

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, JULY 12, 2022  
STANDISH MUNICIPAL CENTER  
6:00 PM**

**CALL TO ORDER**

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

**ROLL CALL**

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

**MINUTES OF PREVIOUS MEETING (S)**

Moved by Libby seconded by Leclerc and voted to approve the minutes from the April 12<sup>th</sup>, April 26<sup>th</sup>, May 10<sup>th</sup>, June 7<sup>th</sup>, and June 18<sup>th</sup> meetings. (Unanimous)

**PETITIONS AND COMMUNICATIONS**

The Clerk noted the following correspondence was received:

- Eric Bleicken, Resident – Submitted information regarding an appeal from parents and citizens in the MSAD No. 6 School District concerning the MSAD No. 6 Material Review Committee's Report recommending that the book It's Perfectly Normal to remain in circulation in their library.
- Patricia Frechette, Resident – Submitted a letter opposing Sarah Gaba holding the Town Council At Large and serving as Chair until the Run-off Election is held.
- Deborah Boxer, Resident – Submitted an email supporting Sarah Gaba holding the Town Council At Large and serving as Chair until the Run-off Election is held.
- Sally Daggett, Town Legal Counsel – Submitted a written opinion regarding the effect of Sarah Gaba holding over in the Town Council At Large seat and serving as Chair pending the outcome of the Run-off election.

Phillip Pomerleau, resident, requested that the Town Council listen to resident's input regarding the matter of Sarah Gaba serving on Town Council and as Chair at this time since there are so many residents in attendance at this meeting.

Moved by Watson seconded by Libby and voted to amend the Town Council Rules of Procedure and take public input at this time regarding Sarah Gaba serving on the Town Council and as Chair.

**VOTE: 7 Yeas**

Philip Pomerleau, resident, voiced his concerns that Sarah Gaba was serving on the Town Council and as Chair through the outcome of Run-off Election.

Chris Struebing, resident, cited the legal opinion that was read earlier that supported Sarah Gaba's ability to holdover on the Town Council and serve as Chair through the outcome of the Run-off Election.

Maurie Hill, resident, supported the legal opinion that Sarah Gaba would holdover on the Town Council and serve as Chair through the outcome of the Run-off Election.

Elmer Farley, resident, suggested that the Town Offices offer extended service hours for residents.

Isabel Higgins, resident, supported the legal opinion and Town Council vote on June 18 that Sarah Gaba would holdover on the Town Council and serve as Chair through the outcome of the Run-off Election.

Todd Delaney, resident, his opinion was that Sarah Gaba should recuse herself from Town Council duties through the outcome of the Run-off Election.

Wilfred Hamilton, resident, thanked the councilors for serving. He questioned if the shoe was on the other foot, what would they do?

Chair Gaba responded that she hasn't challenged any of the results of this election or the votes that were found at the at the recount. She said that she will accept not only the decision of the people, but also, the decisions that the Council will make.

Wilfred Hamilton questioned if Mr. McFerren was the sitting councilor, would you feel that you were being treated fairly if he were to vote on the election process?

Chair Gaba responded that she would accept the attorney's guidance so that town business continued.

Justin Hochgesang, resident, supported the legal opinion that Sarah Gaba would holdover on the Town Council and serve as Chair through the outcome of the Run-off Election.

Nancylou Stiles, resident, opposed Sarah Gaba serving on the Council through the outcome of the Run-off Election and suggested that she should recuse herself.

Chair Gaba responded that until tonight's meeting no one has contacted her regarding rescuing herself. She said that she has been completely transparent and will accept whatever the Town Council decides is her role on the Town Council.

The Town Clerk read Section 201. B. *Each member of the Council shall be elected for a term of three years and until his or her successor is elected and qualified.* The Clerk noted that has not happened yet. The Clerk noted that on June 14, there was a close election. Days after that election, Mr. McFerren called for a recount, which was the absolutely right thing to do. The recount ended in a tie. The Clerk said there still is not an elected successor. That's going to happen at the runoff election on August 23. The Clerk said that the election date came about as swiftly as it could with the time constraints in hand, such as having absentee ballots available to voters for 30 days before the election. It takes time to get everything together. So that's the way the reason why the August 23rd was chosen as Election Day.

Philip Pomerleau, resident, last year's recount was a different set of circumstances. He said that he didn't believe that there had ever been a tie vote in town.

Justin Hochgesang, resident, said that based on the legal opinion, the incumbent will stay seated until the results of the Run-off Election.

Elmer Farley, resident, asked when would he hear about extended hours at the Town Offices?

Councilor LeClerc noted that this idea has been discussed before, explained that some town business can be conducted online and that past extended hours were often unattended.

Mr. Farley said that on Wednesdays the Town of Buxton opens later in the day and closes later.

Chair Gaba said that this matter should be discussed at the Personnel Committee.

NancyLou Stiles, resident, asked Sarah Gaba to recuse herself from the Council. She then asked the Town Council to vote on the matter.

The public input discussion ended and the Council discussion determined that they would vote on this matter when it's before them on the agenda.

## **REPORT OF THE TOWN MANAGER**

Mrs. Pinkham provided the following updates:

- A review of options regarding extended hours will be evaluated by surveying other towns.
- Code Enforcement Department – Issued 729 permits last year. They continue to provide inspections and are working on code concerns.
- Planning Department - Obtained a \$20,000 CDBG grant to assist the School House Arts Center. They are also working on a grant for Kevlar vests for the Fire Department.

- Awaiting the results of a study regarding the intersection of Routes 114 and 35, it is anticipated that the town will receive a grant in the amount of \$625,000, matching funds will be required.
- Public Works Department – Razed a house on Standish Neck Road, the residents have received assistance. A culvert is being replaced on Blake Road; the road is expected to be closed for three weeks. A similar project will be done on the Shaws Mill Road. The stolen sign at the Scenic Overlook has been replaced.
- The Fire Department - Received assistance from neighboring towns to fight a fire that displaced three families.
- Finance Department – Wrapped up the year-end financials and awaits the annual audit.
- Recreation Department – The Standish Family Festival will be held the beginning of August; the parade has been cancelled due to lack of participation. The Rich Memorial Beach offers paddleboard rentals at \$12 and a just acquired floating wheelchair that is available for use at no cost.
- The Town Clerk's Department - Is busy with the election.
- General Assistance Office – Is busy helping clients.
- Mrs. Pinkham has been taking classes through ICMA and MTCMA.
- The Finance Committee met. Capital Improvements Committee meeting was cancelled.

## **PUBLIC HEARINGS**

There are no Public Hearings at this meeting.

## **COMMITTEE REPORTS**

Councilor Macri – Public Safety Committee – Met on July 11 and set a tentative day of October 15, 2022 for the Public Safety Fair.

Councilor Libby – Finance Committee – The town's finances are in good shape.

Councilor LeClerc - Ordinance Committee – No Report.

Councilor Butler – Economic Development Committee – No Report.

Councilor Gaba – Appointments Committee – Met this evening, there is an appointments order on the agenda this evening.

## **CONSENT CALENDAR**

There are no Consent Calendar items at this meeting.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items at this meeting.

## **NEW BUSINESS**

### **57-22 Call for Run-off Election for Town Council At-Large Seat and Approve Warrant [Gaba]**

Councilor LeClerc asked the Town Clerk if there was any discussion with the candidates regarding the date of August 23 for the Run-off Election?

The Clerk said that she spoke to both Sarah Gaba and Robert McFerren regarding the date. She noted that she will be out of town beginning on August 28<sup>th</sup>. She then explained that timing of the election is from today's date, absentee ballots have to be available least for 30 days prior to the election. So, that would mean the options for dates would be either 16<sup>th</sup> or the 23<sup>rd</sup>. The Clerk said initially she thought the election would be held on August 16<sup>th</sup>, however Sarah Gaba is out of town during that time on a preplanned vacation. The Clerk said that she called Mr. McFerren and asked if he had a conflict with either of those dates and he did not. She said that she made the final decision based on the rationale that any candidate should have the ability to be at the polling place on the date when the vote is taking place.

Chair Gaba opened the floor for discussion regarding her ability to vote on this order.

Councilor Macri questioned what would be her reason to recuse herself from voting on this order. He said that is this is about as soon as it can possibly happen according to the law. I understand when people recuse themselves because it affects them. But in this case, I don't see anything that matters as far as when the date is it this was months and months out, absolutely. But this is almost as soon as it can be done. I understand there's other thoughts and ideas about that, but I don't see a reason for you to recruit recuse yourself on this order.

Chair Gaba asked if there was a motion regarding a conflict of interest on her behalf.

There was no motion made.

Chair Gaba called for the roll call vote.

## **VOTE: 7 YEAS**

ORDERED, that a Run-off Election for the Town Council At-Large seat be held on Tuesday, August 23, 2022; and

FURTHER ORDERED, that the attached warrant for the same is hereby approved.

**WARRANT  
SPECIAL MUNICIPAL ELECTION  
STANDISH, MAINE  
AUGUST 23, 2022**

State of Maine

To Mary Chapman, a resident of the Town of Standish, County of Cumberland State of Maine.

Greetings:

Minutes

Standish Town Council

July 12, 2022

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Standish, in the County of Cumberland, qualified by law to vote in Town affairs, to meet at the Standish Municipal Building in Standish, on **TUESDAY, AUGUST 23, 2022 at 6:00 a.m., to act on the following Articles, namely:**

- Art. 1. To choose a moderator to preside at said election.  
Art. 2. To vote by secret ballot on the following:

Run-off election pursuant to 30-A M.R.S. § 2528(10) to elect one (1) Town Councilor At-Large, for a term to expire in June 2025.

The Polls open at 6:00 a.m. and close at 8:00 p.m.

The Registrar of Voters will hold office hours while the polls are open to correct any error or change a name or address on the voting list; to accept the registration of any person eligible to vote; and to accept new enrollments.

A person who is not registered to vote may not vote.

Given under our hands this 12<sup>th</sup> day of July, 2022.

Municipal Officers of Standish, Maine:

<u>/s</u> Sarah Gaba	<u>/s</u> Gregory LeClerc	<u>/s</u> Walter Butler
<u>/s</u> Brian Libby	<u>/s</u> Benjamin Marci	<u>/s</u> Joseph Paul
	<u>/s</u> Brandon Watson	

### **58-22 Establish Voter Registration Hours Prior to the August 23, 2022 Run-off Election for Town Council At-Large Seat [Gaba]**

The Clerk explained that this is an order that the Town Council does prior to each election to provide extended hours on the five business days before the election.

Councilor Butler questioned if someone didn't vote in the June 14 Election could they vote in the Run-off Election?

The Clerk said that any voter could vote in this election.

Councilor Macri questioned the Clerk as to how many people came in during the extra dates before the June 14<sup>th</sup> election.

The Clerk said that she didn't think that anyone came on the first date and two people came in on the second date.

Mr. Farley said that it's together different when people come to do new business, business and voting are two different things.

Councilor Marci said that he would absolutely agree. And he would be the first to say that I would enjoy an evening time to be able to get here to come and do business with

the town. He explained that his wife is able to do most of it because he works during the day. He said that he was just trying to get an idea of how much it is used.

Chair Gaba called for additional Council comments, hearing none, she called for discussion on conflict of interest for her voting on this order, hearing none, she called for the roll call vote.

**VOTE: 7 YEAS**

ORDERED that the Registrar of Voters will hold office hours from 7:30 a.m. to 4:30 p.m. at the Town Clerk's Office from August 15, 2022 through August 22, 2022, and

FURTHER ORDERED that the voter registration period prior to the August 23, 2022 election will be Monday, August 22, 2022 at 4:30 p.m., and

FURTHER ORDERED that the Town Clerk's Office will remain open until 7:00 pm on Wednesday, August 17, 2022 for absentee voting and voter registration prior to the August 23, 2022 Run-off Election for the Town Council At-Large Seat with a term that will expire in June of 2025.

**59-22 Appoint Election Warden, Ballot Clerks, Town Clerk and Deputy Clerk to Serve at the August 23, 2022 Run-off Election for Town Council At-Large Seat [Gaba]**

Councilor Libby said that he would recuse himself since his wife is named on the order.

Chair Gaba called for Council comments, hearing none, she called public comments, hearing none, she called discussion on conflict of interest for her voting on this order, hearing none, she called for the roll call vote.

**VOTE: 6 YEAS – 1 ABSTAIN, Libby**

ORDERED that the following individuals are appointed to serve as Ballot Clerks at the August 23, 2022 Run-off Election for the Town Council At-Large Seat:

**Democratic Election Clerks**

Kristina Zuidema  
Jean Webber  
Nancy Hudak  
Wendy Almeida  
Sybil Shiland

**Republican Election Clerks**

Tina Finley  
Esther Libby  
Beverley Miner  
James Osterrieder  
Sherry Cochran  
Cynthia Vogeler

ORDERED that Sandra Osterrieder is appointed to serve as Election Warden, and

ORDERED that Mary Chapman is appointed to serve as Town Clerk and Janet Biczak to serve a Deputy Clerk at the election, and

FURTHER ORDERED that the Town Clerk is authorized to select additional Ballot Clerks as necessary to provide adequate staffing.

## **60-22 Town Council Appointments to Various Boards and Committees and Announcement of Town Council Chair Committee Appointments and Subcommittee Appointments [Gaba]**

Moved by Gaba seconded by Leclerc to amend the order to add the name of Jeff Cutler to the Appeals Board and Councilor Paul to serve as the Watchic Lake Liaison.

Chair Gaba called for public discussion, hearing none, she called for Council discussion, hearing none she called for the vote on the amendment. (Unanimous)

Councilor Butler asked if there were any changes to the committee's membership?

Chair Gaba said that there were very few changes, most councilors wanted to remain on their appointments. She said that she did discuss with Mr. Watson has a proposed appointment of stepping in where counsellor Delcourt was assigned. He agreed and I offered a motion to amend on the floor if there were any changes that he wanted to make. So that is still on the floor. She asked Councilor Watson if he wanted to make an amendment to the order.

Councilor Leclerc said in the effort of transparency she should ask the Council if she should recuse herself on this vote.

Chair Gabba said that for the council as recommended by the legal counsel, someone could make the recommendation to table this until after the election.

Moved by Watson to table this item until after the election. No second the motion failed.

Chair Gaba called for public discussion on the order as amended, hearing none, she called for Council discussion, hearing none she called for the vote on the order as amended.

### **6 YEAS – 1 NAY, WATSON**

ORDERED that the following Town Council Appointments are made through the date shown:

<b>Board/Committee</b>	<b>Candidate</b>	<b>Term Expires</b>
Appeals Board	<u>Jeff Cutler</u>	June 30, 2025
Old Red Church Liaison	Gregory LeClerc	June 30, 2023
Watchic Lake Liaison	<u>Joseph Paul</u>	June 30, 2023

FURTHER ORDERED that the Town Council Chair's appointments to the following Committees/Town Council Subcommittees is approved by the Town Council:

<b>Board/Committee Expires</b>	<b>Candidate</b>	<b>Term</b>
Cemetery Exploratory Committee	TBD	June 30, 2023
Cemetery Exploratory Committee	TBD	June 30, 2023
Public Safety Committee-Council Rep.	Benjamin Macri	June 30, 2023

Minutes

Standish Town Council  
July 12, 2022



<b>Appointments</b> Macri-Chair Gaba Paul	<b>Capital Improvements</b> Paul-Chair Libby Butler	<b>Economic Development</b> Butler-Chair Gaba LeClerc	<b>Finance</b> Libby-Chair Gaba Watson
<b>Ordinance</b> Leclerc-Chair Butler Paul	<b>Personnel</b> Watson-Chair Libby Macri	<b>PWD Steering</b> LeClerc-Chair Macri Watson	<b>Transportation Policy Committee</b> Gaba-Chair LeClerc Macri

## **61-22 Authorize Utility Location Permit – Private Power Services - Middle Road [Gaba]**

Chair Gaba said that this is a standard order.

Chair Gaba called for Council comments, hearing none, she called public comments, hearing none, she called for the roll call vote.

### **VOTE: 7 YEAS**

ORDERED that the application by Private Power Services to install and maintain poles on the Middle Road in accordance with the attached application (#10300897317), is approved by the Town Council, and

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

### **PUBLIC ITEMS**

There were no public items at this meeting.

### **ANNOUNCEMENTS**

There were no announcements at this meeting.

### **EXECUTIVE SESSION**

There was not an executive session at this meeting.

Since there are no pressing issues for the July Town Council Workshop and the date of the Run-off Election conflicts with the August Town Council Workshop, the Council decided to cancel both the July and August Town Council Workshops.

### **ADJOURN**

Moved by Libby second by LeClerc and Voted to adjourn. The meeting adjourned at 7:10 p.m. by unanimous consent.

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