

Town Council Meeting Minutes 11/13/2012

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, NOVEMBER 13, 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, Sargent, Spencer and Stack.

Councilors excused: Olson, Pomerleau and Thompson.

MINUTES OF PREVIOUS MEETING (S)

The minutes from the October 9th and 30th meetings were approved by unanimous consent.

PETITIONS AND COMMUNICATIONS

Mr. Billington noted that he had put a copy of a letter in their packets this week from a resident in the Shaw Acres neighborhood regarding noise from fireworks during the summer.

REPORT OF THE TOWN MANAGER

Mr. Billington spoke on the following topics:

- The November 19 Economic Development Committee meeting has been cancelled.
- The Public Safety Department had 25 calls during the recent storm. In addition, since providing EMS service to the Town of Baldwin the Department has made 45 runs which is right on track for the anticipated 60 to 80 calls per year.
- On Election Day 5,100 votes were cast of that approximately 1,300 were absentee voters.
- The Recreation Department held a Halloween party on October 27 at which 200 pounds of food was donated to Catherine's Cupboard. The Summer Spectacular Committee has started to meet to prepare for next year's program, it will be built around a historic theme. The Christmas tree lighting will be held on December 6 at 5:30 pm, both Santa and Mrs. Claus will attend the event. The Santa calling program will be held on December 13.

Departmental presentation was provided by Roger Mosley the Director of Public Works. Roger Mosley said that at the Transfer Station the household waste and recycling are at the same rate that they've been in the past. He explained that November 8 through the 15 is Maine Recycles Week. He and a representative from ECO Maine have attended assemblies at the grammar schools to kick-off the recycling calendar program. He noted that there are four locations in town for recycling; Patch's Store, Steep Falls Fire Station, George E. Jack Elementary School and at the Transfer Station. Last year at the Transfer Station, they rebuilt the compactor to allow easier access for recycling.

On September 29 a Household Hazardous Waste day was held and attended by approximately 100 residents. The Manchester Road has been rehabilitated from Route 25 to Susan Drive. Additional paving will be done in the spring on both Manchester and Emery Roads. Spring maintenance will include ditching and culvert work. Recently they have replaced three culverts, one on Cape Road, one near Sensata and one by Sebago Lake Church. Two of the three culverts were on state roads that we recently took as compact roads; he noted that we'd see more maintenance costs on these compact roads. He said that they are monitoring the water level at the boat launch because they plan on replacing the planking at the launch. In closing, he said that with winter approaching, he wanted residents to know that mailboxes are private property place in the public way at the owner's risk. He explained the requirements and location of where the mailboxes can be placed.

A Public Safety Fair update was provided by Frank Holcomb. He delivered an overview of the day and thanked many of the participants for their efforts. He went on to thank the local businesses that donated merchandise to the fair. A written report is on file with these minutes.

Councilor Stack thanked Frank Holcomb, Councilor Pomerleau and the other members of the committee for their hard work on this program.

PUBLIC HEARINGS

There was not a public hearing at this meeting.

COMMITTEE REPORTS

Councilor Sargent announced that there were two applicants that will be brought forward on a council appointment order this evening for Budget Committee, he noted that he'd like to have the applicants voted on separately.

Councilor Blanck stated that the Ordinance Committee has been working on the drive-through and conservation ordinances, both of which will come forward tonight. The Ordinance Committee will meet next Tuesday night to discuss a fireworks ordinance.

Chair Spencer explained that the Finance Committee met last week and the town's finances are on track.

CONSENT CALENDAR

There were no consent items at this meeting.

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]

Moved by Stack seconded by Blanck and voted to take this off the table. (Unanimous)

Councilor Blanck explained that the Ordinance Committee was charged with developing an ordinance for drive-through's. He said that when they started to look at the ordinance they discovered that there was nothing relating to drive-through's in the entire town. They wrote an ordinance for the entire town not just the town center. He said that specifically for the town center, drive-through's will be allowed. Restaurants will not be eligible for a drive-through, however, banks and drug stores will, if the drive-through is located in the back of the building.

Mr. Billington suggested that they amend the current order and replace it with the new wording.

Moved by Blanck seconded by Stack to remove the wording in order 29-12 after the first paragraph and replace it with the new wording. (Unanimous)

Moved seconded and voted to move this item to First Reading at the December meeting. (Unanimous)

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

Roger Mosley explained that this is describing the area where there will be no maintenance provided.

Moved seconded and voted to move this to public hearing at the December meeting of the Council. (Unanimous)

NEW BUSINESS

112-12 Town Council Appointments to the Budget Committee [Sargent]

Councilor Sargent explained that the Appointments Committee met on October 30 to review pending applications. He noted that he would like to vote on the applicant's separately. The first applicant is Carolyn Brown.

Dan Kasprzyk a resident of Standish explained that he dropped off two applications for the Budget Committee today and would like for them to hold off on this order so that they could review all the applications for the openings.

The Clerk explained that she had told Mr. Kasprzyk that the Appointments Committee would have to review the applications prior to them being placed on the Council agenda.

Councilor Sargent asked Councilor Blanck's opinion of this.

Councilor Blanck said that they can work on what they have and appoint other members later.

Mr. Kasprzyk said that it was his opinion that they now have four candidates and three openings; he thought that they should discuss which of the candidates would be best suited for the three openings.

Moved by Sargent seconded by Blanck and voted to postpone this order. 3 Yeas – 1 Nay, Stack—Motion Failed

Moved by Sargent seconded by Blanck and voted to add the name of Carolyn Brown to the order. (Unanimous)

Councilor Sargent said that the second name they have is that of William Orr. Mr. Orr has applied for both the Planning Board and the Budget Committee. Councilor Sargent said that they had discussions about this applicant and the two of the Committee members had reservations regarding this applicant. The Committee decided to bring it to the full Council for consideration.

Moved by Stack seconded by Sargent and voted to add the name of William Orr to the order. (Unanimous)

Councilor Blanck said that the October 31 edition of the Shopping Guide had an ad placed by Mr. Orr stating that the Town Council wanted to eliminate the Budget Committee. He went on to say that the ad was total misinformation. He explained that a previous Budget committee member came before the Councilor to discuss if there was still the need for a Budget Committee. He said that then at a subsequent Council meeting an order was brought forward to eliminate the Budget Committee or do something else. When the order was discussed the public input overwhelming encouraged the Council to reduce the number of members on the Budget Committee to facilitate reaching a quorum. The Council heard what the public said and changed the order to reduce the number of Budget Committee members from nine to seven. He said that at the referendum vote over 4,000 voted in favor and approximately 900 against, he said they consider that overall approval. He said that he didn't know why the misinformation was published. He said that it was his opinion that Mr. Orr could not be unbiased on the Budget Committee.

Councilor Stack said that he would like to give Mr. Orr the opportunity to speak to this.

Councilor Sargent cited a Budget Committee decision that Mr. Orr didn't agree with at which time Mr. Orr wrote a dissenting opinion rather than supporting the Committee's opinion on the matter. Councilor Sargent went on to say given his past history, he in good conscience couldn't appoint this person to the Budget Committee for a variety of reasons. He said that that Mr. Orr could run for the seat, he as a private citizen could have a difference of opinion, however, when you're a member of a committee and agree to the democratic process and you have a majority opinion and a member refuses to go along with it, it undermines the committee. Councilor Sargent said for those reasons he could not support the nomination to the Budget Committee.

William Orr said that there are two things that he'd like to discuss. The reason that the article was published was because the ad was running on the town public address channel that the Budget Committee was going to be eliminated. He went on to say that at the October 9 Council meeting Councilor Sargent indicated that there might not be a Budget Committee. He said that based on that information he ran the ad, it was his opinion that the information was correct at that time. He said that the town's public address television channel had that information running. He then spoke to the matter about a committee member voting with the majority, he said that a committee member can have their own opinion on any matter. He said that he only put his name forward so the committee would have a quorum. He said now that you have additional names his name could be removed.

Councilor Blanck questioned if they have to vote to remove Mr. Orr's name.

Councilor Stack said that he had a comment regarding the television ad. He said that he saw the ad running the Thursday before the election. He said that he immediately called Mary Chapman, he noted that she was unaware that it was running, she immediately took action to remove the announcement. He said that he can see why anyone would come to the conclusion that the vote was to eliminate the Budget Committee.

The Clerk noted that the ad that was running was for the public hearing for the vote.

Chair Spencer noted at the public hearing the decision was made to change the order from elimination of the Budget Committee to reduce the number of members.

The Clerk said that at the public hearing the people spoke and the Council heard them changed the order to reduce the membership. She noted that everyone at the public hearing or who later watched the meeting would have known of the change.

Pam Slattery-Thomas asked what the criteria was to be on the Budget Committee.

Councilor Sargent said that the Appointments Committee asks the applicants a series of questions, ask about themselves, what their interests are and why would like to serve and what they could bring to the board.

Mr. Kasprzyk asked if he had submitted the correct application.

The Clerk explained that he had, the Appointments committee has a number of questions that they ask during the interview process.

VOTE TO ADD CAROLYN BROWN: 4 Yeas

VOTE TO ADD WILLIAM ORR: 1 Yea, 3 Nays - Blanck, Sargent, Spencer

113-12 Acceptance of Street Name – Pepper Lane [Spencer]

VOTE: 4 Yeas

114-12 Authorize Use of Town Council Contingency Account to Support the Catherine's Cupboard Thanksgiving Basket Program [Spencer]

The Clerk announced that last year the Cupboard served 200 families at Thanksgiving this year they expect to serve approximately 250 families. She went on to explain that residents can support the Cupboard in any number of ways, small cash donations or an entire Thanksgiving dinner at a cost of \$40.

Mr. Kasprzyk asked what is the Contingency Fund's purpose.

Chair Spencer said to support unbudgeted items.

Mr. Kasprzyk suggested to save the taxpayers money he'd write a check for \$250 and give it to Mary tomorrow. He said that he's like to see the contingency funds stay intact for an emergency. He wasn't sure that others would like towns money spent this way.

Isabel Higgins of Bonny Eagle Road said that she had a different opinion, if you have \$8,000 in the fund you could give more to the Cupboard. She said that she'll give money and she's more than happy for her taxes to go to that.

Mr. Kasprzyk said that he applauds her opinion and would like to spend of that money on advertising to raise money for Catherine's Cupboard.

Councilor Sargent said that there is a great need and he's like to see the amount increased.

Moved by Sargent seconded by Blanck and voted to increase the amount from \$250 to \$500. (Unanimous)

VOTE ON ORDER AS AMENDED: 4 Yeas

Chair Spencer noted that the Bottles for Fuel Program and Christmas gift program are in need of support as well.

Mr. Kaprazk suggested that the allocate monies to advertise that these charities are in need.

115-12 Authorize Standish-Gorham ATV Club to Access Certain Public Ways as ATV Access Routes [Spencer]

VOTE: 4 yeas

116-12 Request Meeting with MaineDOT Commissioner Over Route 11 Bridge Concerns [Blanck]

VOTE: 4 yeas

117-12 Approve Memorandum of Agreement with MaineDOT Regarding Improvements to Whites Bridge Road Intersection with Route 35 [Spencer]

VOTE: 4 yeas

118-12 Waive Bid Process for Professional Service Contract Relating to Standish Beach Project [Stack]

William Orr asked why we are always waiving the bid process, why is that necessary.

Councilor Stack said the reason why the town would like to go with Sebago Technics is because they have done work on this project for us in the past and this is really a continuation of the work they have done in the past.

William Orr said that he didn't have a problem with them he has a problem with waiving the bid.

Mr. Kasprzyk said that he was concerned too, because the bid process will get the best deal. He remembered a past discussion where Councilor Pomerleau had explained that contract pricing was much better when the bid process was used. He asked if they were charging the appropriate rate, he encouraged that they go with a bid to get the most competitive rate. In addition, just because we've done business with a company for years, we should still use the bid process.

Councilor Stack said that the Committee is at a point where they need to tie down the access to the proposed beach from Harmon's Beach Road. He said that they need access over three properties to get to the beach area. They need to identify where the right-of-way will lay, acquire easements either fee simple or right-of-way to the Water District land.

Councilor Blanck also questioned waiving the bid, it appeared to him that any competent surveyor could do the work. He said that the Beach Committee has been working of a long time and he didn't think another thirty-days would matter. He would like to see this go to bid.

Gordon Billington said that we are also asking them to layout the proposed road, a surveyor wouldn't be able to do that part of the contract. He noted that the Charter has guidance for the bid process but allows the process to be waived. He noted that the dollar value needs to be increased to \$9,500 to cover the increased cost of the inclusions. He asked the Clerk to read Section 302 of the Charter which explains the bid process.

Moved by Stack seconded by Blanck and voted to amend the amount from \$8,500 to \$9,500. (Unanimous)

VOTE ON ORDER AS AMENDED: 4 Yeas

119-12 Amendment to Standish Town Code, Chapter 181, Land Use – Part 1 (Zoning) and Part 3 (Subdivision Regulations) (Introduction) [Blanck]

Moved by Blanck seconded by Stack and voted to dispense with the Clerk's reading of the ordinance. (Unanimous)

Councilor Blanck explained that this is a sixteen page document. This Conservation Ordinance will allow a developer to have more buildable lots if a certain amount of land is set aside for conservation purposes such as public access trails and an number of other public access opportunities. This public access land would be public land in perpetuity. He noted that he would like Bud Benson the Town Planner to give a presentation regarding this at the December Council meeting.

Councilor Stack said that the whole idea of this ordinance is to preserve item of interest to the town on land that might be developed. He said that that the intent of the committee is to recognize items in town that need to be conserved.

Councilor Sargent said that the Ordinance Committee has worked long and hard on this ordinance.

VOTED TO MOVE THIS TO FIRST READING AT THE DECEMBER MEEING: 4 Yeas

ANNOUNCEMENTS

Several upcoming meetings were announced.

PUBLIC ITEMS

William Orr reiterated that the Charter didn't allow the bid process to be waived.

Gordon Billington explained that earlier Section 302 (F) of the Charter was read which provides for waiving the bid process by order of the Council.

Mr. Kasprzyk asked where could he find the Charter on the website.

Mr. Billington explained that the Charter and all of the Town's ordinances are on the website.

EXECUTIVE SESSION

An executive session was not needed at this meeting.

ADJOURN

Moved seconded and voted to adjourn. The meeting adjourned at 8:36 pm by unanimous consent.

Submitted by: _____

Clerk/Secretary