

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JUNE 5, 2018
STANDISH MUNICIPAL CENTER
7:00 PM**

CALL TO ORDER

The meeting was called to order by Vice-chair Sirpis and the Pledge of Allegiance was recited.

ROLL CALL

Councilors present: Delcourt, Higgins, Libby, Nesbitt, Sirpis and Starostecki.
Councilor Pomerleau was excused.

MINUTES OF PREVIOUS MEETING (S)

Minutes were not available for submission at this time.

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Representative Lester Ordway – Explained how the school funding formula is enacted and comes about. He noted that there has been a lot of citizen concern regarding school budgets due to the fact that the Legislature has adjourned. He assured them that the budget is taken care of since the state is on a bi-annual budget and the money was actually allotted a year ago. In addition, he said that last year the legislature added an additional \$162 million for education. He said that in all districts funding is determined by essential services and programs. He explained that not every district gets the 55% that is potentially available from the state. He said that affluent districts get far less than the 55%, other districts may get the full 55% or more. A number of factors determine the amount received such as enrollment and state evaluation. Recently, MSAD 6 Superintendent and Business Manager spoke at a meeting here and said that they received \$1 million less from the state this year. He said that's true, \$800,000 of that is for CTE – Vocational ED, what has happened is that program is being regionalized. MSAD 6 is putting that in as a loss, but they're not having to pay out for it. He said that MSAD 6 says they're losing funds to charter schools. He said that it's still local education, just not MSAD 6. He said that he supported the salaries in their budget, especially when increases will help to retain teachers in the mid-range of their tenure where at MSAD 6 the salary range has been low. He noted that previously the part of the funding formula was based on a three-year valuation period, currently it's based on a two-year valuation period, and the legislature will revisit the part of the formula.

Councilor Starostecki asked how the state made the determination to increase education last year by \$162 million?

Representative Ordway that was a decision made in the Appropriations Committee and the legislature agreed to it since the 3% surtax was removed.

Councilor Starostecki questioned why the percentage received is always changing?

Representative Ordway said that is based on the town's valuation and student enrollment which is always changing.

Councilor Starostecki asked what it would take to have the state fund education at 55%?

Representative Ordway said higher taxes.

Councilor Starostecki questioned if he would vote to raise taxes?

Representative Ordway said he would not.

Council Delcourt said that the 55% needs to be uniform, noting that our District is run on the cheap. He noted that extra-curricular activities are paid by the participants not the District.

Councilor Higgins mentioned that enrollment is down, there are issues with parents requesting that child attend another district, so there are other ways that we lose funding.

Representative Ordway explained that when students attend other districts those are called Superintendent Agreements where both districts have to be in agreement, or the matter is reviewed by the state.

Councilor Higgins noted that in neighboring towns enrollment is rising, in addition, the state funding formula is difficult to understand since it is tweaked from time to time, and the constantly changing percentage of the budget that needs to be spent on specific items such as direct instruction which includes a variety of things. She encouraged all to attend the Budget Advisory Committee meetings to learn about the budget process.

Kris Tucker - announced that Donald Roy has been selected as Grand Marshal for Summer Spectacular Parade. Mr. Roy is a long-time resident of Standish, a veteran of the Korean War and a Bronze Star recipient. Mr. Roy has served the town of Standish through the years and is active in many organizations. He and his wife, Arlene recently celebrated their 65th wedding anniversary, together they have eight children.

Roger Wheeler – Updated them on fish passage on the Presumpscot River. He thanked the Town Council and manager for writing the letter to the Maine DEP regarding this issue. The letter will be forwarded to the Federal Energy Regulatory Commission (FERC), where a thirty-day comment period will be provided. He explained that the Town of Standish now has the opportunity to submit a *motion to intervene* on the matter, noting that filing deadline is June 11. He said that if the town would consider filing the motion to intervene, he could provide a sample document that could be used in the process. Filing a motion to intervene has no costs in fact it can be e-filed. If a motion to intervene is filed, it gives the Town of Standish, standing on the matter during time of the license, although it doesn't lock the town into any one thing. He reiterated that they would have to file the motion to intervene by June 11.

Councilor Higgins questioned how long will it take them to make the decision?

Mr. Wheeler said that if Maine DEP signs-off on the application, which is expected, although court actions may be initiated, review by FERC is anticipated later this year.

Vice-Chair Sirpis thanked Mr. Wheeler for his work on this project.

Mr. Tucker questioned how they wanted him to proceed with this matter?

Councilor Nesbitt said that the Council would need to have an order to bring this forward. Mr. Wheeler said that another town moved on this matter without a Council order.

Vice-Chair Sirpis said that in his opinion the Council supported this, however a council order would need to be done to officially support the matter.

Moved by Higgins seconded by Nesbitt and voted to hold a Special Town Council meeting on Thursday June 7.

Vice-Chair Sirpis called for public comments on the amendment, hearing none called for Council comments.

Councilor Delcourt announced that he would be out of town on June 7.

Vice-chair Sirpis called for the vote on the motion to hold a Special Council meeting on July 7 at 7:00 p.m.

VOTE TO HOLD SPECIAL TOWN COUNCIL MEETING ON JUNE 7: 6 Yeas

PUBLIC HEARINGS

29-18 Amendment to Standish Town Code, Chapter 181, Land Use, Section 181-7.1, Form Based Code Village Districts (FBCVD) Regarding Car Wash Village [Higgins]

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

Councilor Higgins said this amendment will add the Car Wash Village use to the Town Main Street Scape in the Village Districts. She noted that in the past few years the Council has made other adjustments to the code to allow broader use in various districts.

Vice-Chair Sirpis called for public comments.

Lester Ordway – 891 Richville Road – said that this is a fantastic idea.

Craig Stewart – Manchester Road – asked where it will to be located, who was putting it in and does it need to go by Dep and EPA standards?

Councilor Higgins said that the ordinance will allow the use in the zone, however it will still have to go through Planning Board/DEP/EPA approval.

Vice-Chair Sirpis called for additional public comments, hearing none, he called for Council comments.

Councilor Nesbitt said that he supported this amendment, however it was his opinion that the use would be appropriate in the Town Gateway section of the Village Zone. He asked that they consider this idea in future discussion at the Ordinance Committee.

Vice-Chair Sirpis called for additional Council comments, hearing none, he called for the vote.

VOTE: 6 Yeas

52-18 Application Submitted Country Pubs of Maine, LLP dba Two Black Dogs Country Pub for a New Malt, Vinous and Spirituous Restaurant License [Pomerleau]

Bill Haines – Fryeburg – the applicant explained that he will be reopening what was O.Dans. He explained that they have been operating in Fryeburg for the past 5 years as the Two Black Dogs Country Pub, prior to that they were located in North Conway, New Hampshire. He explained that he and his wife have been in the restaurant business for 35-years, they never had had a problem with their liquor licenses. They offer English style gastro pub fare.

Vice-chair Sirpis asked if the inspections had been done.

The Clerk explained that the liquor license is inspected by the state and the applicant has not called to have the victuallers and special amusement applications reviewed as of this time.

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Councilor Nesbitt when would they open?

Mr. Haines said approximately on June 18.

Mr. Tucker asked if they were having luck finding staff?

Mr. Haines noted that they have found many qualified candidates.

Council Higgins has heard that there is mourning in Fryeburg due to them relocating. She said that's a good sign.

Vice-chair Sirpis called for additional Council public comments, hearing none, he called for the vote.

VOTE: 6 Yeas

53-18 Application Submitted Country Pubs of Maine, LLP dba Two Black Dogs Country Pub for a New Special Amusement Permit [Pomerleau]

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments, hearing none he called for the vote

VOTE: 6 Yeas

COMMITTEE REPORTS

Councilor Nesbitt noted that the Finance Committee will meet his coming Monday. He noted that there several orders on tonight's agenda regarding the sale of tax acquired property.

Councilor Starostecki announced that there was not a report from the PWD Steering Committee this evening.

Councilor Libby explained that Capital Improvements met earlier today, and they have orders on the agenda this evening.

Councilor Delcourt said that an Appointments Committee meeting was held prior to this meeting. In addition, a Personnel Committee meeting was held last week, an additional Personnel meeting will be held in within in the next few weeks.

Council Higgins said on June 19 an Ordinance Committee meeting will be held.

Councilor Higgins noted that there will be a Recycling Committee meeting on June 14 at 6 p.m. to discuss the fall in the quality of the recycling materials, meaning that residents are putting items into the silver bullets that are not eligible. Councilor Higgins wanted to confirm that the July Council Workshop will be held so the Ecomaine personnel can be scheduled to provide a presentation.

Councilor Sirpis said that the Economic Development Committee met last month, they continue to look for ways to draw businesses to town.

CONSENT CALENDAR

There were no Consent Calendar items on the agenda.

UNFINISHED BUSINESS

There was no Unfinished Business on this agenda.

NEW BUSINESS

54-18 Amendments to Standish Town Code, Chapter 252, Streets and Sidewalks, Regarding Sidewalk Plans (Introduction) [Higgins]

Moved by Libby seconded by Starostecki and voted to dispense with the reading of the Ordinance. (5 Yeas – 1 Nay, Delcourt)

Councilor Higgins said that that this isn't exactly what the Ordinance Committee started out to do. They were looking for a change that would exempt single family homes for the sidewalk construction

requirement. This ordinance amendment includes maps of each of the three villages to provide a visual of the area for future development. The amendment's maps show where future sidewalk can be located.

Prior or the public comment section, Vice-chair Sirpis wanted to know if this would force a resident or business to construct sidewalks in the designated areas during improvements to a property?

Councilor Higgins said that is basically what it says.

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Councilor Delcourt said that he sees the word sidewalk and the town has voted it out four times. We don't want this. He said making a person put a sidewalk in to no-where doesn't make sense, noting that he won't vote for this.

Councilor Libby said that this amendment is putting into the code graphics that are replacing verbiage. He said that the requirements are already in the code.

Vice-chair Sirpis said that it was his opinion that this says ... *the sidewalk standards are depicted graphically* ... however, later in the ordinance it says that this amendment eliminates the requirement for applicants to comply with the requirements of Chapter 181.

Councilor Libby explained that the wording in the code right now is not clear. This amendments graphics show each Village exactly the way it is.

Councilor Starostecki said that we have the graphics of the sidewalks currently in the code, what we don't have is a depiction of the geographical location of future sidewalks.

Mr. Tucker explained that this amendment will also enhance understanding Form Based Code.

Councilor Higgins said that the more that she has read this, she is willing to rework this to further review the single-family home owner's requirements to comply with the ordinance.

Moved by Libby to send the amend back to Ordinance Committee to further review.

Vice-Chair Sirpis said that looking at the residential requirements is good, but we need to look at commercial properties as well recalling that Standish Tire was required to construct a sidewalk that probably has never been used. He also mentioned the sidewalk in front of Pit Stop that just ends. He said that he's like to have this reworked and be more business friendly.

Councilor Higgins said that part of the reason we're working on the Form Based Code it to make it more user friendly.

Moved by Libby seconded by Higgins to send the amendment back to Ordinance Committee to further review.

Councilor Delcourt said that the sidewalks in Steep Falls are great, however they're not cleared in the winter and people have to walk in the street. If we're going to do something let's do it right ... he said, *people don't want sidewalks*.

Councilor Nesbitt said that the Steep Falls sidewalks are great, noting that projects are sometimes done in steps. Right now, they are a three-season sidewalk, maybe as we grow more they will be a four-season sidewalk. He continued to explain that Mr. Lampron put the sidewalk in on his own accord, understanding the importance of sidewalks.

Councilor Higgins said that in the Villages the ideas of economic development and walkability keep coming up.

Moved by Libby seconded by Higgins and voted to send the amendment back to Ordinance Committee to further review. (Unanimous)

55-18 Authorize Consent Agreement – Vail - Map 80 Lot 43 Sub 08 [Pomerleau]

Moved by Starostecki seconded by Higgins and voted to dispense the reading of the order. (Unanimous)

Vice-chair Sirpis explained that when property was recently sold, during the survey it was discovered that the building was placed too close to property line.

Joe Vail – Owner of the property explained that he recently acquired the property, during the closing process it was discovered that the building is too closed to the property line, and that an action needed to be done by the town to acknowledge/correct the matter.

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Moved by Nesbitt seconded Libby and voted to amend the agreement by assessing a fine of \$0.00. (Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

56-18 Award Bid and Authorize Snow Plowing Contract – Route 1 [Libby]

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

Councilor Libby explained that the first-time around there were no bids on this contract. It was re-bid and two bidders submitted proposals.

Moved by Libby seconded by Higgins and voted to amend the order as follows:

ORDERED that the bid submitted by Solid Ground for plowing and sanding Route 1, in the amount of \$ 96,500 for the first year, \$99,000 for the second year and \$102,000 for the third year is accepted by Council commencing in fiscal year 2019, and (Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

57-18 Award Bid and Authorize Contract for Sprinkler System at Steep Falls Fire Station [Libby]

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Councilor Libby said that two vendors submitted bids, the low bidder was Dean and Allyn.

Moved by Libby seconded Starostecki and voted to amend the order as follows:

ORDERED that the attached bid for the work at the Steep Falls Fire Station, as described in the bid specs, is hereby accepted with the bid to be awarded as follows:

Dean and Allyn, Inc. at a cost not to exceed \$51,131. (Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

58-18 Waive Bid Process and Authorize Purchase of a 4-Wheel Drive Vehicle for the Code Enforcement Department [Libby]

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

Councilor Libby explained that this acquisition was delayed due to departmental operational circumstances. Roger Mosley and Rob Caron visited numerous auto dealerships searching for a used vehicle based on FY 18 budgetary recommendation of \$20,000. Through their research, Mr. Mosley and Mr. Caron determined that a new vehicle could be acquired for slightly more money.

Moved by Libby seconded Starostecki and voted to amend the order as follows:

ORDERED that the bidding requirement regarding this purchase is hereby waived; and the purchase is awarded to Casco Bay Ford at a cost not to exceed \$22,248.77, and with the \$2,248.77 over the budgetary allocation of \$20,000 to be taken from the Town Council Contingency Account.
(Unanimous)

Councilor Delcourt questioned if it was 4-wheel drive?

Councilor Libby said that it is 4-wheel drive not all wheel drive.

Councilor Nesbitt questioned if and order would be coming forth for the use of Town Council Contingency and is this the lowest price?

Vice-chair Sirpis noted that Councilor Libby had included the use of Town Council Contingency in his amendment, and staff had visited five dealerships during their research for the vehicle.

VOTE ON ORDER AS AMENDED: 6 Yeas

59-18 Approve Warrant for Annual Town Meeting [Pomerleau]

Finance Director, Scott Gesauldi explained the warrant includes the articles that come from the budget process.

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Councilor Nesbitt mentioned that the version in front of them is slightly different from the one included in their packets, while reviewing he found some minor items that needed to be changed.

VOTE: 6 Yeas

60-18 Nominate Candidate for MMA's Legislative Policy Committee [Pomerleau]

Vice-chair Sirpis noted that Mr. Stack has served in capacity for a number of years.

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments, hearing none he called for the vote.

VOTE: 6 Yeas

61-18 Town Council Appointments to Various Boards and Committees [Pomerleau]

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments, hearing none he called for the vote.

VOTE: 6 Yeas

62-18 Confirmation of Town Manager's Appointments to Various Town Positions [Nesbitt]

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

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments, hearing none he called for the vote.

VOTE: 6 Yeas

63-18 Confirmation of Town Clerk's Appointment of Election Warden [Pomerleau]

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments, hearing none he called for the vote.

VOTE: 6 Yeas

64-18 Approve Renewal of Waste of Hauler Licenses [Nesbitt]

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Councilor Nesbitt noted that we're done business with these companies for years.

Vice-chair noted that one application was missing.

The clerk noted that one business overlooked returning the information, town staff has contacted them, the application and fee is forthcoming.

Vice-chair Sirpis called for additional Council comments, hearing none he called for the roll.

VOTE: 6 Yeas

65-18 Authorize Sale of Tax Acquired Property - 744 Richville Road [Nesbitt]

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

The Clerk read the address of the property.

Councilor Nesbitt explained that the Finance Committee is recommending that the Town sell this tax-acquired property. The owners of record have passed away, a relative living at the property has not paid the taxes in full for at least 9 years. The taxes due on the property are approximately \$19,000. The last time an installment payment on taxes were paid was in 2016, the Finance Department has been in contact with the relative living at the property, however they have not received a reaction from the resident. He said that the Finance Committee has chosen to move forward to sell this property.

Vice-chair Sirpis called for public comments, hearing none, he called for Council comments.

Councilor Starostecki asked if any of the five properties were related?

Councilor Nesbitt said that this is a stand-alone order, he noted that three of the other properties that are owned by one individual.

Vice-chair Sirpis called for additional Council comments, hearing none, he called for vote.

VOTE: 6 Yeas

Moved by Nesbitt seconded Libby by to take orders 66-18, 67-18 and 68-18 together since they are owed by the same individuals. (Unanimous)

The Clerk read the addresses of the properties.

Councilor Nesbitt said that the three properties abut one another and are owed by the same individuals who live out of state. Taxes due on the properties are: \$1,520, \$6,256 and \$1,188. He said that the Finance Committee recommends that the Town moves forward on selling these properties.

Vice-chair Sirpis asked if the property owner have been contacted regarding this?

Councilor Nesbitt explained the Finance Department has made several attempts to contact the owners. He explained the process that the Finance Department goes through to contact property owners. He noted that we did this process last year and all the owners came forward and paid the taxes – none of the properties were sold.

66-18 Authorize Sale of Tax Acquired Property – 83 Wards Cove Road [Nesbitt]

67-18 Authorize Sale of Tax Acquired Property – 80 Wards Cove Road [Nesbitt]

68-18 Authorize Sale of Tax Acquired Property – 5 Billings Road [Nesbitt]

Vice-chair Sirpis called for public comments, hearing none, he called for additional Council comments, hearing none he called for the vote.

VOTE ON ORDERS 66-18, 67-18 and 68-18: 6 Yeas

69-18 Authorize Sale of Tax Acquired Property – 17 Harmons Beach Road [Nesbitt]

Moved by Starostecki seconded by Nesbitt and voted to dispense with the reading the order.
(Unanimous)

Councilor Nesbitt noted the location of the property and explained that the owners owe over \$3,000 in past due taxes. He said that the Finance Committee recommends that the Town moves forward on selling this property.

Vice-chair Sirpis called for public comments, hearing none, he called Council comments,

Councilor Higgins questioned how long a period of time does the overdue taxes represent and has there been an effort to pay?

Councilor Nesbitt explained that its three years of taxes and there has been no communication from the resident since it foreclosed.

Vice-chair Sirpis called for additional Council, none, he called for the vote.

VOTE: 6 Yeas

PUBLIC ITEMS

There were no public items.

ANNOUNCEMENTS

Upcoming meetings were announced.

Vice-Chair Sirpis announced that Tuesday, June 12 is Election Day.

EXECUTIVE SESSION

An executive session was not held at this meeting.

ADJOURN

Moved by Libby seconded by Nesbitt and voted to adjourn. The meeting adjourned at 8:34 p.m. by unanimous consent.

Submitted by: _____
Clerk/Secretary