

Standish Town Hall

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Town Council Meeting Minutes 10/9/2012

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**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, OCTOBER 9, 2012
STANDISH MUNICIPAL CENTER
7:00 P.M.**

CALL TO ORDER

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

ROLL CALL

Councilors present: Blanck, Olson, Pomerleau, Sargent, Spencer and Stack.

Councilor Thompson was excused.

MINUTES OF PREVIOUS MEETING (S)

The minutes from the September 11th, 20th and 25th meetings were accepted as presented by unanimous consent.

PETITIONS AND COMMUNICATIONS

There were no petitions or communications at this meeting.

REPORT OF THE TOWN MANAGER

Mr. Billington announced that the Recreation Department will hold it's annual Halloween Party on the 27th from 6 pm – 8 pm at the George E. Jack School. In addition, the department will hold it's Run for a Reason road race on the 28th at 10 am. The race starts and ends on Moody Road, the course travels Route 35 to Sebago Lake Village and back to Moody Road. The race proceeds will be split between the Johnson Field Playground Fund and the VIP's Program.

Mr. Billington explained that Steep Falls Village has been selected to by Sustained Southern Maine to be part of a pilot project to have an innovative planning project designed to make that community more prosperous. A kick-off meeting will be held next week at the town offices to discuss the process.

Departmental Presentation – Town Clerk provided an update on the upcoming November 6 election highlighting the absentee process.

Maine Preservation – Christopher Closs said that he was here to explain preservation easements. He explained that Maine Preservation is a statewide 503 (C) (3) organization established in 1973 whose mission is to advocate for the preservation and economic development of buildings and other historical resources. As background information, they have a revolving fund of \$150K to acquire options on properties either when they are for sale or threatened. The option is usually for six months to a year depending on the circumstances. They would assume the responsibility of selling the property for the owner, if that is successful, the owner gets the pre-agreed price. Maine Preservation would then encumber the property with a preservation easement through perpetuity. He explained that this process allows them to save buildings when they're threatened and find the right buyer. He said that the easement is one of the bundle of rights, it may be real property or simply land. The bundle of rights includes mineral, air to rights to pass, and so forth. A preservation easement allows an owner to convey that easement to another person for safekeeping. He said that Maine Preservation currently holds easement on seven properties across the state. This instrument has economic implications for the owner as well, there could be tax incentives for the owner, however, that would not be a concern to a municipality, tax income would be. He went on to explain that a preservation easement would put some limitations on what can be done with the property in the future. It would allow the owner to proceed with normal maintenance procedures. When it comes to major improvements

such as window upgrades or changing the siding, the owner would have to consult with Maine Preservation before proceeding, the easement then is referred to before making the improvements. An endowment is also associated with the property to provide for costs of future inspections possible through various owners. The endowment's principal can be used for legal costs to enforce the preservation easement. He said that he did not believe that this process would be the right fit for the town. He cited the reasons that allow properties to be eligible for their program, including that the building would have to be listed or eligible to be on the National Register of Historical Places and the endowment fee of \$25,000 would be collected. He said that he didn't think that a municipality would be interested in the endowment portion of their requirement. He went on to say that the Town could use their model create an easement and an endowment. He went on to say that when rehabilitated these buildings become anchors for new development. He noted that studies show that management of historic districts often lead to higher tax revenues and valuations, he went on to say that historic districts often maintain their value even through a recession. He said that staff from Maine Preservation were able to take a look at the outside of the building a few weeks ago and it is their opinion that there an opportunity there for the Town of Standish to create some economic development on a small scale.

Councilor Blanck asked that he clarify the six-month option. He then questioned if they would then market the building and what would be their percentage.

Christopher Closs said that they would market it to a small group that has an interest in historic properties, but it will also be listed in the multiple listing. He said that the after sale recovery varies but it's regulated by the presale agreement with the owner which will include the \$25,000 endowment. Maine Preservation likes to recoup a couple of percent for their time. He went on to explain the standards that they use when improvements are made to the property. First, the owner should rehabilitate by reusing the fabric that is there. If that can be done effectively or economically the next step would be to replace in kind matching the details that are there. The third step would be to replace with new if the original materials are not known.

Councilor Stack asked if they had offered their services to other municipalities.

Christopher Closs said that the in the seven easements that they hold none are with municipalities, but there is nothing preventing them from working with a municipality.

Councilor Stack noted that our ordinances require a bid process for the sale of property.

Christopher Closs noted that there are tax incentives for individuals that might own historic buildings.

Mary McNeil of Steep Falls asked the speaker his opinion if the building would be eligible to be placed on the Historic Register.

Christopher Closs said that he spoke with the Maine Historic Preservation Commission in Augusta it was their opinion from information they received from a highway project that indicated that the building would be eligible for placement on the historic register. As it turns out it is eligible. To be eligible for tax credits it has to be on the register.

PUBLIC HEARINGS

101-12 Application Submitted by Jack Lee dba Karry Out, Inc. Located at Colonial Market Place for renewal of a Malt and Vinous Restaurant License [Spencer]

After a Public Hearing without public or Council discussion the Council Voted on the order and the hearing was closed.

VOTE: 6 Yeas

102-12 Application Submitted by Bon Appetit Management Company at St. Joseph's College for renewal of a Malt, Spirituous and Vinous Qualified Caterer License [Spencer]

After a Public Hearing without public or Council discussion the Council Voted on the order and the hearing was closed.

VOTE: 6 Yeas

103-12 Application Submitted by Brian Bailey dba Mediocre Deli Located at 131 Ossipee Trail West for

a New Malt and Vinous Restaurant License [Spencer]

After a Public Hearing without public or Council discussion the Council Voted on the order and the hearing was closed.

VOTE: 6 Yeas

COMMITTEE REPORTS

Councilor Pomerleau explained that Capital Improvements met to discuss roads to be improved over the next few years. Some road work may come under budget and they'd like to use this money to make improvements to the curve on Job Road or improvements to Chicopee Road.

Councilor Pomerleau announced that the Public Safety Fair will be held here on Saturday from 10 am until 2 pm. A great day is planned with many events.

Councilor Sargent explained that the Appointments Committee is waiting for the results of the Charter referendum regarding the Budget Committee to schedule interviews.

Councilor Olson said that the October 15 Economic Development Committee meeting is cancelled due to lack of agenda items.

Councilor Blanck noted that the Ordinance Committee met last month to put the finishing touches on the Conservation Ordinance which has now been sent out for legal review. It should be on the November Councilor agenda. The committee is also working on an ordinance related to drive-through's.

Councilor Stack said that the Route 113 Corridor Committee will meet on October 18 in Hiram. They will discuss the corridor management plan which will allow them to qualify for funds for the Scenic By-way.

Chair Spencer said that on October 17 MDOT will hold a hearing on the Route 35/White's Bridge Road intersection proposed improvements.

Gordon Billington noted that construction drawings of the proposed changes are posted in the lobby at the Municipal Center.

CONSENT CALENDAR

The Clerk read the titles of the consent calendar items noting that the items are voted on by one vote.

104-12 Acceptance of Street Name – Southridge Drive Extension [Spencer]

105-12 Appointment of Ballot Clerks [Spencer]

106-12 Waive No Parking Restriction on Saco Road for Annual Craft Fair held by the Trustees of the Old Red Church [Spencer]

VOTE: 6 Yeas

UNFINISHED BUSINESS

29-12 Amendment to Standish Town Code, Chapter 181, Part 1 Zoning, §181-7.1 Standish Corner District (Referred to Ordinance Committee at the June 5 Meeting) [Stack]

This item remained in committee

NEW BUSINESS

107-12 Amendment to Standish Town Code, Chapter 263, Vehicles and Traffic, Section 263-5, Closing of Roads for Winter Maintenance (Introduction) [Blanck]

Councilor Stack asked if this would accommodate the house on the right-hand side, so we'll be plowing to that driveway.

Gordon Billington said that was his assumption.

This item was moved to First Reading at the November Council meeting.

108-12 Resolution Proclaiming October 22nd through October 28th 2012 as Free Speech Week [Town Council]

Moved by Pomerleau seconded by Spencer and vote to dispense with the reading of the resolution. (Unanimous)

VOTE: 6 Yeas

109-12 Waive Bid Process Bid for Purchase of a Bus for the Recreation Department and Award Contract [Pomerleau]

Councilor Pomerleau noted that \$20,000 is in the budget for the purchase of a bus for the Recreation Department. He explained that busses over 14 passengers require certification for the drivers, which it is sometimes a difficult task to find a qualified driver. Some research has been done online to locate a suitable bus; to purchase this vehicle through the bid process is difficult since there are a limited numbers of suitable vehicles available. O'Connor's recently took in three busses, two of which are 14 passenger busses at a cost of approximately \$10,000 per bus. The purchase of two busses would be a great benefit to the Recreation Program. He suggested that this be put on hold to obtain some additional information.

Moved by Pomerleau seconded Stack and voted to postpone this item until the November Council meeting.

Moved by Stack seconded by Blanck and Voted to add order 110-12 to the Agenda. (Unanimous)

110-12 Resolutions Regarding Funding for Water Utilities [Stack]

Moved by Pomerleau seconded by Sargent and voted to dispense with the Clerk's reading of the order. (unanimous)

Councilor Stack explained that small water companies are running into trouble because they are losing customers. He said that the PUC is looking at several alternatives to try to help these small companies. One of the alternatives is to establish a universal service charge levied on all water rate payers in the State of Maine. He said that he was not in favor of this and resolution supports that opinion.

VOTE: 6 Yeas

PUBLIC ITEMS

Pam Slattery-Thomas asked when the bid for the sale of the old town hall would be announced.

Chair Spencer said it will be announced when a decision is made, the bid has been opened but Council has not discussed the process yet. She said that they are having an Executive Session this evening.

Pam Slattery-Thomas questioned why they needed to go into Executive Session to discuss this matter.

Councilor Pomerleau said that the Council has not spoken about this matter since the last meeting, and the normal course of events is to hold an Executive Session to discuss real estate matters.

ANNOUNCEMENTS

Councilor Blanck suggested that they hold a workshop discussion relating to the Transfer Station and use/misuse of the facility by what might be ineligible persons.

Councilor Pomerleau noted that perhaps the Sheriff's Department could help in the process of identifying if users of the Transfer Station.

Councilor Blanck announced that the VIP's would be holding a car seat check at the Public Safety Fair this weekend.

Councilor Pomerleau said that he'd like a discussion of the local fireworks ordinance at the workshop. He'd also like

to have a discussion at a future workshop regarding the Towns methods that can be used to sell proprieties.

Several upcoming meetings were announced.

EXECUTIVE SESSION

Moved by Pomerleau seconded by Sargent to move into an Executive Session to discuss a real estate matter pursuant to 1 M.R.S.A. Section 405(6)(C), in addition the Town Manager will attend the Executive Session.
(Unanimous)

ADJOURN

Moved Seconded and voted to arise from the Executive Session. The Councilor arose from the Executive Session at 9:10 pm by unanimous consent and meeting adjourned.

Submitted by: _____
Clerk/Secretary