

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH MUNICIPAL CENTER  
COUNCIL CHAMBERS  
TUESDAY, MARCH 8, 2022  
6:00 PM**

**CALL TO ORDER**

Chair LeClerc called the meeting to order 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 Gaba and voted to approve minutes from the February 8<sup>th</sup> Standish Town Council meeting. (Unanimous)

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

**REPORT OF THE TOWN MANAGER**

Bill Giroux noted the following:

- The FY 23 Budget review will begin on Saturday, March 12. The Finance Committee Chair, Brian Libby has scheduled the full day to review the municipal budget.
- The Economic Development Committee had contemplated using \$10,000 from the ARPA funds for supporting the Chamber of Commerce. This concept is being reconsidered with the belief that the ARPA funds would be better used in the budget; and using TIF funds to support the Chamber of Commerce. He noted that ARPA funds may be used to reduce the Town's Public Safety Budget which is an allowed use of the ARPA funds.
- In the 10-Year Capital Improvements Plan there is \$100,000 to upgrade the boat that is used by the Public Safety Department. An opportunity to purchase a larger used boat from Portland Water District has come about. Time is of the essence, in the purchase of this boat, so, at the March 22, 2022 Special Town Council Meeting the Town Council will be asked to authorize the waiving the bid process and using Town Council contingency funds to purchase the boat.

*Departmental presentation from the Town Assessing Department* - Joseph Merry and Barbara Brewer provided presentation regarding a town-wide revaluation process. The report included a PowerPoint presentation that provided a clear understanding of what happens when a revaluation occurs to equitably distribute valuations so that taxpayers pay their fair share. Mr. Merry provided data that showed the town assessments on various properties compared to recent sales date. The last revaluation was done in Standish in 2004, noting he does incremental adjustments every year just to try to keep pace with sales versus valuations data. He explained if funding was in the budget this year to fund a revaluation, the process wouldn't be completed until 2025. It was noted that historically the results of revaluation would provide a third of the properties valuations being reduced, a third of the valuations staying the same, and a third of the valuations being increased.

## **PUBLIC HEARINGS**

### **\*\* FY 23 Fiscal Year Budget**

Town Manager, Bill Giroux announced that the budget is posted on the Town's website. He explained that there is a requirement to hold a public hearing to receive public input. He noted that people can also give you input throughout the process, including voting on the budget. He explained that the budget at this point is the managers proposed budget. It is the municipal budget and it includes the county, but it doesn't include the school yet, because they don't have a finished budget. He explained in his proposed budget the mil rate based on the municipal side would drop slightly. This is the budget that he's put forward, including the use of ARPA funds. He said that we're also in a much better position, because we have had some frugal budgets for a few years, we haven't used any fund balance for two years. He said that we've built the fund balance up, and we're not proposing to spend any fund balance in this budget, because he said that he thinks that it will be needed next year and the years after that. But this budget as proposed this would drop the mil rate. He said that we'll be here Saturday, not to take public comment at that time, but for the Council to review the entire municipal side of the budget.

Chair LeClerc called for public comments.

Todd Delaney - 115 Spear Road – Budget Committee Member – said that Budget Committee member, Leo Robichaud who is out of town, wanted Todd to pass on his thanks to Town Manager, Bill Giroux for his service to the town, Bill is retiring in April. Mr. Delaney questioned if Mr. Giroux was going to still be here till the end of this budget cycle.

Bill Giroux said that the reason for his final day being April 12 is that is generally, by that time, the budget is returned by the Budget Committee, referendum questions are set and the budget is prepared for the Annual Town Meeting.

Todd Delaney said he wanted to thank Bill for his service, too. He continued to explain that he has served on the Budget Committee for years, and he's really been happy and proud of Bill's service. Mr. Delaney noted that several people have been asking about the ARPA funds and other things. He said that he will put his question to Scott on Saturday to make sure he knows that we'd like to have a sheet showing where that money came in, how much it came in, and how and where it has been allocated.

Chair LeClerc highlighted the allocations to include an oil fund, computers for Steep Falls Library, Wi-Fi for area parks, bonuses to staff and other items.

Finance Director, Scott Gesualdi said that he would prepare a list of the ARPA funds received and what has been allocated.

Bill Giroux said aside from the items that have been mentioned, you'll see what Scott gives you, but there is around \$800,000 left out of the approximate \$1.1 million that was received. He said that what we're putting forward in the budget is to use about \$400,000 of ARPA funds this year towards EMS and \$400,000 next year to EMS. He said that you'll see that in the budget that it's shown as a revenue.

Chair LeClerc said that the ARPA funds can be used towards tax relief, noting that it has to be tied back to COVID related use.

Todd Delaney said for those of you who don't know, I'm also the guy who gets yelled at when the school district used its ARPA funds for things like skating rinks and tents.

Chair LeClerc said that we're trying to be responsible, thoughtful and careful with the money.

Todd Delaney said just to inform you, I've already done it once, but I'll say it again. Unfortunately, the state has provided us, which is called the EDI 279, which is the amount of funding that they will providing us, unless they make cuts.

Chair LeClerc said that you that you guys are the ones that handle that, we handle the municipal side of things. He continued to ask if they were going to be making those tough decisions?

Todd Delaney said that all the budget advisory meetings are taped. He said the issue we had, of course, is that the EDI 279 was \$1.4 million less, due to the fact of student enrollment decreases and debt.

Chair LeClerc said that he remembered hearing that approximately 70 to 100 students are no longer enrolled in the district, so there is a decrease of \$7,000 per student and that is a significant chunk.

Todd Delaney said understands the fact of our enrollment over the last couple of years. It's based on a rolling cycle. But for us, this is a big hit. Mr. Brockman, our business manager and several other people expected us to get the same amount of money we got last year. Guess what? They gave us a \$1.4 million less

Chair LeClerc asked if that is set in stone?

Todd Delaney said that the EDI 279 is projected out and they give it to all the districts.

Chair LeClerc said since the State is flush with APRA money, he's curious say to why we're getting short-changed, when I heard very early on this year that they were going to meet their state law required 55% of funding for local schools, and all of a sudden, we're being short-changed. It seems like we're getting the okey doke, and he was not thrilled with that.

Todd Delaney said that Councilor LeClerc is not wrong. He said that several of us have been very vocal to our state representatives over the fact that the two districts that were greatly impact, by the way, number one in the state was Portland, number two was Bonny Eagle or MSAD No. 6. He said that of all the districts that got hit and had significant losses, the only district that beat us was Portland and their budget is twice ours, it's over \$110 million. He said yes, I would hope that you and our fellow townspeople will be screaming bloody murder.

Chair LeClerc said that he really appreciated you bringing this to light, because again, it's just seems like we're getting short-changed for whatever reason. They're flush with all this cash and they got all these great ideas, but what about them funding the schools for our future, for our students, here in our community?

Todd Delaney said the State decides in June, as our town manager mentioned. The State House gave us extra funding for education and this has nothing to do with federal funds that come to us. He said that a lot of us feel very strongly that the state probably will not roll out more funding to education, he said that once this education budget is set, it's unlikely, unless they get more revenue coming in that they will be providing more out. He said the fact is, that unfortunately, four-years ago, Steep Falls Elementary School had over 100 students, now, it has less than 70 students. So, when we talk about a loss of enrollment, realize it's just not COVID. He said in last twelve-years period the student enrollment has dropped to about 3,400 students. He said that they don't expect unless the property values get reevaluated for more money to come from the state. He said that they will do their best, but this is a very hard budget. He said that right now we're tracking at about an 8% or 10% hit. If but we haven't finalized the discussions.

Chair LeClerc said isn't a lot of stuff in that budget such as repairing roofs, a lot of capital stuff?

Todd Delaney said he said that forwards to the Town Manager and secretary all of the Advisory Committee Reports. He said that every Thursday night this there are Budget Advisory Committee meeting. This week it's regarding the Capital Improvement Fund, which is what Councilor LeClerc is talking about, roofs and other things that we will have to make hard decisions about. He said that with \$1.4 million less in funds this going to be a tough budget.

Chair LeClerc said thank you for bringing this to the to the Council's and the community's attention.

Chair LeClerc called for additional public comments regarding budget, hearing none, he called for Council comments, hearing, the hearing was closed.

**9-22 Application Submitted by Mili, Inc. dba Standish House of Pizza Located at 35 Ossipee Trail West for Renewal of a Malt Liquor (Beer) and Wine Restaurant License (Class I, II, III, IV) [LeClerc]**

Chair Leclerc explained that this is a renewal for this application.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote, after which the Public Hearing was closed.

ORDERED that the application submitted by Mili, Inc. dba Standish House of Pizza located at 35 Ossipee Trail West for renewal Malt Liquor (Beer) and Wine Restaurant License (Class I, II, III, IV) is approved by Council, to expire as determined by the Department of Public Safety.

**VOTE: 7 YEAS**

**10-22 Application Submitted by Michael Baptista and Elaine Burnham dba Acres of Wildlife Campground Located at 60 Acres of Wildlife Road for Renewal of a Malt Liquor (Beer), Wine and Spirits Campground License [LeClerc]**

Chair Leclerc explained that this is a renewal for this application it is similar to the previous order except it includes spirits.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote, after which the Public Hearing was closed.

**VOTE: 7 YEAS**

**11-22 Reaffirm Town Council Vote to Approve Order #7-22 Regarding additional Allocation of American Rescue Plan Funds [Butler]**

Bill Giroux noted that they should have this hearing at last month's meeting, there is a requirement to hold a Public Hearing prior to spending the ARPA funds. The Clerk realized after the fact; the requirement had slipped through several of us. Fortunately, it was caught and holding this Public Hearing tonight will correct the situation.

Chair LeClerc explained that the Wi-Fi and security cameras are tied to Covid, since Wi-Fi access was limited. In addition, to that the security cameras will help to preserve the properties in town. Regarding the other funds is to hire back some employees that had been cut due to Covid.

Chair LeClerc called for Council comments, hearing none, he called for public comments, hearing none, he called for the roll call vote, after which the Public Hearing was closed.

WHEREAS, Town Council Order #7-22 approved an additional allocation of American Rescue Plan Act (ARPA) funds as recommended by the Economic Development Committee; and

WHEREAS, Town Council Order #7-22 authorized utilizing an additional \$78,633 of the Town's ARPA funds allocation as follows:

- (1) \$58,633 to fund Parks and Recreation Department employee positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021; and
- (2) \$20,000 to fund the installation of free public Wi-Fi and security cameras at three Town properties overseen by the Parks and Recreation Department, namely Johnson Field, Mill Street Park, and Standish Memorial Park; and

WHEREAS, an additional opportunity for public input on this spending plan for the allocation of additional ARPA funds has been provided at tonight's meeting;

NOW, THEREFORE, BE IT ORDERED, that the Economic Development Committee's proposed spending plan for \$78,633 in ARPA funds as authorized by Order #7-22 be and hereby is reaffirmed following the opportunity for additional public input on the same.

**VOTE: 7 YEAS**

**COMMITTEE REPORTS**

Councilor Butler - Economic Development Committee - met about three-weeks ago with the Director of the Chamber of Commerce, who presented a request for funding from the ARPA funds. He explained that this matter was already talked about that in the Manager's report.

Councilor Delcourt – Finance Committee – Finance Committee met yesterday; everything is fine.

Councilor Gaba – Appointments Committee - has not met, we haven't had a new application in some time. So, I just want to continue to encourage folks to take a look at those empty spots.

Councilor LeClerc – Ordinance Committee – they discussed noise ordinances, there's been several things that have been brought to the Planning Board that dealt with noise, in addition to that former town Councilor reached out to us and wanted them to know that it's his opinion that the

noise ordinance needs to be updated. In addition, progress has been made on the form-based code. He said that the Committee plans to hold a workshop to further review the form-based code to make it more user friendly.

Councilor Libby – Finance Committee – Finances are good.

Councilor Macri – Public Safety Committee – has not met this year.

Councilor Macri – Transportation Policy Committee – has not met in a few months.

Councilor Macri – PWD Steering Committee – plans to schedule a meeting for later in the month

Councilor Paul – Capital Improvements Committee – no report.

### **CONSENT CALENDAR**

There were no Consent Calendar items on this agenda.

### **UNFINISHED BUSINESS**

100-21 Amendment to Standish Town Code, Chapter 181, Land Use, Regarding Orchard Road Solar Contract Zone (Postponed at the February 8, 2022, meeting to the March 8, 2022 Meeting) (First Reading) [LeClerc]

Chair LeClerc explained that this is the contract zoning that they've been working on with the town lawyer for the project behind Papa's ice cream, that's what this proposed order is about.

Zachary Mosher, the Director of Planning announced that this amendment has had the Planning Board Public Hearing as required. He added that this has gotten a Planning Board approval for the site plan part of this application. Now, it's just a matter of coming back to the Council to finish off the contracts on agreement itself. The updated plan does show there's some big changes to the site plan. The main one being that the snowmobile trail has been relocated around the development. So, that they can still go through there because it's around the development now.

Bill Giroux explained that this will be at Public Hearing at the Council meeting in April.

Mr. Mosher said that there is some language that needs to be cleaned up because it has gone through the Planning Board process.

Chair LeClerc called for Council comments.

Counselor Delcourt said that he was not going to vote for this for three reasons. One, there's no way to store the electricity after dark when they need it. That's when electricity is used the most. There is no clear process to deal with worn out panels that are toxic and it looks like hell. He said also, thank you for rerouting the snowmobile trail.

Chair LeClerc called for additional Council comments.

Councilor Macri said according to what we were told this is not going to be visible from the road, so there's not going to be any eyesore. If that's incorrect, please correct me. Number two, we got a handout that talks about how to safely dispose of the panels when they're done.

Chair LeClerc asked the representative from Teradyne if he wanted to speak to this proposed order.

Lawrence Bastian of Teradyne consultants was here representing New Hampshire Solar Garden. He said that he's been working with this solar developer on this project, as well as another project in Baldwin this year. Regarding the question of disposal of the panels, there is, as far as the State of Maine goes, since October 2001, rules that require a decommissioning plan developed upfront. Escrow funds are basically a fund for decommissioning the facility when it's taken out of service. That includes removing all the panels removing basically all the infrastructure that is placed on the property for the duration of the of the of its use, as far as recycling the panels there was a handout provided to the Planning Board, as well as in your packets that explains the various efforts that are going on for recycling. He said it's an evolving industry for how those things are dealt with. Basically, there's copper wire, there's the aluminum frames, those are easily recycled, the panel components themselves are a mixture of glass, layered system of glass, and other materials that are basically ground up and then separated chemically, the silver, the trace metals that are in there, and those things are, are taken out. So again, that's something that the whole industry is dealing with, as you know, we're seeing these going in all around the country and it's evolving. He said that by the time this project, and others that are being constructed now, are taken out of service, that's going to be a requirement. He said in the State of Maine, for example, does not yet require the kind of deposit up front, like for a battery core or for appliances, and that sort of thing. But those kinds of things are coming. He said that the State of Washington and California are close to doing it, you know, naturally that's kind of where most of this stuff is. But as far as the actual, there are processes in use right now for recycling these panels. He said as Councilors have pointed out, this is probably the biggest concern that people have about, you know, the long-term sustainability of these kinds of projects, but there are mechanisms for it.

Councilor Gaba said that she'd just like to say to the folks that have come to visit us from there that she appreciates that you've described the decommission process every time that you've been here. So, she just wanted to acknowledge that.

Councilor Delcourt said who is going to pay for this?

Lawrence Bastian said that for the decommissioning, the developer has to put a deposit when they get their permit with the State of Maine, they have to place upfront cash in an account.

Councilor Delcourt that there's a lot of stuff in there and separating out it seems like that would be very expensive process.

Lawrence Bastian said that right, now it's viewed as a potential resource to be able to get those metals out. He said, over time, I think that that technology is going to get there.

Councilor Delcourt said it has been said that we're not going to see them. But another place going down to the dump road, soon you'll see them everywhere.

Chair LeClerc called for additional, hearing none, he called for public comments, hearing none, he called for the roll call vote, to move the order to Public Hearing at the April meeting.

**VOTE TO MOVE THIS TO PUBLIC HEARING AT THE APRIL MEETING: 6 YEAS – 1 NAY,  
DELCOURT**

**NEW BUSINESS**

**12-22 Authorize Standish Lions Club to hold Charity Toll on the Moody Road in June  
[LeClerc]**

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

Chair Leclerc noted that the Lions Club is a great organization he hoped that they raise a lot of money.

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

**VOTE: 7 YEAS**

**13-22 Authorize Girl Scout Troop 2403 to Sell Cookies on the Moody Road on March  
26, 2022 [LeClerc]**

Moved by LeClerc seconded by Libby to strike the date of March 26, 2022 to a date in April as authorized by the Public Works Director.

Chair LeClerc explained that the date is being changed, because the Girl Scout leader is new didn't know that kiosk sales for cookies are not allowed in March.

ORDERED, that the Standish Town Council authorizes the Girl Scout Troop 2403 to sell cookies on the Moody Road ~~on Saturday, March 26, 2022,~~ as authorized by Public Works Director for a date in April, and  
(Unanimous)

Moved by LeClerc second by Libby to dispense with reading of the order. (Unanimous)

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

WHEREAS, the Girl Scout Troop 2403 desires to sell cookies on Moody Road as a fundraiser for their organization, now be it

ORDERED, that the Standish Town Council authorizes the Girl Scout Troop 2403 to sell cookies on the Moody Road ~~on Saturday, March 26, 2022,~~ as authorized by Public Works Director for a date in April, and

FURTHER ORDERED, that the Director of Public Works will direct the Girl Scout members where they can set up in the area of the Transfer Station.

**VOTE- 7 YEAS**

**14-22 Authorize the Maine Department of Transportation to Exceed the allowed  
Weight Limit on Certain Roads During the Road Construction Project on Route 114  
[Leclerc]**



Chair LeClerc explained this is just to allow for equipment to be used that's heavier than the normal that's normally allowed on those roads to allow for pavement as noted in the order.

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

ORDERED that the Standish Town Council grants approval for the Maine Department of Transportation and its contractors to haul loads in excess of the limits specified in Title 29, M.R.S.A § 2382(7), on certain roads in Standish during the road construction project, the section of highway under construction in Standish is:

*Project No. 2571500 is located on Route 114 beginning at the Gorham Town Line and extending Northwest 1.68 miles to 0.07 miles North of Fox Run Road*

## **VOTE- 7 YEAS**

### **15-22 Amendments to Standish Town Code, Chapter 3, Administration of Government (Introduction) [LeClerc]**

Bill Giroux said that this will authorize us to sell land through a realtor, even though I'm going to talk to you a little later about the two lots that we're selling, those are pretty much ready to go. This amendment would be available in the future, which isn't allowed right now. In fact, if you put these properties out, and you end up not selling them, in a few months, you'd be able to if you pass this, you'd be able to put them with a realtor. The one of the reasons I want to make that change is because certainly now, you know, people are listing things with realtors, and then they're realizing an extra 10% or 20%, over and above their asking price. So, I think it's too bad that this wasn't put in in the past. In addition, these amendments raise amounts to go out to bid.

Councilor Gaba explained in discussions in the Finance Committee, it was discovered that this that hadn't been updated since the 1990's. She said that she can acknowledge and support the issues that staff is having as far as getting bids. These amendments will enable the staff to function more efficiently.

Finance Director, Scott Gesualdi said that he reviewed other towns policies and gathered the numbers from those communities.

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

## **VOTE TO MOVE TO FIRST READING AT THE APRIL MEETING: 7 YEAS**

### **16-22 Amendments to Standish Town Code, Chapter 181, Land Use, Caregiver, Retail Stores (Introduction) [LeClerc]**

Chair LeClerc said regarding the proposed order, right now, medical use dispensaries are allowed in the industrial zone areas of town. He said that it's his understanding in large part dispensaries are nonprofit. What this language would be doing in the proposed order, is that it would allow for what's called medical marijuana caregiver retail stores. So, it would be it would function the same as a dispensary, on just the medical side. He said that he was stressing, it's on the medical side.

Chair LeClerc called for Council comments.

Councilor Delcourt said that this says 500 feet from the nearest school, that's not far enough. He voiced his concern about the hardware store.

Chair LeClerc said that this ordinance is regarding a change in the Industrial Zone. The Industrial Zone is along the moody road and a small strip in Steep Falls.

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

**VOTE TO MOVE TO FIRST READING AT THE APRIL MEETING: 5 YEAS – 1, NAY, DELCOURT – 1 Abstain, Butler**

### **PUBLIC ITEMS**

Chair LeClerc noted that this is the time on the agenda for public items. He invited speakers to go to the lectern to speak.

Mark Goodwin explained that he is the applicant that is seeking to open a medical marijuana caregiver storefront. The only thing that I would add to your ordinance, which is thorough and it is well written, and comprehensive, however it was written with cultivation in mind. So, there are things in there like odor control, for example, which may not be necessarily applicable to a retail operation versus that of a cultivation operation. He said there's a provision in ordinance that require him to hire an odor control engineer to come to his site but that this is not necessarily applicable to this particular use of that industry.

### **ANNOUNCEMENTS**

Several upcoming meetings were announced.  
The workshop on April 22, 2022 was cancelled.

### **EXECUTIVE SESSION**

Moved by LeClerc seconded by Libby and voted to move into an executive session for the discussion of real estate matters pursuant to. 1 M.R.S.A. § 405(6)(C). The Finance Director Scott Gesualdi will join them in the meeting and no town business will be conducted after the executive session.

### **ADJOURN**

Moved seconded and voted to arise from executive session. The Town Council arose from the Executive Session at 7:50 p.m. and the meeting adjourned.

Submitted by: Mary Culp  
Clerk/Secretary