. Leclerc commented that both Maine Municipal and Eaton Peabody, they're more permissive in their approach where they'll post an ad but won't directly contact a town manager in another community. LeClerc recapped the various company's start time the process and an overview of the process timelines.

Bill Giroux suggested that he could do a straw poll to get an idea of what company the majority of the Council prefers because the order does authorize you to move forward. He said that he could run through the list one at a time to see how many people want a particular company.

Councilor Delcourt thanked the Chair for starting this early. Councilor Delcourt said that he would like to nominate Maine Municipal Association

Chair Leclerc then asked each Councilor for their choice:

He called for a show of hands for Eaton Peabody – one in favor

He called for a show of hands for Maine Municipal Association – six in favor

Moved by Leclerc second by Gaba and voted to amend the order to add the name of Maine Municipal Association as the consultant. (Unanimous)

Chair LeClerc called for Council comments on the order as amended, hearing none he called for public comments, hearing none he called for the roll call vote.

ORDERED that the Chair of the Town Council be, and hereby is, authorized to execute a professional services agreement with Maine Municipal Association [consultant to be determined at 12/14/21 meeting] to assist the Town Council with the recruitment of a new Town Manager.

VOTE ON ORDER AS AMENDED: 7 Yeas

114-21 Authorizing Sale of Town-Owned Property Located at 270 Northeast Road (Tax Map 14, Lot 9) [Leclerc]

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

Bill Giroux said that this order will put out to bid the property on the corner of Northeast and Moody Roads. The Lot is approximately eight acres of land that the town bought six or seven years ago. It would put it out to bid, the Council would field offers and might choose to sell it to one of the one of those that make an offer, but you don't have to. He said that you'll be representing the townspeople, if you didn't have any offers or don't like the offers. This order will put it out to bid, however Sally Daggett is still working on the bid information. He said that information should be ready and will be advertised.

Chair LeClerc called for Council comments on the order.

Bill Giroux said it will go out to bid, but it doesn't get sold until you vote on it.

Chair LeClerc said that it is his understanding that this is just to kind to see if there any interest in this.

Bill Giroux said yes but noted that we've already had a phone call on this property.

Chair LeClerc called for additional Council comments.

Chair LeClerc said that potentially it could be sold, He said that he thought that it was good to initiate the process, see what it's valued at. If it is sold, it can potentially bring some revenue into the town. The revenue from the sale could give us some cushion in terms of cost of things. He said that they've been very thoughtful and good doing the budget, however he doesn't want a situation where we've got to lay people off because costs are going up. He said he knew that the COLA increase may be high this year. He said that if there's an opportunity to sell and ultimately if the Council does decide to do that, it might provide that cushion, so we can have that extra revenue rather than just raising taxes. I believe we had a workshop, and it was one of the top items was that, we want to aim towards keeping the mil rate flat or below the current mil rate

Councilor Gaba asked as far as processes, do you know, what is the timing is for it to go out to bid and when would likely come back to the council?

Bill Giroux said if it goes out to bid in the first couple of weeks in January, I'm not sure that's possible at this point, because of the holidays. But in theory, you could be looking at potential bids in March or April.

Councilor Gaba said if we sold this, would it hit the budget for this year?

Bill Giroux said it would be a revenue for the FY 23.

Chair Leclerc called for additional Council comments, hearing none he called for public comments.

Maurie Hill, a resident, questioned the zoning of this parcel?

Zachary Mosher the Director of Planning said that it is Sebago Lake Village Form Based Code.

Mark Goodwin, a resident, said that he remembered reading several years ago while in the code enforcement officers office a newspaper clipping that Standish had approved the most home starts or had the most home starts applied for per capita. He said that he's seeing buildings popping up in town. He suggested that some of your cost-of-living adjustments could be offset by when these houses get sold and taxes are paid on these new residences, which we all know real estate is at an all-time high for residential real estate.

Chair LeClerc said that we were just looking for ways to potentially bring in some revenue. He said that he believes that there's another parcel that had been briefly touched upon and in brought before this council about potential leasing for solar projects, is just thinking of trying to think of ways to bring in revenue. So nonetheless, thank you for bringing it back to the Council's attention.

Chair LeClerc called for additional public comments, hearing none he called for the roll call vote.

ORDERED that the Town Manager be, and hereby is, authorized to offer for sale the Town-owned property approximately 8.07 acres in size located at 270 Northeast Road and described in a deed from James E. Cummings to the Town of Standish dated June 28, 2006 and recorded in the Cumberland County Registry of Deeds Book 24136, Page 52 (and further identified as Tax Map 14, Lot 9L) utilizing the competitive bid process and procedures set forth in Section 3-29 of the Standish Code, which procedures require that the subsequent award of bid by the Town Council be made only after approval and recommendation of the Capital Improvements Committee, Town Manager and Deputy Purchasing Agent (i.e., Finance Director).

VOTE: 7 Yeas

115-21 Authorizing Sale of Town-Owned Property Located at 16 Moody Road (Tax Map 10, Lot 48B) [Leclerc]

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

Bill Giroux explained that this is the same procedurally as the previous order. He said that it would go out to bid, the bid proposals would come back to you, and you would decide whether to sell or lease it at that time. Especially for this property leasing might be the word it but anyway.

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

ORDERED that the Town Manager be, and hereby is, authorized to offer for sale the Town-owned property approximately 22.42 acres in size located at 16 Moody Road and described in a deed from Butler Castings Realty, LLC to the Town of Standish dated December 23, 2014 and recorded in the Cumberland County Registry of Deeds Book 3199, Page 73 (and further identified as Tax Map 10, Lot 48B) utilizing the competitive bid process and procedures set forth in Section 3-29 of the Standish Code, which procedures require that the subsequent award of bid by the Town Council be made only after approval and recommendation of the Capital Improvements Committee, Town Manager and Deputy Purchasing Agent (i.e., Finance Director).

VOTE: 6 Yeas – 1 Abstain, Butler

116-21 Schoolhouse Arts Center Community Development Block Grant Program Application Authorization [LeClerc]

Chair LeClerc said in regard to the proposed order, this is something that's been discussed in the Economic Development Committee. He said with the leadership of Zach Mosher we highlighted a couple potentials potential CDBG. grants. He said that this would be potential funding to get an initial assessment at that Schoolhouse Arts Center off of Richville Road. He said that this is especially important, this would give them an opportunity to find out is it worthwhile to put the money into the fixing it up? And what exactly would that cost be, this would allow them to potentially, to get other grant funding after they get that assessment. He said that this is the first step in the process. It's especially important in terms of preserving these types of programs in our community for multitude of reasons culturally, historically, we need to protect these spaces in our community.

Chair LeClerc called for Council comments.

Councilor Libby said that they are a great asset to the community. And I think we need to do everything we can to keep them going.

Councilor Macri disclosed that he spends a lot of time at Schoolhouse Arts Center. He has served on their board in the past. But, he has not been officially associated with them other than volunteering and working in box office and doing things like that. He did have a question about how this reads and would just want to understand a little bit, because the last part of this says to accept the conditions

that accompany the grant funds subject, however, to town meeting approval of local match project funding. So, does that mean that the town matches the grant? And if so, how much?

Bill Giroux explained the requirement of the CDBG grant is that the town matches 20% of the grant amount. He said that the grant application is for \$35,000 or \$25,000, we'd have to match 20% of that. He explained that he puts the budget together he'll include that matching funds. He explained we would provide the match in the upcoming budget, which would be approved by town meeting. He said that we've had good success with CDBG, we get a grant most years, and sometimes we've been able to use them for the Town. This one is a good use for local nonprofit. You'll see it in the budget.

Councilor Gaba said that she is very familiar with the community development block grant programs. She said that this is a great use of those funds. She noted one of the things that they target is , no offence to Schoolhouse, but they target areas subject to blight. She said they invest the money into the communities to enrich the physical structures, so this is just a really appropriate use for the funds.

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

ORDERED that the Town Manager be, and hereby is, authorized to apply, on behalf of the Town, for federal financial assistance through the Community Development Block Grant (CDBG) program, in order to hire a consultant to assess the architectural and structural condition of the Arts Center building of the Maine non-profit business corporation Schoolhouse Arts Center at Sebago Lake located at 16 Richville Road, Standish; to enter into the necessary grant agreement subsequent to federal approval of the project; and to accept the conditions that accompany the grant funds, subject, however, to Town Meeting approval of local match project funding.

VOTE: 7 Yeas

PUBLIC ITEMS

Chair LeClerc explained that this portion of the agenda is for members of the public to bring forward anything that's going on in the community.

There were no public items at this meeting.

Chair LeClerc wished everyone happy holidays. He then thanked Bill Giroux and Zach Mosher for spearheading the installation of holiday lights on Route 25 at Standish Corner and at Johnson Field. He said that the community feedback has been very positive.

ANNOUNCEMENTS

Upcoming meetings were announced.

EXECUTIVE SESSION

An Executive Session was not needed at this meeting.

ADJOURN

Moved by Libby seconded by Butler and voted to adjourn. The meeting adjourned at 7:48 p.m.

Submitted by: _____
Clerk/Secretary

Mary Chap