

**MINUTES
STANDISH TOWN COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 9, 2024
STANDISH MUNICIPAL CENTER
TOWN COUNCIL CHAMBERS
175 NORTHEAST ROAD
STANDISH, MAINE
6:00 PM**

CALL TO ORDER

The meeting was called to order by Councilor LeClerc, he noted that Chair Deakin was running late and Vice-chair Macri was excused. The Pledge of Allegiance was recited.

ROLL CALL

Councilors present: Gaba, Gardner LeClerc, Pomerleau and Watson.
Vice-Chair Macri was excused and Chair Deakin would arrive late.
Councilor LeClerc announced that a quorum was present.

MINUTES OF PREVIOUS MEETING (S)

Moved by Leclerc seconded by Pomerleau and voted to approve the minutes from the November 14th and December 12th Town Council meetings. (Unanimous)

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Tashia Pinkham provided the following report:

Fire/Rescue- Expressed appreciation to our Fire and Rescue Department and the Maine Forest Service regarding the search and rescue of for three hikers that were found safe.

HR/GA- yearly mandatory training will be provided as required.

Public Works - Admin Kathy Hurley is retiring, Tanya Snow, deputy clerk is making a lateral move.

Recreation- Ryan French the assistant is leaving to work for a new job. The department is soliciting feedback regarding the Summer Spectacular parade.

Finance- Capital meeting tonight, working on the budget and setting meeting dates.

Clerk- Busy year for voting, in March and June, and November. Mary would like offices closed on those days. Staff can work from home or assist with voting. Recreation will be at the school.

Code Enforcement- A Board of Appeals meeting is scheduled regarding road upgrades.

Assessing- Two Vision Appraisal staff members are reviewing commercial properties.

Planning- Working on a subdivision approval and reviewing a newer auto shop. Appointments Committee will meet for Comprehensive plan, 20 applicants.

Town Manager- Everything is going well. Reminder of the tax stabilization program for seniors has been repealed by the state. LD 290, replaced with property tax fairness credit and tax deferral program, contact Maine Revenue Service at 207-642-5600 for more information.

Chair Deakin arrived at 6:05 p.m.

PUBLIC HEARINGS

1-24 Application Submitted by Clyde Denford Carr, Jr./Mundzurick, LLC dba Carr's for a New On-Premise Restaurant/Lounge License (Class XI) at 380 Pequawket Trail [Deakin]

Chair Deakin opened the public hearing and called for public comments, hearing none, he called for Council comments.

Councilor Gaba noted that the materials appear to be complete.

Chair Deakin called for additional Council comments, hearing none, called the roll call vote and the public hearing was closed.

ORDERED that the application submitted by Clyde Denford Carr Jr./Mundzurick, LLC dba Carr's for new On-Premise Restaurant/Lounge (Class XI) serving malt liquor (Beer), wine and spirits located at 380 Pequawket Trail, is approved by the Town Council, to expire as determined by the Maine Division of Liquor Licensing and Enforcement.

VOTE: 6 YEAS

96-23 Amendments to Standish Town Code, Chapter 181, Land Use, Part 3: Subdivision Regulations, Article XVII Enforcement and Part 4: Assessment of Capital Impact Fees, Article XXIII Applicability [Deakin]

Moved by LeClerc seconded by Gaba and voted to dispense with the reading of the ordinance.
(Unanimous)

John Cross, the Public Works Director explained ordinances 96-23 and 97-23 go together. He noted that these amendments will provide that substantial infrastructure is in place prior to any building permits being issued, such as fire protection, base pavement, and drainage for current subdivisions being built. In addition, the amendments will still allow cash bonding but also allowing surety bonding and other practices.

Chair Deakin opened the public hearing and called for public comments, hearing none, he called for Council comments, hearing none he called for the roll call vote and the public hearing was closed.

The Town of Standish hereby ordains the following amendments to Chapter 181, Land Use, Part 3: Subdivision Regulations, Article XVII Enforcement and Part 4: Assessment of Capital Impact Fees, Article XXIII (Additions are underlined and deletions are struck out):

CHAPTER 181 – LAND USE

PART 3: SUBDIVISION REGULATIONS

ARTICLE XVII ENFORCEMENT

§ 181-88. General Provisions.

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F. No building permits shall be issued for any lot in a subdivision until a substantial portion of the improvements, facilities, and services necessary to provide safe and convenient vehicular access, adequate storm drainage, and similar essential improvements, facilities, services as specified in the Planning Board approved plans have been completed for the phase containing the lot, as determined by the Code Enforcement Officer in consultation with the Public Works Director. This shall include, but is not limited to, base course of pavement for new roads, stormwater management infrastructure, and fire protection infrastructure, as applicable. As used herein, the term "substantial" means the stage in the progress of the improvements, facilities, and services when they are sufficiently complete in accordance with the approved plans so that the owner can occupy or utilize the improvements, facilities, and services for their intended use.

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PART 4: ASSESSMENT OF CAPITAL IMPACT FEES

ARTICLE XXIII APPLICABILITY

§ 181-123. Applicability.

- A. Residential and nonresidential impact on existing road inventory. If the Planning Board determines that proposed residential or nonresidential development will have a capital expenditure impact on any existing road within Standish, the Planning Board shall assess an impact fee, prior to granting final approval of a given application, for the related improvement of that road. Such Planning Board determination shall be supported by factual findings and testimony from Town department heads, the applicant and any other relevant source in assessing these fees and/or requiring related capital improvements. Any applicable fees required under Part 4 shall be paid to the Town prior to the issuance of any building permit or performance of any work on site for the approved work, whichever comes first. In phased subdivisions, the Planning Board may approve separate impact fees for each phase. All impact fees required for a phase shall be paid, in full, prior to the issuance of any building permit or performance of any approved work within that phase. Any development to occur on roads classified as "D" or "E" as described in Appendix A (existing road inventory) of this Part 4,[1] shall be improved to standards as described in Article XIX, Design Standards, of Part 3 of this chapter.

VOTE: 6 YEAS

97-23 Amendments to Standish Town Code, Chapter 252, Streets and Sidewalks, Article III Construction and Acceptance [Deakin]

Moved by Gaba seconded by LeClerc and voted to dispense with the reading of the ordinance.
(Unanimous)

John Cross explained that this amendment relates to the surety bonding that he explained earlier. This will ensure that many safety provisions will be constructed prior to building permits being issued.

Chair Deakin opened the public hearing and called for public comments, hearing none, he called for Council comments, hearing none, he called for the roll call vote and the public hearing was closed.

The Town of Standish hereby ordains the following amendments to Chapter 252, Streets and Sidewalks, Article III, Construction and Acceptance (Additions are underlined and deletions are struck out):

CHAPTER 252 – STREETS AND SIDEWALKS

ARTICLE III CONSTRUCTION AND ACCEPTANCE

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§ 252-22. Performance Guaranty.

A. Purpose. A performance guaranty shall be provided to insure the completion, proper installation and maintenance of all improvements, facilities and services necessary to provide transportation, drainage, utilities or similar essential services and facilities to a project, including, but not limited to, road construction, storm drainage, utilities, fire ponds, roadway monumentation, street trees and any required landscaping (hereinafter "Essential Improvements").

B. Form of performance guaranty:

(1) Before releasing or recording of the final plan, the applicant shall furnish to the Finance Director one of the following forms of performance guaranty:

(a) Certified check made payable solely to the Town of Standish; or

(b) Savings account passbook issued solely in the name of the Town of Standish;

(c) A surety bond issued by a surety company licensed to do business in the State of Maine, which must be approved as to form and enforceability by the Finance Director and Town Attorney; or

(d) An irrevocable letter of credit, in which the Town is named as beneficiary, issued by a state or federally chartered financial institution reasonably acceptable to the Town, which must be approved as to form and enforceability by the Finance Director and Town Attorney.

(2) With respect to subdivision projects only, in lieu of the furnishing of a performance guaranty before the recording of the final plan, the Planning Board may accept the agreement of the subdivider that no lot or parcel of land may be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer, until the completion of all Essential Improvements. Such agreement shall be acknowledged by a note on the final subdivision plan that provides as follows:

"In lieu of a performance guaranty for the construction of the project improvements, no lot or parcel of land may be conveyed, and no building permit for any building or any portion of the development shall be issued by the Code Enforcement Officer, until the completion of all streets, utilities and other essential improvements in accordance with this plan and all applicable laws, ordinances and standards. If the applicant wishes to convey a lot prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guaranty equal to 110% of the cost of the remaining improvements shall first be submitted to the Director of Public Works and approved as to form and enforceability by the Finance Director and Town Attorney~~approved by the Director of Public Works, in consultation with the Town Planner, and submitted to the Finance Director.~~"

• • •

C. Amount of performance guaranty. The amount of such performance guaranty (the "stated amount") shall be approved by the Director of Public Works, in consultation with the Town Planner, and shall be in an amount at least equal to 110% of the total cost of furnishing, installing, connecting and completing all of the Essential Improvements specified in the final plan and shall be conditioned on the completion of all such Essential Improvements within two years of the date of the Finance Director's approval of the performance guaranty~~such certified check or savings account passbook.~~

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E. Phasing of development. At the time of approval of the final plan, the Planning Board may approve the construction of a subdivision in specifically identified phases and allow the applicant to furnish separate performance guaranties for each phase and any associated off-site improvements prior to the commencement of construction of each phase, provided that the performance guaranty furnished for any individual phase must secure the construction of all required improvements within such phase and any associated off-site improvements, plus any improvements located in other phases that are necessary in order for the phase being constructed to comply with the requirements of this article or Chapter 181, Land

Use, should subsequent phases not be constructed. The applicant must furnish a performance guaranty for specific phases in accordance with this article. All improvements within the first phase must be completed within two years of the date of the date of the Finance Director's approval of the performance guaranty~~certified check or savings account passbook~~. Each subsequent phase must be completed within subsequent two-year periods of the date of the Finance Director's approval of the performance guaranty~~such certified check or savings account passbook~~.

VOTE: 6 YEAS

COMMITTEE REPORTS

Councilor Pomerleau – PWD Steering Committee/Cemetery Committee – No report.

Councilor LeClerc – Recycling Committee – This year instead of creating a calendar from students recycling themed artwork the artwork of more students will be published in the Weekly Shopping Guide.

Councilor LeClerc – Appointments Committee – Met today and discussed the Comprehensive Plan Committee course of action regarding interviewing the applicants. He reminded them that one Town Councilor will be appointed to the committee. He urged interested Councilors to let Zach Mosher or him know of their interest to serve on the committee.

Councilor Watson – Finance Committee – Met and he noted that the town's finances are in good shape.

Councilor Watson – Capital Improvements Committee – Have an item later on the agenda.

Councilor Gaba – Economic Development Committee/Transportation Policy Committee – No Reports.

Councilor Gardner – Personnel Committee – No Report.

CONSENT CALENDAR

There were no Consent Calendar Items on this agenda.

UNFINISHED BUSINESS

There are no items of unfinished business on this agenda.

NEW BUSINESS

2-24 Call for Special Town Meeting Referendum Vote, Authorize Placement of Referendum Question on the Ballot, Authorize Warrant, and Call for Public Hearing in Advance of the March 5, 2024 Special Town Meeting Referendum Vote [Deakin]

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

BE IT FURTHER ORDERED, that the referendum question, a copy of which is attached hereto, be placed on the ballot and that the financial statement be provided as a separate document for ~~both the ballot and the warrant~~ for the Special Town Meeting Referendum Vote (and the financial statement will be made available to voters at said Special Town Meeting Referendum Vote and posted with the warrant as required); and

Chair Deakin called for public and Council comments on the amendment, hearing none, he called for the vote on the amendment. (6 yeas)

Chair Deakin called for public comments on the ordinance as amended, hearing none, he called for Council comments.

At Councilor Pomerleau's request, John Cross the Director of Public Works explained that a bid process had been conducted for the upcoming three-year contracts for the two snow plowing routes in town. He noted that only one bid was submitted for one of the routes, at an 87% increase for the first year and a 120% increase over the three-year contract. He said that after reviewing the numbers it was determined that it would be more effective cost wise to purchase the four trucks and hire additional personnel to cover the routes in-house.

Chair Deakin confirmed that the routes are about 50 miles.

John Cross explained that it is 50 miles of centerline plowing which is actually 100 miles of plowing.

Chair Deakin said that there will also be the need to hire additional staff, with the benefit that this staff can be utilized for other duties throughout the year.

John Cross noted that was correct, the Public Works Budget will be updated to reflect the changes and the overall Public Works budget will be slightly relating to this issue.

Councilor Pomerleau thought this was a great idea.

Councilor Gaba questioned if the drivers would be hired with CLD with provisions or being trained after?

Johns Cross said that requirement is yet to be determined. He noted that the department goal is to have all drivers meet the CDL requirements. He explained that the department offers CDL training in-house and last year an employee completed the training through the department.

Councilor Pomerleau noted that the process has the support of both the Town Council and the Budget Committee. He explained that this process needs to be done now to have the trucks available when the contract term starts.

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

ORDERED, that the Standish Town Council calls for a Special Town Meeting Referendum Vote be held on Tuesday, March 5, 2024; and

BE IT FURTHER ORDERED, that the referendum question, a copy of which is attached hereto, be placed on the ballot and that the financial statement be provided as a separate document for ~~both the ballot and the warrant~~ for the Special Town Meeting Referendum Vote (and the financial statement will be made available to voters at said Special Town Meeting Referendum Vote and posted with the warrant as required); and

BE IT FURTHER ORDERED, that the required public hearing on this referendum question will be held on Tuesday, February 13, 2024 during the regularly scheduled monthly Town Council meeting which begins at 6:00 pm; and

BE IT FURTHER ORDERED, that in the event of inclement weather for the February 13, 2024 Town Council meeting, it will be postponed until Thursday, February 15, 2024 beginning at 6:00 pm.

VOTE ON ORDER AS AMENDED: 6 YEAS

3-24 Receive Budget Committee's Recommendation Regarding the March 5, 2024 Special Town Meeting Referendum Vote [Watson]

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Councilor Watson explained that John Cross attended the Budget Committee meeting to explain the reason behind the need for the Special Town Meeting Referendum Vote.

Chair Deakin called for public comments.

Maurie Hill, resident – requested clarification on the bid results.

John Cross explained a bid was received for one of the routes, the other route did not receive any bids. He clarified that during the current plowing season the plowing contracts are in force, this recommendation is for the plowing beginning in the 2025 fiscal year.

Maurie Hill questioned if indoor storage of these vehicles will be included in the proposed public works facility improvements?

Tashia Pinkham, Town Manager, noted that plans are being drawn by an engineering firm, plans will have to go to a vote.

Maurie Hill questioned when will the vote be held?

Tashia Pinkham the vote will potentially be held in 2025.

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

WHEREAS the Budget Committee met on Wednesday, December 27, 2023 to review the warrant and financial statement for the March 5, 2024 Special Town Meeting Referendum Vote which if approved by the voters will finance through a bond the purchase of new plow trucks, and

WHEREAS the Budget Committee has returned their recommendation for this bond, financial statement, and warrant as recorded in the minutes of the meeting submitted by Todd Delaney, the Budget Committee Vice-Chair, now be it

ORDERED that the Town Council receives the Budget Committees recommendation to support a yes vote on bond referendum and directs the Town Clerk to ensure that their recommendation "The Budget Committee Recommends a YES vote" is printed on the warrant and the town ballot.

VOTE: 6 YEAS

4-24 Appointment of Election Warden, Deputy Election Wardens, Election/Ballot Clerks, Clerk and Deputy Clerks to Serve at the March 5, 2024 Special Town Meeting Referendum Vote [LeClerc]

ADD ORDER

Councilor LeClerc noted that this order establishes the staffing on Election Day.

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

Chair Deakin mentioned that there need to be an equal number of democratic to election clerks working at the polls, however, members of minor parties can be utilized, he then called for the roll call vote.

ORDERED that the following individuals are appointed to serve as Election/Ballot Clerks at the March 5, 2024 elections:

Democratic Election Clerks
Jean Webber

Republican Election Clerks
Julia Smythe

Carl Booth
Theresa Bakker
Sybil Shiland
Juan Carlos Peinado
Nancy Hudak
Suzanne Lacroix
Marianne Smith
Valerie Tartt
Kristina Zuidema
Carol Sargent
Paul Ainsworth

Glenna Jamison
Tina Finley
Thomas Daniels
Beverley Miner
Jeanne Myrick
James Osterrieder
Thomas Biczak

Minor parties

Joyce Goff

ORDERED that Sandra Osterrieder is appointed to serve as warden, and

ORDERED that Wendy Almeida and Esther Libby shall serve as deputy wardens, and

ORDERED that Mary Chapman is appointed to serve as Clerk and Janet Biczak and Lisa Dupra are appointed to serve as Deputy Clerk's at the election, and

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

VOTE: 6 YEAS

5-24 Establish Voter Registration Hours Prior to the March 5, 2024 Elections, Announce Hours for In-Person Absentee Voting and Early Processing of Absentee Ballots [Deakin]

Chair Deakin called for public comments.

Maurie Hill noted that both the Standish Democratic and Republican parties will be having caucuses early in February.

Chair Deakin called for additional public comments, hearing none, he highlighted the caucus process, he then called for Council comments, hearing none, he called for the vote.

WHEREAS the Registrar of Voters holds office hours during the regular hours of the Town Clerk's Office, which are Monday through Thursday, 7:30 a.m. through 4:30 p.m., now be it

ORDERED that the Registrar of Voters will hold additional office hours for voter registration prior to the March 5, 2024 elections as follows:

Wednesday, February 21, 2024 from 7:30 a.m. to 7:00 p.m.

Wednesday, February 28, 2024 from 7:30 a.m. to 7:00 p.m., and

FURTHER ORDERED that once absentee ballots are received, in-person absentee voting will be available during the hours that the Town Clerk's Office is opened, and

FURTHER ORDERED, that regular absentee voting ends on Thursday, February 29, 2024 at 4:30 p.m. after which time only special circumstance absentee voting is in available, and

FURTHER ORDERED that the in-person voter registration period prior to the March 5, 2024 elections will close on Monday, March 4, 2024 at 4:30 p.m., and

FURTHER ORDERED that that notice is given that town staff will process absentee ballots that have been received as provided under state law.

VOTE: 6 YEAS

**6-24 Call for Public Hearing for the FY 2025 Capital Improvements Plan [Macri]
ADD ORDER**

Chair Deakin called for public comments, hearing none, he called for Council comments, hearing none, he called for the, the called for the vote.

ORDERED that a Public Hearing will be held on Tuesday, February 13, 2024 at the Standish Municipal Center during the regularly scheduled meeting of the Standish Town Council which starts at 6:00 p.m. for the purpose of soliciting comments on the FY 2025 ten-year Capital Improvements Plan, and

BE IT FURTHER ORDERED, that in the event of inclement weather for the February 13, 2024 Town Council meeting, this hearing will be postponed until Thursday, February 15, 2024 beginning at 6:00 pm.

VOTE: 6 YEAS

7-24 Town Council Appointments to Various Boards and Committees [LeClerc]

Councilor LeClerc noted that he had emailed the Town Council to say that he was soliciting their input on who may like to serve on this committee. At the time only Chair Deakin forward interest in the committee so he would add his own name to fulfill the membership. At the Appointments Committee meeting Councilor Watson disclosed that he would be interested in serving as well.

Moved by Leclerc seconded by Gaba to add the names of Councilor Deakin and Watson as members of the GPCOG General Assembly and Zachary Mosher as an alternate member.

Chair Deakin called for public and Council comments on the amendment, hearing none, he called for the vote on the amendment. (6 yeas)

Chair Deakin called for public and Council comments on the order as amended, there was a general discussion of the benefits being associated with GPCOG, after which, he called for the vote on the order as amended:

ORDERED that the following Town Council Appointments are made through the dates given:

Robert J. Deakin ... GPCOG General Assembly Through the December 31, 2024

Brandon Watson ... GPCOG General Assembly Through the December 31, 2024

Zachary Mosher ... GPCOG General Assembly (Alt mbr) Through the December 31, 2024

VOTE ON ORDER AS AMENDED: 6 YEAS

8-24 Award Bid for Purchase of (4) Highway Trucks with Plow, Wings and Sanders [Macri]

Moved by Watson seconded by Leclerc to amend the order as follows:

ORDERED that the attached bid from HP Fairfield, LLC, not to exceed the amount of \$ 696,900, as recommended by the Capital Improvements Committee for the purchase of these vehicles is hereby accepted contingent upon the voter's approval at the March 5, 2024 Special Town Meeting Referendum Vote, and

Chair Deakin called for public and Council comments on the amendment, hearing none, he called for the vote on the amendment. (6 yeas)

Chair Deakin called for public comments, hearing none, he called for Council comments on the order as amended.

Councilor Watson asked the Public Works Director to speak to the order.

John Cross noted that this is a companion order to the referendum, which if ratified by the voters, the trucks need to be ready for use for next year's plowing needs.

Councilor Gaga questioned if there was only one bidder?

John Cross explained that he sent it bid to nine vendors and published an ad regarding the bid. He said that one of the issues is that the bid needs to be done now to lock in the vehicles to get them secured if the referendum is approved.

Chair Deakin called additional Council comments on the order as amended, hearing none, he called for the roll call vote on the order as amended:

WHEREAS a bid process has been conducted for four new highway trucks with plows in accordance with section 302 (f) of the Standish Charter, now be it

ORDERED that the attached bid from HP Fairfield, LLC, not to exceed the amount of \$ 696,900, as recommended by the Capital Improvements Committee for the purchase of these vehicles is hereby accepted contingent upon the voter's approval at the March 5, 2024 Special Town Meeting Referendum Vote, and

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

VOTE ON ORDER AS AMENDED: 6 YEAS

9-24 Amendments to the Standish Town Code, Repeal Chapter 4, Political Action Committees (Introduction)[Deakin] ADD ORDER

Chair Deakin explained that the provisions of PAC reporting for municipal referenda will be covered under state law.

Chair Deakin called for public comments, hearing none, he called for Council comments, hearing none he called for the roll call vote to move this ordinance to First Reading at February Town Council Meeting.

VOTE TO MOVE THIS ORDINANCE TO FIRST READING: 6 YEAS

PUBLIC ITEMS

Chair Deakin mentioned that Town Council Chairs in the Cumberland County area are holding meetings to discuss ways to encourage the public to speak to matters of local importance. He noted that there would be a listening session tomorrow at the Windham Public Library to hear about homelessness.

Anthony Folsom voiced his concerns regarding the use of the Transfer Station by approximately seven business for disposal of trash from their business. He said that this is an issue that needs to be dealt with because the taxpayers shouldn't be paying for this.

Councilor Pomerleau said that this is a matter that needs to be reviewed.

John Cross this and user fees are matters that he has asked the Recycling Committee to review fees to try to make the user fees neutral and the committee has discussed the issue of trash haulers.

Maurie Hill questioned who addressed the matter of people using the facility?

John Cross said that he believed the matter would need to go before the Ordinance Committee.

ANNOUNCEMENTS

Upcoming meetings were announced.

EXECUTIVE SESSION

An Executive Session was not held at this meeting.

ADJOURN

Moved by LeClerc seconded by Gaba and voted to adjourn. The meeting adjourned at 7:00 pm by unanimous consent.

Submitted by _____
Clerk/Secretary

Mary E. Chap