**MINUTES**

**TOWN COUNCIL MEETING**

**STANDISH, MAINE**

**TUESDAY, FEBRUARY 14, 2017**

**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)**

Chair Nesbitt called for any amendments to the January 10 minutes.

***Noted by Blanck to amend page 2 as follows:***

Mr. Billington questioned if the Water District would be willing to move the fencing down the bank~~ing~~.

***Noted by Higgins to amend page 2 as follows:***

Councilor Sargent mentioned that he had ~~spoked~~ spoken with his employer the Portland Water District regarding relocating the fencing in the vicinity of the location of the proposed scenic outlook to make the view better.

Moved by Sirpis seconded by Higgins and voted to amend the minutes as noted by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

The Clerk noted that the town had received a communication from Chris Neagle an attorney for the Gavendas who are property owners in Standish. The Gavendas have difficulties in selling their property due to the discontinued status of the road that accesses their property.

Attorney Neagle representing the couple summarized that they have a very old house that when it was built was located on a public way. The Gavendas’ purchased their property in 1971, have made improvements to the property and are trying to sell the property at this time. However, due to the discontinued status of the road they have been unable to do so. Attorney Neagle explained that portion of Cram Road was discontinued some time ago. He noted that if the town could determine when the portion of the road was discontinued, because if it was discontinued after 1935, legislation that was adopted in 1960’s, would provide that there could be a public easement. He asked that the Council further discuss this matter.

Chair Nesbitt noted that this matter will be discussed at the Town Council Workshop on February 28 starting at 7 pm.

**REPORT OF THE TOWN MANAGER**

 Mr. Billington spoke on the following topics:

* The Recreation Department is accepting applications online for the summer recreation program, summer recreation employment and for attendants at the beach.
* The beach will open on May 15 with the opening ceremony to be held on May 20. Hopefully, paving of the access road and parking lot; and necessary signage regarding no-parking on Newbegin Way will all be completed by the opening date.
* Public Works Department recently purchased four new tires for the loader that’s used at the Transfer Station.
* The Public Works Department has been very busy with the many back to back storms.
* The Fire Department has recently accepted a dry hydrant at 650 Cape Road. The pond was installed by the property owner who hopes to raise trout in the pond, but it will also be utilized for fire protection.

Mr. Billington introduced Chief Robert Caron to provide the monthly departmental report.

Chief Caron noted that the fire pond at 650 Cape Road is approximately a 200,000 gallon pond that will provide fire protection to the surrounding neighborhood. He went to explain that last week they put into service a retired Chevrolet Tahoe from the sheriff’s department which he will drive. The Trailblazer that he was previously driving is now being used by EMS. A new firetruck will be ordered in the spring with an anticipated August delivery date. He noted that back in the fall the department submitted a grant to the Forestry Department for a 50/50 grant for gear and equipment to be used on the forestry vehicle. An award of $3,353.40 was granted of which the town will be responsible for half of the amount. Chief Caron noted that this past year was the busiest ever for the department, logging 1,904 calls. Highlighting the department’s stats he noted - 1,542 calls were in Standish, 176 calls were in Baldwin which is covered by contract, the balance of the calls were mutual aid; Friday was the busiest day, followed by Saturday then Sunday; a paramedic was on duty for 1,319 of the total calls; the department completed over 4,800 training hours; total volunteer man-hours for the call company was 8,718 hours

Mr. Billington said he’d like to compliment the Fire/EMS Department for their station coverage during the recent storms. A rescue unit was housed at the Steep Falls Fire Station during the storm which proved to be beneficial to a resident in the Wards Cove area of town.

Mr. Billington announced that Deputy Howard Brown our Community Policing Officer has accepted a position on Frye Island starting this summer. Deputy John Cross will take Deputy Brown’s Standish shift.

**PUBLIC HEARINGS**

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

Councilor Blanck explained that the parking lot near the Saco River is very small, in the summer during peak usage cars spill over onto the street to park, almost making it a one lane road. The road side parking makes the sighting for vehicles exiting the lot very difficult.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sirpis inquired if no-parking signs would be installed there and would this be considered a tow away zone.

Town Manager, Gordon Billington explained that the only tow away zones in Standish are fire lanes, for violations in this this newly established area tickets will be issued.

Councilor Higgins asked for an update to the discussion regarding expanding the parking lot.

Councilor Blanck explained that the beach that is used is privately owned by an individual that lives in Texas. A number of year ago the property owner tried to keep people off his property, but was unable to do so. He continued to explain that CMP owns the land that the parking lot is on, noting, the lot has developed over time by use.

After a public hearing without additional Council or public comments, the Chair called for the roll and the hearing was closed.

**VOTE: 7 Yeas**

**8-17 Application Submitted by Michael Baptista and Elaine Baptista Burnham dba Acres of Wildlife Campground located at 60 Acres of Wildlife Road for renewal of a Malt, Spirituous and Vinous Campground License [Nesbitt]**

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sargent asked for an update regarding the status of this applicants permits for buildings that were constructed without obtaining building permits.

Gordon Billington explained that this applicant has withdrawn their Planning Board expansion application. He had given them a deadline to submit architectural drawings for each of the buildings that were constructed to determine if the zone was changed, would the placement of the buildings, be compliant with the zoning change. As of this time, the drawings have not been received, however they still have time to submit them.

Chair Nesbitt called for additional Council discussion, there was none, he then questioned if the application was in order.

The Clerk explained that in this case the municipal officers approve the liquor license, the facility is not inspected by the various departments.

After a public hearing without additional Council or public comments, the Chair called for the roll and the hearing was closed.

**VOTE: 7 Yeas**

**9-17 Application Submitted by Mili, Inc. dba Standish House of Pizza located at 35 Ossipee Trail West for a new Malt and Vinous Restaurant License [Nesbitt]**

Chair Nesbitt explained that this applicant is adding wine to their menu.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Higgins referred to the diagram questioning if there was a bar area or consumption was allowed where customers sat.

It was noted that the alcoholic beverages would be drank where the customer sat.

After a public hearing without additional Council or public comments, the Chair called for the roll and the hearing was closed.

**VOTE: 7 Yeas**

**10-17 Application Submitted by RBF, LLC dba O.Dans Public House located at 1 Ossipee Trail East for a new for a Malt, Spirituous and Vinous Restaurant License Located at 1 Ossipee Trail East [Nesbitt]**

Chair Nesbitt explained that O.Dans was here a few months ago, they were delayed in submitting their application to the state which now has expired. So they must have the application endorsed by the town again.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments. There were none.

After a public hearing without additional Council or public comments, the Chair called for the roll and the hearing was closed.

**VOTE: 7 Yeas**

**11-17 Application Submitted by RBF, LLC dba O.Dans Public House for a Special Amusement Permit Located at 1 Ossipee Trail East [Nesbitt]**

Chair Nesbitt noted that this the applicants Special Amusement License that goes along with the previous order.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments. There were none.

After a public hearing without additional Council or public comments, the Chair called for the roll and the hearing was closed.

**VOTE: 7 Yeas**

**COMMITTEE REPORTS**

Councilor Sirpis – **Economic Development** - a meeting will not be held this month due to scheduling conflicts of the members.

Councilor Delcourt – **Personnel Committee** – the committee has met a number of times recently and will bring forth their report to the entire Council in an Executive Session later this evening.

Councilor Higgins – **PWD Steering Committee** - has had no activity since just before the holidays. She noted that some of the construction in the Route 35 area will be put off until later in the spring.

Councilor Higgins – **Recycling Committee** – A few recycling calendars remain at the town hall. She reminded the public that there are funds in the Bottles for Fuel account for those that need assistance. She explained that eligible individuals would receive a one-time allotment for fuel.

Councilor Nesbitt – **Finance Committee** – this month’s meeting was postponed due to the weather. The meeting had been rescheduled to Wednesday, February 22 at 4 pm.

Councilor Sargent – **Capital Improvements Committee** – met on February 7 to discuss the 10-year Capital Plan and potential purchase of a street sweeper. He noted that both of these items will be discussed later on the agenda.

Councilor Pomerleau – **Public Safety Committee** – due to a previous engagement she was unable to attend the February meeting.

Councilor Pomerleau – **Appointments Committee** – met this evening and will be bringing forward an appointments order later in the meeting.

Councilor Nesbitt – **Ordinance Committee –** speaking on behalf of Councilor Blanck, the committee is discussing various uses in the town’s villages.

**CONSENT CALENDAR**

There were no items on the Consent Calendar this evening.

**UNFINISHED BUSINESS**

**6-17 Amendment to Standish Town Code, Chapter 181, Land Use, Section 181.7.1 Form Based Code Village Districts (FBCVD) (First Reading) [Blanck]**

Chair Nesbitt explained that this has been reviewed by the Ordinance Committee, if approved this will allow daycares in pre-existing buildings in the Standish Corner District.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Higgins said that this is a small change, but allows more flexibility for the buildings that are already in place. She noted this is a good thing.

Councilor Sirpis echoed Councilor Higgins statements and then asked if a use has been overlooked can this ordinance be amended in the future.

Chair Nesbitt said that it can be amended in the future.

Councilor Higgins said that this is a work in progress.

Councilor Delcourt questioned what’s going on at Standish Corner, the pumps have been removed at the gas station, there is a vacant lot across the street, he questioned if there was anything that the town can do to move things along.

Chair Nesbitt said from what he has heard the lease amount is high for the gas station.

Councilor Higgins explained that the lot across the street has recently been sold and is being maintained.

Chair Nesbitt recalled recently speaking to the new owner who did not have plans for the property at this time.

Councilor Sirpis suggested that the owners of these properties be invited to an Economic Development Committee meeting to see if there is some way the town can help them.

The Clerk noted that this vote moves the ordinance amendment to Public Hearing at the March Council meeting. The Clerk explained that Councilor Blanck had stepped away for a moment.

**VOTE: 6 Yeas, *Blanck was excused from the vote on this ordinance.***

**NEW BUSINESS**

**12-17 Call for Public Hearing for the FY 2018 Municipal Budget [Nesbitt]**

Chair Nesbitt said this order officially kicks off the budget process. The Manager has been working on the budget which will be presented at the March Council meeting.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sargent explained that the budget is received from the Manager, it’s then reviewed by the Council and Budget Committee, and then finally it’s presented to the voters at the Town Meeting. He announced that the joint Council/Budget Committee meetings regarding the budget are televised.

Gordon Billington said that the budget will be published on the website on March 1.

Councilor Higgins questioned when notices will be sent to entities that want to be considered to receive a donation from the town.

Gordon Billington said that they will be notified when the budget schedule is set. Usually, it’s a full Saturday and then the following Thursday night.

Councilor Higgins asked that they take into consideration that the MSAD Budget Advisory Committee has a meeting every Thursday in March.

Mr. Billington said that the meeting schedule can be further discussed.

 ***Councilor Blanck was excused from the meeting at this time.***

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTE: 6 Yeas**

**13-17 Annual Recommendation to Adopt 10-Year Capital Plan [Sargent]**

Councilor Sargent explained that the Capital Improvements Committee met on February 7 to review the 10-year Capital Plan. The committee considers future needs for all departments, spreading the costs over the plans timeline.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sirpis questioned the Public Works truck information on page 3, he inquired if any of those were pick-ups or all big trucks.

Public Works Director, Roger Mosely explained that trucks 5 and 7 are pick-ups, truck 1 is a two-ton, and the rest are big trucks.

Chair Nesbitt asked when are we due to purchase another cruiser.

Mr. Billington said that there is one in this year’s operational budget.

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTE: 6 Yeas**

**14-17 Waive Bid Process and Authorize Purchase of Street Sweeper for the Public for the Public Works Department [Sargent]**

Councilor Sargent explained after reviewing the needs of the town, including the scheduling of time and personnel, it has been determined that purchasing a used sweeper would allow the sweeping of town streets on our schedule. He said looking at the numbers this purchase makes a lot of sense.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Delcourt described the personnel and equipment needed to do the street sweeping, saying it would call for a least three persons plus to run the equipment.

Roger Mosley said it wouldn’t require three people for the entire day, the water truck could be set at a location; the dump truck travels with the sweeper because the hired sweeper driver doesn’t know the roads. If this is approved we can go back to dumping in a central location and picked up at another time.

Councilor Delcourt questioned if additional personnel would needed for the department.

Roger Mosely said that the sweeping would be done by the staff the department presently has.

Councilor Higgins asked Roger for the numbers to justify this purchase.

Mr. Mosley said that they project that within two-years, based on the contract amount that we’re presently paying, it will pay for this machine.

Councilor Higgins said that it sounds like staff has to shadow the sweeper personnel, so this purchase would facilitate a better use of staff.

Mr. Mosley said that’s correct, he explained that contractors often have to travel to their sweeping location and sometimes weather conditions will postpone the work to another time. He noted that being able to schedule the sweeping in our timeframe will be a benefit to the department. He apologized that the bid specs were not included with the order. He explained that they are looking at a 2001 Johnston sweeper, it has a new hopper and hydraulic pumps, and it is a one-owner vehicle coming out of the Town of Gray. The price is 24,999.

Councilor Higgins asked what the cost would be on a new sweeper.

Roger Mosley replied the cost new is approximately $180,000.

Councilor Sirpis questioned Roger is this would sweep the roads in the entire town – were there any places that it would not be used.

Roger Mosley explained that they don’t sweep all roads, the higher speed roads are not swept because the sand is blown off them by the traffic. He noted that they sweep internal subdivision roads.

Councilor Sirpis questioned if Gray replaced their sweeper.

Roger Mosley said that they did replace it.

Councilor Sirpis questioned how much do we currently pay for sweeping annually.

Roger Mosley explained that we average about $17,000 a year.

Councilor Sirpis asked why are we asking to waive the bid.

Roger Mosley when a bid is on a used piece of equipment, if it fits the specific needs, you have to buy it.

Councilor Sirpis announced that he is usually opposed to waiving the bid process, however, he has complete faith in Roger, if Roger thinks this is the right move for us, he will support the order.

Chair Nesbitt asked if there was a fee to terminate the existing contract.

Roger Mosley said that the contractor will receive a good faith payment. The former vendor has offered to help if a problem arises.

Moved by Sirpis seconded by Pomerleau 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 H.P. Fairfield of Scarborough at a cost not to exceed $25,000, with funds to be drawn from the Public Works Contractual account and (Unanimous)

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTE ON ORDER AS AMENDED: 6 Yeas**

**15-17 Waive Bid Process and Award Contract for Survey Proposal for State Right-of-Way Delineation at the Intersection of Routes 25 and 35, Investigate the Towns Ownership to the 8-Rod Way and other Services Related to Standish Corner [Nesbitt]**

Town Manager, Gordon Billington said that we have an ongoing business relationship with this firm. In the past, they have surveyed portions of Route 25. He continued to explain that we have contracted with a traffic engineer to do a study, the engineer suggested that we clearly delineate the intersection to determine what area we have to make the improvements. A meeting is scheduled with MDOT to discuss this matter. He noted that the survey will also delineate the location of the future sidewalk and improvements to the intersection.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sirpis said that he was opposed to the order for two reasons. He noted as he had stated earlier he believes in the bid process and while he appreciates that we have a long standing relationship with this firm, he believes that we have a responsibility to the people of Standish to put it out to bid. Secondly, he will not support it because he is not a supporter of the sidewalks at Standish Corner, so he will not support this order.

Councilor Higgins said that she was not a big fan of the sidewalks and she said that she was a bit confused on some of the wording. She recalled back when the town was looking at the village center zoning changes we were led to believe that we owned the 8-rod way. She said that’s a big thing to suddenly change. She said that she was not in favor or doing this in terms of preparation for the sidewalks. She then questioned when will the sidewalk grant be awarded.

Mr. Billington said that we will be notified of the bid award sometime in April, at the latest.

Councilor Higgins explained that she questioned the wording noting the density at Standish Corner; how many people walk; children walking to school – she didn’t believe that that there would be that many students that would be walking to school. She said at any rate, the people of Standish have voted the sidewalks down and she can’t support this. She went on to say that the bid process should be followed, she said that we change it when it’s necessary, she was not sure that this was a necessity.

Councilor Sargent said to address the first concern, it was his opinion that the rate of $3,500 to go out to bid was low. He checked with surrounding towns and they have a higher rate. He also noted that we need to address the traffic issue, so we need to do this to know what we own. In addition, if this is approved tonight the voters still have to approve it. He thought that utilizing this company that has done work for us already in the long run will save us money. It was his opinion that we should do the survey to know what we own to upgrade the intersection and the sidewalk matter is up in the air at this time.

Councilor Higgins brought up two points that had not been addressed – liability and maintenance. She noted that Gorham clears their sidewalks and it takes time and equipment.

Councilor Delcourt questioned what would happen if there was a 3/3 vote on this matter, since Mr. Blanck has left.

Mr. Billington explained by the Rules of Procedure, if it was a tie vote, the matter would lay on the table until the next meeting.

Councilor Sirpis said that it was his opinion that this was a convenient loophole to work around something that the public has told us they are not interested in. The public keeps telling us we are not listening to them and we continue to do things that they don’t want us to do. He said that we need to start listening to the public. He said that he can’t support this for thoses reasons.

Chair Nesbitt said that we are talking about road improvements and an intersection that needs improvement. Doing the survey work will show us where the line is so we know what can be done. That why he feels this is very important. In addition, he said that $3,500 is low for the bid process BH2M has done some of this work and has some data, so this will save us money.

Councilor Delcourt said that intersection is a mess sometimes, we have to do something and he thought that this addresses the issue.

Mr. Billington said that this will tell us what we have there. He explained that is hoped to construct three slip lanes. If that intersection is improved the town will end up paying 50% of the cost, so we need to know what we have there. He noted that the 8-rod right-of-way is a paper street in the town that has never been accepted. It can be accepted legislatively by the town and he thought it was important to delineate the area.

Councilor Delcourt said that this is not around about way to get sidewalks -- it’s to make improvements to the intersection.

Chair Nesbitt said that is correct, but to could help with the sidewalks if that moves forward.

Mr. Billington said that the voters will get a chance to vote on this at town meeting because it will be in this in this year’s budget.

Councilor Sargent suggested to table this until the next Council meeting so the entire Council can vote on the matter, to avoid it possibly being tabled.

Councilor Sirpis said that he was opposed to that.

Councilor Delcourt said that he too was opposed because he was voting in favor of the order.

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTE: 4 Yeas – 2 Nays, Higgins and Sirpis**

**16-17 Acceptance of Street Name – Bunny Lane [Nesbitt]**

Chair Nesbitt said that this is the naming of a new road off Boundary Road. The name has been endorsed by all town departments.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sirpis questioned if this would remain a private way. He then asked if this passes do we then assume maintenance of the road.

Roger Mosley explained that this is a 911 addressing matter. He continued to explain that when a road has two or more structures it requires naming even if the road is a private way.

Chair Nesbitt explained that part the process the departments review the name to make certain that it does not sound similar to an existing street name to prevent emergency personnel being dispatched to the wrong location.

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTE: 6 Yeas**

**17-17 Town Council Appointment to Various Boards or Committees [Pomerleau]**

Moved by Pomerleau seconded by Sargent and voted to amend the order by adding the following names to the noted committee:

 Tyler Dunphy to the Recreation Committee through June 30, 2019

 Rudolph Brooks to the Recreation Committee through June 30, 2018

 Mary Chapman to the Recycling Committee through June 30, 2019

 Peter Starostecki to Budget Committee through June 30, 2017 (Unanimous)

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Sirpis thanked these individuals for stepping forward.

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTE ON ORDER AS AMENDED: 6 Yeas**

**18-17 Amendment to Standish Town Code, Chapter 202, Parks and Recreation, Section 202-1, Trespassing Prohibited Certain Hours (Introduction) [Blanck]**

Mr. Billington noted that this limits access to the parking lot area at the beach during certain hours keeping it consistent with other town facilities.

Chair Nesbitt called for public comments. There were none.

Chair Nesbitt called for Council comments:

Councilor Higgins questioned if gate at the street end of Newbegin Way will be locked when the facility is closed.

Mr. Billington said when the attendants leave for the day they will lock the gate.

Chair Nesbitt called for additional Council comments, hearing none, he called for the roll.

**VOTED TO MOVE THIS TO FIRST READING AT THE MARCH COUNCIL MEETING: 6 Yeas**

**PUBLIC ITEMS**

There were no public comments.

Councilor Sirpis commended the Public Works Department for the hard work during the recent storms. He said many residents have spoken to him regarding the good condition of the roads in town.

**ANNOUNCEMENTS**

Several upcoming meetings were announced.

**EXECUTIVE SESSION**

Moved by Sirpis seconded by Sargent and voted to move into Executive Session for discussion of personnel matters pursuant to 1 M.R.S.A. §405(6) (A), in addition, the Town Manager will join the Town Council during the Executive Session. There will be no further council action after the Executive Session. (Unanimous)

**ADJOURN**

Moved seconded and voted to arise from the Executive Session. The Council arose from the Executive Session at 8:50 pm by unanimous consent the meeting was adjourned.

Submitted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk/Secretary