

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, MARCH 7, 2023
STANDISH MUNICIPAL CENTER
6:00 PM**

Some Town Budget Committee will Join the Meeting Remotely**

**Pursuant to the Standish Town Council Remote Participation Policy adopted August 10, 2021, Zoom is only available to the public if one or more of the Council members cannot attend in person

CALL TO ORDER

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

Due to technical difficulties attendance by zoom was not available.

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 February 14th Standish Town Council meeting. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communication submitted at this meeting.

REPORT OF THE TOWN MANAGER

Public Works Department

Stormy week, crew had almost 80 hours. Town received a grant from MMA Safety, we just received cones and barricades.

Clerks Department

Foot traffic is picking up in the Town Clerk's office. Nomination Papers are available for Town Council, Budget Committee and Planning Board seats, call Mary @ 642-4678 FMI. Still time to run for MSAD 6 Board of Directors. The filing deadline for candidates to submit nomination papers to local registrar of voters for verifying signatures is 3/21/23 @ 2:00 pm

Fire/EMS Department

Chief has been working with efficiency Maine to upgrade lighting to LED. Also working on a boat from the Portland Water District to have for use this summer.

Recreation Department

Parent appreciation night, free dinner and parenting strategies, breakfast with the bunny partnering with Lions club 3/25 , attendee must preregister. Looking for summer camp staff, beach passes available, 700 were sold last year.

Planning Department

Working with game club and planning on noise ordinance and a grant for Mill Street playground.

Code Enforcement Department

Have a full board of appeals. Roughly 40 properties have been damaged with recent storms, snow/trees

Assessing Department

Working on property tax stabilization program (one for seniors) commitment date, audit w/ Maine Revenue Services

GA Department

Managing county heating money, helped 8 families so far.

Finance Department

Working on budget, the FY 24 budget kicks off on Saturday at 9am

Town Managers Department

Roger retirement open house April 5 from 3-6pm at the town office. Working on budgets and submitted 4 more school zone grants. Planned lunch & learn on healthy eating free from Hannaford dietitian.

PUBLIC HEARINGS

The Clerk highlighted the FY 24 Fiscal Year Budget timeline.

Chair Gaba called for Council comments, hearing none, she called for public comments, hearing none, she closed the public hearing.

COMMITTEE REPORTS

Councilor Butler – Economic Development - The February 28 meeting with the Town Attorney regarding the TIF in Standish Village was postponed until March 28 due to inclement weather.

Councilor Watson - Personnel Committee – No meeting held.

Councilor LeClerc – Ordinance Committee - Met and discussed the Noise Ordinance that is on the agenda tonight. The committee wrapped up discussion on the indoor shooting range which has full committee support, the discussion regarding outdoor shooting ranges was paused due to the receipt of a petition regarding the matter to allow time to get full Council input.

Councilor Libby – Finance Committee – will meet next week.

Councilor Macri – Appointments Committee – no meeting held.

Councilor Paul – Capital Improvements – no meeting held.

CONSENT CALENDAR

There were no Consent Calendar Items on this Agenda.

UNFINISHED BUSINESS

Moved by Gaba seconded by LeClerc and voted to suspend the Town Council Rules of Procedure and to allow three-minutes of comments per person. (Unanimous)

44-22 Amendments to Standish Town Code, Chapter 206, Noise, Multiple Sections (*Sent back to Ordinance Committee May 10, 2022*) [LeClerc]

Moved by LeClerc seconded by Paul and voted to take this item off the table. (Unanimous)

Councilor LeClerc explained that this ordinance had been sent back to the Ordinance Committee due to concerns due to an exception that was included in the previous draft. He highlighted the provisions of this amendment including the duration of would be for a period of 15 minutes or more and wording where the sound level would be measured from.

Chair Gaba explained that this draft was reviewed by the Ordinance Committee and has the full Consensus of the committee.

Chair Gaba called for Council comments, hearing none, she called for public comments, hearing none, she called for the roll call vote to move this ordinance to First Reading. (Unanimous)

NEW BUSINESS

13-23 Appointment of the Director of Public Works [Macri]

Town Manager, Tasha Pinkham noted that we'll miss Roger and we're welcoming John Cross. She provided an overview of the hiring process including where the job opening notice was posted and the hiring team that interviewed that candidates.

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

WHEREAS, the Director of Public Works, Roger Mosley, has submitted his retirement date effective April 15, 2023; and

WHEREAS, a candidate has been selected to be the Director of Public Works, now

BE IT ORDERED that the Town Manager's appointment of John Cross, to serve as the Director of Public Works, is confirmed by the Town Council, with a hire date of March 27, 2023. John Cross will work along with Roger Mosley until commencing the duties of the Director Public Works at noon, on Saturday, April 15, 2023, and

FURTHER ORDERED that John Cross is appointed to serve on the following boards or committees through the established term:

Recycling Committee
GPCOG PACTS Policy Board

VOTE: 7 Yeas

14-23 A Retroactive Ordinance to Amend Chapter 181 (Land Use), Article II (Definitions) and Article III (District Regulations) of the Town Code to Prohibit Outdoor Gun Ranges Within the Town of Standish (Introduction) [Macri]

Councilor Macri explained that he is sponsoring this, however he did not write the document. He said that he is sponsoring this on behalf of a large group of people that do not want an outdoor shooting range where one is proposed in the Middle Road area of town. He noted that many have brought up Second Amendment issues and it was his opinion that the ordinance just read has no impact on Second Amendment rights. He reiterated that he was bringing this forward from concerned people in town.

Councilor Libby said that he thought that there are too many questions in this document and it hasn't gone through legal counsel and he would move this to workshop.

Chair Gaba said to Councilor Macri that this has been a long process, the matter been reviewed by the Ordinance Committee for several months, she noted that he understands he has gone to the ordinance committee to let them know that you were bringing this forward. She wanted to point out the Councilor Macri has the right to sponsor this ordinance and the stakeholders have been involved in every step so far. She continued to say that Councilor Libby brought up some good points regarding the document and asked the Director of Planning to explain the process going forward.

Councilor LeClerc cited Chapter 3, §3.9 provides that all proposed ordinances and ordinance amendments regarding land use or if to be sent to voter referendum regardless of the matter shall be formally reviewed by legal counsel prior to final approval.

Zachary Mosher, the Director of Planning, voiced concerns regarding the introduction of the document that may have a number of substantive changes, in addition, he was concerned with the retroactive date referred to in the amendment. He reiterated that his biggest concern was the retroactive date, he noted that it can go back in time but he wanted legal counsel to review what the retroactive date can be.

Chair Gaba questioned if changing the retroactive date would be a substantive change?

Mr. Mosher said that it would be a substantive change.

Moved by Libby seconded by Butler...

Councilor Macri said that he supports the motion, he noted that he was a little frustrated with the Ordinance Committee because things were moving slowly. He said that it is very important that this ordinance is reviewed by legal counsel.

Councilor LeClerc said that the Ordinance Committee has been working on various options for shooting ranges, noting that stakeholders on both sides have attended meetings, he recalled at the December 2022 Ordinance Committee meeting the sound portion of the ordinance had been agreed upon, since that time other facets of the ordinance have been discussed.

Councilor Libby said that there is a motion on the table.

The Clerk repeated the motion to confirm the intent:

Moved by Libby seconded by Butler to move this amendment to the workshop in April.

Council Libby confirmed that was correct.

Councilor Paul questioned when would the workshop be held?

Tasha Pinkham said that it will have to be discussed at the April workshop.

Councilor Macri questioned if should go to the Ordinance Committee?

Councilor Libby said that his motion stands.

Councilor Butler asked that the legal review is done prior to the workshop.

Councilor LeClerc noted that the composition of the Council will be changing soon.

Chair Gaba called for the vote on the motion.

Moved by Libby seconded by Butler and voted to move this amendment to the workshop April.

VOTE ON MOTION TO SEND TO WORKSHOP: 3 Yeas, Butler, Gaba and Libby - 4 Nays, LeClerc, Macri, Paul and Watson

Chair Gaba asked the Council how did they want to move forward on this?

Councilor Watson agreed that this is a poorly written document, however we need to move forward.

Councilor LeClerc suggested that this should move forward and then be sent to legal counsel.

Moved by Butler second by Watson and voted to send this document to legal counsel for review and return the Council at the next meeting.

VOTE ON MOTON TO SEND TO LEGAL COUNSEL FOR REVIEW: 7 Yeas

PUBLIC ITEMS

Mark Brawn, River Road – questioned the number of names on the petition, if they were neighbors of the potential range, was there consideration of an alternate site, decibel ranges , supported the idea of a range.

Wanita Johnson, Boundary Road – conveyed the repetitive constant noise from a shooting range would have an effect on her 13-year-old son who has autism and other families that have mental health concerns.

Andy Reardon, Standish resident – questioned who would be enforcing this ordinance and the extra work the shooting range would have on that police agency. Did this affect personal resident addresses.

John Cross, Deputy Sheriff - explained that this is an update to the existing ordinance that reduces the time duration of the noise.

Zachary Mosher, Director of Planning – the amendment doesn't not change the decibel range, the amendments are housekeeping measures.

Greg LeClerc, Councilor – the amendments are relating to duration and where the sound can be measured from.

Cody Talbot, Northeast Road – he supported the idea of an outdoor range.

Greg LeClerc, Councilor – he recently learned that there is an outdoor range in Buxton and others in the area, however he understands that some may want one in town.

Beth Brown-Malia, property owner – said that they should not be referring to any current application. It was her opinion that the proposed ban on shooting ranges and the noise ordinance amendments would ban residents from target practicing on their own property. She noted that this ordinance excludes the game club but not the residents.

Derek Musteikis, Oak Hill Road – questioned how this will affect residents and will he be able to shoot on his land?

Chair Gaba asked Deputy Cross to answer this question.

John Cross, Deputy Sheriff – said that under the current ordinance a single gunshot would be a violation and that the reason for the change in the duration of sound in the Noise Ordinance. He said that he could not speak to the new ordinance before them tonight because he has not reviewed it.

Debbie Whiting, Littlefield Road – said that this is a slippery slope for residents that want to protect their homes. She questioned the population of Standish and the number of people that signed the petition? She said that she'd like to see the comments made on the petition.

Tasha Pinkham, Town Manager – told Ms. Whiting that she could forward the email to her.

Ben Taylor, Dolloff Road – said that he didn't want it because he doesn't want to listen to it.

Ben Cutter, Oak Hill Road – said that the petition that was signed asked if the neighbors wanted to put up the noise.

Derek Musteikis, Oak Hill Road – questioned the current ordinance for fireworks, regarding times and other regulations.

Councilor Libby said that it was very restrictive.

Councilor Macri said that fireworks are allowed around certain holidays and special events.

Councilor LeClerc cited the Fireworks Ordinance hours.

Dereck Musteikis questioned if the Fireworks Ordinance would be amended?

Chari Gaba said that there are no proposed changes for the Fireworks Ordinance.

Mark Brawn said that he empathizes with the residents in the area, but he believes this ordinance will restrict other residents from using their property.

Councilor Macri noted that two of the ordinance changes were housekeeping measures, law enforcement suggested the duration limit and property line of the receiver of the sound being the measuring distance.

Ms. Andrews was concerned that the noise from a shooting range would have an effect on her dog and other animals.

Andy Reardon said that an outdoor range is preferred for a number of reasons, citing costs and potential side effect of breathing fumes that are discharged from a firearm.

Brad Currie, Watchic Terrace Road, said that a hunter would want to practice in the way they hunt, so an outside range would be better. He noted that there was a lot of passion on both sides and he suggested that the matter goes to the voters.

Cody Talbot questioned if he used a firearm protecting himself at home would that be a violation of the ordinance or in the process of hunting would discharging a firearm be against the ordinance?

Councilor LeClerc noted that the general noise ordinance refers to any noise, it isn't limited to guns.

Ben Cutter said that they said that they would only use .22's at the range now there is talk about hunting rifles.

Lisa Struebing, Blake Road – a gun-owner said as of now the ordinance is, one shot, and the cops could be called. She said that a range would be a constant noise and that's what they're against.

ANNOUNCEMENTS

Upcoming meetings were announced.

Heidi Watson, Richville Road – invited all of the Councilors and residents of Standish to attend the Summer Spectacular which kicks off on Friday, August 4 with fireworks. She asked for business owners and others sponsor events of Summer Spectacular. Mrs. Watson asked that they consider budgeting for a digital sign in the upcoming budget similar to what's at the Middle School.

Carolyn Biegle urged the Council to consider funding working on various plans such as the Roadway Plan and other plans.

Tasha Pinkham noted that funding is in her budget for support of a Comprehensive Plan review.

EXECUTIVE SESSION

An executive session was not held at his meeting.

ADJOURN

Moved by Libby seconded by LeClerc and voted to adjourn. The meeting adjourned at 7:23 p.m. by unanimous consent.

Submitted by:
Clerk/Secretary

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