

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, DECEMBER 13, 2016  
STANDISH MUNICIPAL CENTER  
7:00 PM**

**CALL TO ORDER**

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

**ROLL CALL**

Councilors present: Blanck, Delcourt, Higgins, Nesbitt, Pomerleau, Sargent and Sirpis.

**MINUTES OF PREVIOUS MEETING (S)**

The November 1, 2016 Town Council Meeting minutes were approved by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

The Clerk read a note from the Steep Falls Village Improvement Society thanking the Town of Standish for the donation that was provided to the Society.

The Town Manager explained that recently he received a message through the town's website from a resident who was concerned with noise and safety issues with people discharging firearms in the Middle Road area of town.

**REPORT OF THE TOWN MANAGER**

Mr. Billington introduced Scott Gesualdi the Town's Finance Director and the Marc Roy the town's auditor who would provide the departmental report.

**Report of Town Auditor** – Marc Roy the audit manager of our account provided a comprehensive overview of the town's finances through a PowerPoint presentation. He explained that this year and as in years past they are issuing a non-modified opinion, which simply means that the financial statements are fairly stated in all respects. He touched on long term debt, reporting that the debt per capita amount is low. He stated that the town is healthy position, there is low debt compared to its assets.

Mr. Billington remarked that this town is very frugal which is shown through the low debt.

Mr. Roy offered to answer any questions they may have now or he can be contacted at the office.

Councilor Sirpis noted that he would like to review the audit materials after which he may have questions.

Chair Nesbitt announced that no departments were over budget this past year.

Mr. Roy brought forward that the Finance Director has implemented recommendations that have been presented to him to improve the financial reporting process. He explained that Mr. Gesualdi has implemented a fund balance accounting process and continues strive for improving internal controls.

Mr. Billington noted that a management letter was not included this year.

Mr. Roy explained that if during the audit they don't find significant deficiencies or material weaknesses a written report is not given to the Council.

Mr. Billington said that since there is no letter this year he takes that a compliment to the way the Finance Department is managed.

Scott Gesualdi thanked Mr. Roy and his staff for their assistance; his office staff and the Town Clerk Staff for their efforts.

Mr. Billington then presented the following information:

- He was invited to visit the Steep Falls Library by the board of director's to see the recent improvements to the building. Funding for these improvements was provided by the Narraganset Number One Foundation through a grant. Future plans to expand the library to include ADA accessibly. He recalled a workshop a few years ago where the library approached the town for assistance. He said during his recent visit the board showed him the need for accessibility and described situations when individuals needed assistance to get into the building. He suggested that an amendment could be made to the order regarding sidewalk grants to add a CDBG grant request for ADA improvements, since funding is available. He provided a conceptual design and explained that the library would seek the fund sources
- He attended a meeting at St. Joseph's College where he met their newly hired *entrepreneur in residence* who will keep the college on track to reach the vision of the college's future. One of the first projects will be energy consumption and production at the college. He said that he did ask Peter Nielsen to join the town's Economic Development Group.
- Winter is here. All the plowing equipment is up and running and the crew does a great job keeping the roads safe. He noted that the Public Works Director will out of work for about six weeks due to foot surgery.

## **PUBLIC HEARINGS**

Moved by Sargent seconded by Blanck and voted to take orders 119-16 through 122-16 collectively. (Unanimous)

The Clerk was directed to read the first order in its entirety, the rest by title only.

**119-16 Application Submitted by Stephanie Biggs for Renewal of a Combined Massage Establishment/Therapist at Kosmetikos Spa and Wellness Center located at 1 Northeast Road [Nesbitt]**

**120-16 Application Submitted by Deborah Boxer for Renewal of a Massage Therapist License at Kosmetikos Spa & Wellness Center located at 1 Northeast Road [Nesbitt]**

**121-16 Application Submitted by Xiong Tran for Renewal of a Massage Therapist License at Kosmetikos Spa & Wellness Center located at 1 Northeast Road [Nesbitt]**

## **122-16 Application Submitted by Bryan Bizer for a New of a Massage Therapist License at Kosmetikos Spa & Wellness Center located at 1 Northeast Road [Nesbitt]**

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment: There was none.

After a Public Hearing on the above applications without public or Council discussion Chair Nesbitt called for the vote on all applications and the hearing was closed.

## **VOTE ON ORDERS 119-16 THROUGH 122-16: 7 Yeas**

### **COMMENTTEE REPORTS**

Councilor Pomerleau – **Appointments Committee** – There was no meeting this past month.

Councilor Pomerleau – **Public Safety Committee** – Met to inventory their supplies and discussed their budget.

Councilor Blanck – **Ordinance Committee** – Continues to work on the Form Based Code, while taking into consideration the Marijuana Moratorium Ordinance. He noted that the Marijuana Moratorium Ordinance will be discussed at a future Council Workshop.

Councilor Sargent – **Capital Improvements Committee** – Noted a CIP has an agenda item this evening.

Chair Nesbitt – **Finance Committee** – Announced that the committee has met twice since the last Councilor meeting to review the October and November financials. He noted that all revenues and expenditures are as to be expected. He noted that a quit claim deed will be presented later on the agenda.

Chair Nesbitt – **Beach Committee** – Discussed the brochure, signage and other details of the project.

Councilor Higgins – **PWD Steering Committee** - Met to discuss the Routes 35/237 intersection improvements. Discussions included parking options, cost to the town, relocation of the intersection, and the scenic outlook. Another meeting will be scheduled to further investigate the outlook. The land will be donated by Portland Water District and the town; Standish and MDOT will provide the funding.

Mr. Billington noted that he had forwarded meeting information on to MDOT, but had not heard from them.

Councilor Higgins – **Recycling Committee** - Selected the student's art work that will be included in the recycling calendar. She reported that the solid waste numbers are down, however, we still need

to recycle more. She reminded them that donations are being accepted for the Bottles for Fuel Program.

Councilor Delcourt – **Personnel Committee** – Meets tomorrow with town personnel.

Councilor Sirpis – **Economic Development** – The committee will not meet this month due the Holiday. In the new year the committee plans to meet the third Thursday of the month, he said that he will confirm and announce the date at the next Council meeting.

Councilor Sirpis noted that there is a desperate need for MSAD Budget Advisory Committee members.

### **CONSENT CALENDAR**

There were no consent items on this agenda.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

#### **123-16 Tax Abatement Request of Stuart and Tara Hill on Real Property to be Gifted to the Town [Nesbitt]**

Chair Nesbitt recapped the order highlighting that the property was gifted to the Town earlier in the year.

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment: There was none.

### **VOTE: 7 Yeas**

#### **124-16 Amendment to Standish Town Code, Chapter 263, Vehicles and Traffic, Article I, Parking Weight Restrictions [Blanck]**

Councilor Blanck explained that the attached photo illustrates the problem that exists on that section of Route 11. He said that when the CMP parking lot fills up overflow parking moves onto the roadside. He pointed out as shown in the picture, that the vehicle is parked over the white line making roadway vehicular traffic difficult. He recounted seeing a vehicle attempting to exit the CMP lot when vehicles are parked along the roadside noting that the driver has no sighting for on-coming traffic. He noted that this is a safety issue.

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment:

Councilor Higgins questioned when was the photo taken?

Councilor Blanck noted that that the photo was taken this summer, but demonstrates the parking on any nice summer day.

Councilor Higgins wondered if the parking lot could be expanded? How many vehicles does it hold?

Councilor Blanck said approximately 15 vehicles. He explained that on the Limington side of the bridge it is posted for no-parking area.

Councilor Sargent said he thought that this is a good idea, however, people want access to the waterways. He suggested that perhaps CMP could expand the parking with funding from the town.

Councilor Sirpis questioned if there were no-parking signs there now.

Councilor Sargent said that there is no signage there at this time.

Councilor Sirpis questioned the plan of action. He said in his mind a no-parking sign doesn't have a lot of teeth.

Chair Nesbitt noted that a fine would be assessed by law enforcement.

Councilor Higgins said that Councilor Sargent made a very good point regarding ~~expending~~ expanding the parking.

Chair Nesbitt called for additional Council comment, seeing none he called for the roll.

This ordinance move to first reading by unanimous consent.

**125-16 Request that the Maine Department of Transportation Review the Speed Limit on Newly accepted Portion of Pond Road [Nesbitt]**

Chair Nesbitt noted that this is a standard order when a new road is accepted.

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment: There was none.

**VOTE: 7 Yeas**

**126-16 Town Council Appointment of Registrar of Voters [Pomerleau]**

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment: There was none.

**VOTE: 7 Yeas**

## **127-16 Authorize Finance Director to Issue Municipal Quick Claim Deeds to Judith Stanton [Nesbitt]**

Moved by Sargent seconded by Sirpis and voted to dispense with the Clerks reading of order.  
(Unanimous)

Chair Nesbitt explained this property was slated to be sold as tax acquired property, the heirs came forward and paid the taxes due. The total amount paid was over \$21,000 noting this was a great thing to have happen.

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment: There was none.

## **VOTE: 7 Yeas**

## **128-16 Authorize Submission of CDBG Grant Application for Sidewalk Project at Standish Corner [Nesbitt]**

Chair Nesbitt explained that some time ago he had a discussion with the Town Manager since we have some funds available for matching funds, it might be the time to look to see if any grants are available. He explained that Mr. Billington discovered that we are eligible for CDGB grant funding.

**Moved by Blanck seconded by Sargent to amend the order by adding the following:**

128-16 AUTHORIZE SUBMISSION OF CDBG GRANT APPLICATION FOR SIDEWALK PROJECT  
AT STANDISH CORNER AND ADA ENHANCEMENTS TO THE STEEP FALLS LIBRARY

WHEREAS the Town of Standish wishes to enhance the appearance and promote safety at Standish Corner by constructing sidewalks as recommended Village Design Master Plan for Standish Corner, and ADA enhancements to the Steep Falls Library, and

Chair Nesbitt said that this comes from the information that the manager brought forward in his report earlier this evening.

Chair Nesbitt called for public comment on the amendment:

Valerie Sullivan of the Board of Trustees president said that she attended the meeting earlier today with Mr. Billington and she appreciates their consideration of this matter. She went on to highlight the recent renovations and explain that they would like to have the ADA enhancements made so all people can utilize the library. She invited all to come and see the improvements.

Chair Nesbitt called for Council comment:

Councilor Sirpis said that he was opposed to the amendment, he said that he fully supports the library, however, he does not support the sidewalk grant application. He said that he would like to see the library project pass, but didn't want it bundled with the sidewalks.

Councilor Higgins agreed with Councilor Sirpis, she supported the library, but did not support sidewalks plan because it's been voted down four times. She said that she would prefer to vote on the grants separately.

Mr. Billington said that the reference to sidewalks could be struck-out.

Councilor Sargent said that they had the opportunity to think about the sidewalk grant since it was in their packet, the library information just passed out tonight and they haven't had a chance to think it over. He said that the library needed the ADA enhancements, he said that the sidewalks are going to come whether we have reservations or not. He said that he was for both grants.

Councilor Sirpis said as the Chair of the Economic Development Committee he would normally welcome improvement to our infrastructure, however, the public has told us four times that they don't want sidewalks. He said that he's been on the Council for six months and this is the first time he's heard about the library project. He said that he feels that this is being brought in at the last minute to pad the sidewalk matter to go through. He said that he's happy to support this without the sidewalks.

**Moved by Blanck seconded by Sargent and voted to amend the order by adding the following:**

128-16 AUTHORIZE SUBMISSION OF CDBG GRANT APPLICATION FOR SIDEWALK PROJECT AT STANDISH CORNER AND ADA ENHANCEMENTS TO THE STEEP FALLS LIBRARY

WHEREAS the Town of Standish wishes to enhance the appearance and promote safety at Standish Corner by constructing sidewalks as recommended Village Design Master Plan for Standish Corner, and ADA enhancements to the Steep Falls Library, and

**VOTE ON AMENDMENT: 4 Yeas – 3 Nays, Delcourt, Higgins and Sirpis**

Chair Nesbitt called for public comment on the order as amended: There was none.

Chair Nesbitt called for Town Council comment on the order as amended:

Councilor Delcourt asked if this voted included the sidewalks and library matter.

Chair Nesbitt said that they will be voting on the two grant applications.

Councilor Delcourt said that if he were sitting at home watching this he would wonder what part of term limits, didn't we understand, and what part of no on sidewalks don't we understand. He said that it would be nice to have but the voters voted it down.

**Moved by Higgins seconded by Delcourt to remove all verbiage rearing sidewalks from this order.**

Chair Nesbitt said that we've gone through several village ~~deign~~ design studies that called for sidewalks. Then it got very political on the sidewalk issue, some said it was because it was bundled, some said it been decided and we can't discuss it again, some say it's because they didn't want to

bond for it. He noted that now we have another revenue stream and we won't be bonding for the sidewalks. He said it was his opinion that the sidewalks are needed and will be a great economic enhancement and make this town better.

Council Sargent asked if we delete all reference to Standish Corner can we bring another order forward.

Mr. Billington said that you would miss this year's opportunity to apply, we must notify the ~~country~~ county of our intent in December.

Councilor Sirpis said that he assumed that when we applied for the grant we had to disclose what the grant money would be used for.

Chair Nesbitt explained that the grant has not been applied for yet.

Mr. Billington said that it's a two-step process, first you submit to see if the project qualifies then the grant application is submitted. He said that we have Wright Pierce who will follow up on their earlier application that they prepared for us.

Councilor Sirpis asked for clarification in regards to after voting on the amendment we still have to vote on the order.

Chair Nesbitt said that's correct.

Councilor Sargent questioned if we are awarded both grants but decide later that we don't want to construct the sidewalks can the funding be returned.

Mr. Billington said that the funds could be returned.

Councilor Sirpis asked if there were matching funds for the sidewalk project.

Mr. Billington said that there would be a match of a certain percentage.

Chair Nesbitt called for additional Town Council comment on the amendment: Seeing none he called for the roll.

**Moved by Higgins seconded by Delcourt and voted to remove all verbiage ~~rearing~~ regarding sidewalks from this order.**

**VOTE: 3 Yeas – 4 Nays, Blanck, Nesbitt, Pomerleau, and Sargent**

Chair Nesbitt called for public comment on the order as amended: There was none.

Chair Nesbitt called for Town Council comment on the order as amended:

Councilor Sirpis wanted to make it very clear that he supported the library project. He said that he's heard about the studies on the sidewalk that have been done, but the study the he goes by is that



it's been defeated four times. He said that this is wrong and he is furious that this is the first time he is hearing about this. He said that he doesn't understand why it's being rushed.

Chair Nesbitt said that the Town Manager met with the library for the first time today and seized the opportunity to add it to the order tonight to help the library.

Chair Nesbitt called for additional Town Council comment on the order as amended: Seeing none he called for the roll:

### **VOTE ON ORDER AS AMENDED: 4 Yeas – 3 Nays, Delcourt, Higgins and Sirpis**

Councilor Sirpis apologized to the Library group attending the meeting that he could not support this order.

### **129-16 Authorize use of Street Light Impact Fees for Installation of Street Lights [Sargent]**

Councilor Sargent explained that during the recession many street lights were removed in a cost savings effort. Since that time when a development is approved the developer pays an impact fee for the cost of the light. Developers want the lights installed. He said that there would be no cost for installation to the town.

Councilor Blanck noted that LED lights will be installed which will be a cost savings.

Mr. Billington agreed that the LED lights would be a cost saving. He continued to say many of these are subdivisions on busy roads and lights will only be installed if a pole exists at the location.

Councilor Sirpis asked what the cost savings was when we shut down the lights.

Councilor Sargent said we saved between \$15,000 to \$18,000 a year since that time.

Councilor Sirpis asked if we are committed to have the power supplied from CMP.

Mr. Billington said that CMP doesn't allow others lights on their ~~pølls~~ poles. There is legislation to allow private lights to be installed on electric ~~pølls~~ poles.

Councilor Sirpis mentioned that he had watched a spot on a lighting system that is solar powered on independent poles. He suggested that the beach area would be a good location for this type of lighting.

Councilor Higgins how many will be installed.

Mr. Billington said nine lights that will be fully funded by the developer.

Councilor Sirpis asked if a safety study had been done in the locations where there is not a pole located.

Mr. Billington said that had not been done.

### **VOTE: 7 Yeas**

## **130-16 Authorize Consent Agreement – Stewart Map 21 Lot 16**

Mr. Billington explained that Mr. Stewart is here this evening. He has constructed a house that during a Class D-survey it was discovered that there is a 1.7 foot violation in the front setback. He went on to note that Mr. Stewart has had some trouble there, the first foundation that was put in had a setback violation and had to be moved. This is something that the home owner is responsible for and typically a fine is assessed.

Mr. Stewart thanked Mr. Billington for explaining the matter and apologized for the problems this has caused. He then offered to pay a \$1,000 fine.

Chair Nesbitt called for public comment: There was none.

Chair Nesbitt called for Council comment:

Councilor Sirpis recapped the two different violations.

Mr. Stewart explained that the builder measured from the wrong location.

Councilor Sargent explained the he has been through a similar circumstance, so he supports this order.

Moved by Sirpis seconded by Blanck to amend the order as follows:

- Add a fine of \$0 to section 2. of the agreement.
- To have Mr. Stewart pay the recording fee of \$40 for recording the agreement at Cumberland County Registry of Deeds.
- To delete the following from the order:  
~~FURTHER ORDERED that the Code Enforcement Officer is authorized to execute the attached agreement on behalf of the Town.~~

Chair Nesbitt called for additional public comment: There was none.

Chair Nesbitt called for additional Council comment:

Councilor Delcourt asked what is was going to cost this gentleman.

Chair Nesbitt said \$40.

Councilor Blanck said that Mr. Stewart depended on professionals to construct the home so this is not his fault.

Mr. Stewart thanks the board for their decision.

Moved by Sirpis seconded by Blanck and voted to amend the order as follows:

- Add a fine of \$0 to section 2. of the agreement.
- To have Mr. Stewart pay the recording fee of \$40 for recording the agreement at Cumberland County Registry of Deeds.

- To delete the following from the order:  
~~FURTHER ORDERED that the Code Enforcement Officer is authorized to execute the attached agreement on behalf of the Town.~~ (Unanimous)

### **VOTE ON ORDER AS AMENDED: 7 Yeas**

### **PUBLIC ITEMS**

Councilor Sirpis acknowledged and complement the town clerk and team for the efforts on Election Day.

Councilor Sargent mentioned that ice fisherman should make sure that the ices is safe.

### **ANNOUNCEMENTS**

Several upcoming meetings were announced.

### **EXECUTIVE SESSION**

An executive session was not needed at this meeting.

### **ADJOURN**

Moved by Blanck seconded by Higgins and voted to adjourn. The meeting adjourned at 8:45 pm by unanimous consent.

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