

Standish Town Hall

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Town Council Meeting Minutes 2/12/2013

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, FEBRUARY 12, 2013
STANDISH MUNICIPAL CENTER
7:00 P.M.**

CALL TO ORDER

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

ROLL CALL

Councilors present: Blanck, Olson, Pomerleau, Sargent, Spencer and Stack
Councilor Thompson was excused ~~absent~~.

MINUTES OF PREVIOUS MEETING (S)

Councilor Blanck noted page three of the minutes needed to be amended as follows:

...He noted that this ~~ordnance~~ ordinance will allow drive-through's throughout the town, at Standish Corner there will be user friendly drive-through's located at the rear of the buildings, for businesses such as banks and pharmacies. The minutes were approved with these amendments by unanimous consent.

PETITIONS AND COMMUNICATIONS

There were no petitions or communications submitted at this meeting.

Councilor Stack the Commander of Standish Memorial Post 128 of the American Legion introduced the Post's Sergeant at Arms, Bruce Roubo to the assembly. Mr. Roubo presented a replacement Blue Star Banner to Town Manager, Gordon Billington. Mr. Roubo explained that the Blue Star Banner program is to recognize the service of military members. He noted that families of military personnel could obtain a banner for their home by contacting him at 642-5583. He announced that Post 128 would hold a Blue Star Salute at the Kiwanis Field on May 18 from 9 am until 3 pm. He encouraged all to attend this event and show their support for the military.

REPORT OF THE TOWN MANAGER

Mr. Billington spoke on the following items:

*The Public Works Department has had a fairly reasonable winter with the exception of the blizzard that we just had. One vehicle broke down during this last storm, it was towed back to the Public Works Garage where they repaired it.

*Recently the town purchased two buses for the Recreation Department. The buses have been put to good use and are reported to be comfortable.

*He has had several discussions with Mark Parlin of MDOT regarding the replacement of the

Limington Bridge on Route 11. A public hearing was held to solicit input from residents. MDOT has decided to replace the bridge rather than rebuild it. During the hearing a discussion was held to build a temporary bridge or do without during the construction process. During the public hearing the residents supported not having a temporary bridge during the process. Mr. Billington explained that if a temporary bridge was not put in place it would lengthen the time of EMS to calls to Limington for mutual aid. In addition, Limington would be unable to use the hydrants in Steep Falls if necessary. The Town of Limington has requested that a dry hydrant be installed by MDOT during the construction. Mr. Billington encouraged MDOT to contact Poland Springs and other businesses to gather their input on the matter. At the public hearing MDOT announced that they would not construct sidewalks unless the town has sidewalks approaching the bridge. MDOT will not construct sidewalks on the bridge unless the town provides matching funds; the approximate cost to expand the bridge to accommodate sidewalks would be a cost of approximately \$50,000 to each Standish and Limington. MDOT said that if the town committed to building a sidewalk MDOT would build the bridge with a sidewalk to accommodate snowmobiles at no cost to the town.

*He received an email from Jen Dunphy regarding the hard work that the Public Works Department did for the town during the storm. In addition, during the storm a woman stayed at the Public Safety Department while waiting for a ride to Auburn.

Councilor Stack questioned that we would be starting the process for a Village Master Plan in Steep Falls, should this be part of that process.

Mr. Billington noted that there is an effort right now called Sustained Southern Maine Initiatives to assist municipalities to develop their villages in an economic and transportation friendly manner. Next month there will be a full-day seminar expressing the developers prospective.

Councilor Stack questioned if the timing would mesh on the bridge and village projects.

Mr. Billington said that he didn't believe that the state would hold off, however, he could make them aware of the Village Plan and the study group.

Councilor Blanck noted that the Comprehensive Plan indicated that sidewalks were needed on Route 11 due to the narrow road. He then questioned if both towns needed to build sidewalks.

Mr. Billington said that the MDOT representative indicated to him if the Town of Standish committed to build sidewalks to the bridge then they would build the bridge with sidewalks.

Councilor Pomerleau voiced that he was concerned that many use the bridge; and sidewalks are needed.

Mr. Billington said that he would call MDOT to ask them to hold-off on any decision until after the meeting next month.

Mr. Billington announced that Dan Hill will present his report next month.

PUBLIC HEARINGS

6-13 Application Submitted by Daniel Roberts/DDZC LLC dba Maine Street Grill for Renewal of Malt, Spirituous and Vinous Restaurant/Lounge License (Class XI)

[Spencer]

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

VOTE: 6 Yeas

7-13 Application Submitted by Daniel Roberts dba Maine Street Grill for Renewal of a Special Amusement Permit [Spencer]

Councilor Stack questioned the outdoor seating on the patio.

The applicant, Daniel Roberts, said that there was outdoor seating and had always been part of the application.

The Clerk noted that the Fire Department needs to sign off on the inspection.

Chair Spencer noted that is written to say upon approval.

After a Public Hearing without additional public or Council discussion the Council voted on the application and the hearing was closed.

VOTE: 6 Yeas

8-13 Application Submitted by Daniel Roberts dba Maine Street Grill for a New Pool Room License [Spencer]

The Clerk noted that the Fire Department needs to sign off on the inspection.

Chair Spencer noted that is written to say upon approval.

Councilor Pomerleau asked where the pool room was located.

The applicant, Daniel Roberts, explained that it was on the second-floor.

Councilor Olson said that she was pleased to learn that they were doing well.

After a Public Hearing without additional public or Council discussion the Council voted on the application and the hearing was closed.

VOTE: 6 Yeas

9-13 Application Submitted by Peggy York dba 1 Island Drive Affinity for a New Combined Massage Establishment/Therapist License [Spencer]

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

VOTE: 6 Yeas

COMMITTEE REPORTS

Councilor Pomerleau noted that the Public Safety Committee met to discuss the potential

roundabout at Route 25 and Manchester Road. The committee does not support a roundabout at that location. He noted that the committee is ramping up for the next Public Safety Fair.

Councilor Pomerleau explained that Capital Improvements met to discuss the 10-Year Capital and road plan.

Councilor Sargent noted that the town continues to look for board and committee members.

Councilor Sargent said as a follow-up to a citizen request he contacted neighboring towns regarding contributions to their local historical society. He explained that he contacted six towns, four responded and their contributions varied: **Gray** a \$1 a year lease for a building to several thousands of dollars for repair of a roof; **Gorham** hasn't recently received funding; **Windham** gave a storage shed 10 years ago, typically a few thousand dollars a year is received from the town; **Buxton** has helped with projects in the past, but it's not automatic, last year they received \$2,000. He went on to say that as a Council they were not aware of some of the needs until it was brought to their attention during the discussion of the building. He said that he would suggest to the Historical Society, if they have a major project or are looking for funding that they submit a request during the budget process.

Councilor Pomerleau questioned if other towns had Historic Commissions like Standish.

Chair Spencer said that our Commission is inactive.

Councilor Stack explained that there is a difference between a Historical Society and a Historical Commission. A Commission would work to distinguish buildings or locations of historic interest. He said that the Commission is not manned at this time. The Historical Society is different.

Councilor Olson said that the Economic Development Committee did not have a formal meeting this month. However, two members and the Town Manager met with new director and the president of the Sebago Lakes Region Chamber of Commerce to discuss the direction that the Chamber is moving towards and ways of working with the Town.

Town Manager, Gordon Billington interjected that the Chamber would like to meet with local businesses. He gave them contact information for Ruth Warren of Marketplace Gifts as a local business leader.

Councilor Blanck explained that the Ordinance Committee met to make the final touches to the Fireworks Ordinance that will be introduced tonight. The Committee will meet next Tuesday to continue their work on a number of ordinances.

Chair Spencer spoke to the dates and times that fireworks would be allowed noting that a neighboring town allows residents to hold a fireworks display on a certain night by a permit process.

Councilor Blanck said that permitting would not be covered by this ordinance.

Gordon Billington said that it was his opinion that the Council could grant a waiver from the provisions of the ordinance for a special event.

Chair Spencer questioned if the resident came to the town late in the timeline could the Town

Manager grant the request.

Gordon Billington said that the Council would have to approve it since they are the legislative body.

Chair Spencer noted that the Finance Committee meeting was postponed due to the weather. She urged listeners to support the Bottles for Fuel Program.

CONSENT CALENDAR

There were no consent items at this meeting.

UNFINISHED BUSINESS

There was no unfinished business at this meeting.

NEW BUSINESS

Moved by Spencer seconded and voted to move order 15-13 to the top of the agenda. (Unanimous)

15-13 Receive Sebago Lake Village Master Plan Advisory Committee's Final Report [Olson]

Terry DeWan explained that several weeks ago he provided an in-depth presentation, so he will keep this brief. He said that had been a pleasure to work Lynn Olson and the committee members, residents, business owners and others on this project. He went on to say that this is a true representation of their desires due to their participation. He noted that back in 2002 there was a vision plan that talked to future of the village. What this plan has done is provide a road map for the town to follow. The plan itself breaks the village into sections, then they looked at each section in depth. Some of the village wide recommendations include zoning changes and further work with other professional; developing a pedestrian network; neighborhood designs and other details.

Gordon Billington said that through discussions with the Chair of the Ordinance Committee it was thought that a meeting on March 19 with Mark Eyerman would best for the town.

Lynn Olson said as Chair that it was a pleasure working on this committee with the three firms. She thanked Bud Benson for his contributions; and committee members Elizabeth Perry, Brenda Walker, Beth Nelson, Herbert Woodbrey, Bruce Smith, Brian Willis, Malcolm Tevanian, TJ Davis, Vinny Plummer, Diana Allen, Carol Billington and Garrett VanAtta. She noted that many citizens and interested parties participated which made the process work well.

Councilor Pomerleau explained that he had many residents stop to speak with him about the plan. He said that it all came together well.

Councilor Stack thanked Lynn Olson and Terry DeWan for their efforts in being sensitive to the residents concerns. He went on to say that he wanted to make sure that the petition from the citizens was included in the plan.

Councilor Olson said that the petition would be part of the plan.

Dan Kasprzyk asked here could he find the report on the website.

Councilor Olson said that when it's available it will be put on the website.

VOTE: 6 Yeas

**10-13 Amendment to Standish Town Code, add Chapter 144, Fireworks (Introduction)
[Blanck]**

Moved by Sargent Seconded by Pomerleau and voted to dispense with the Clerk's reading of the ordinance.

Councilor Blanck said that in 2011 the Council met at a workshop to discuss what direction the town wanted to go in regards to fireworks. At that time, the consensus was that we would follow the provisions of state law. Since that time there have been a lot of complaints from the public regarding fireworks, it was decided that the town would develop an ordinance and that's being presented tonight. He explained that the ordinance allows fireworks on specific days and at certain times. He noted one caveat, if the town is not issuing burn permits on a particular day, fireworks would not be allowed in that day as well. He noted that there is a penalty that will be levied to violators of the ordinance. He voiced his concerns regarding fireworks noise coming from other towns and on the lake.

Jeff Cutler of Dow Road suggested that the town institutes a permit process for the authority use of fireworks. He was pleased with the flexibility that the Ordinance Committee was trying to provide, however, he was surprised that we could celebrate professional sports teams, but special family events are not recognized. He asked the Council to reject this initial proposal and find a little more flexibility so that families can recognize some special events.

Chair Spencer said that if people are planning a big event bring the plans before the Council and ask for special permission.

Jeff Cutler said that he only knew about this because someone tipped him off. It was his opinion that many weren't aware of the ordinance. He offered the idea of fireworks being issued in the same manner as burn permits at the Dispatch Office rather than going before the Council.

Chair Spencer explained that this is the introduction, next will be the first reading, then public hearing, she invited him to come back to the meetings. She went on to say that due to the location of where she lives she first hand is aware of fireworks issues.

Councilor Blanck said that many residents are concerned by others use of fireworks. He said that ordinances can always be amended.

Councilor Olson applauded Mr. Cutler's comments and for bringing forward ideas to the Council.

Dan Kasprzyk said that he agreed with Mr. Cutler's comments. He said that he too has experienced others use of fireworks first hand.

Chair Spencer said that 12:30 a.m. is too late. In addition, she likes the idea of some sort of a permit process.

Councilor Pomerleau said that the calls that he has received were from people that had to get to bed and while their neighbors were setting off fireworks. He was concerned with the term "Special Events" because it is vague.

Councilor Sargent explained that the Ordinance Committee worked long and hard on this, they looked at a number of model ordinances to craft it to be simple but still available to townspeople. He personally didn't like to limit resident's freedom; the state enacted the law that allows municipalities to set limits. He said now here we are trying to come up with a reasonable solution to a multi-headed problem. He said that this ordinance is a compromise, but he's open to reasonable suggestions.

Councilor Olson said that the Ordinance Committee did a good job preparing this ordinance, but she was interested in Mr. Cutler's suggestion of a permit process.

Chair Spencer said that the people that we're trying to send the message to are renters and they are not going to be aware that we're sending a message.

Councilor Stack said that it was his opinion that fireworks are a Fourth of July event . To extend it to anyone that wants to hold an event – he wasn't sure that he agreed with that idea. He said that this is a good solid ordinance; he didn't want to put a burden on Fire Chief to administer the issuance of any permit. He said that he was in support of the submitted ordinance.

Councilor Blanck said that they could explore a permit process which could be limited to a number of permits per year and specific occasions. He said that he would like to have this move forward and revise if necessary.

Councilor Sargent concurred that he'd like to see this ordinance move forward and possibly amended later.

Moved seconded and voted to forward this ordinance to First Reading. (Unanimous)

11-13 Authorize Standish Memorial Post 128 of the American Legion to Hold a Charity Toll on Moody Road [Stack]

VOTE: 6 Yeas

12-13 Annual Recommendation to Adopt of 10-Year Capital Plan [Pomerleau]

Councilor Pomerleau explained that the Capital Plan is put together so we know where our big dollars expenses are coming each year. He noted that it is changed each year to keep current.

VOTE: 6 Yeas

13-13 Call for Public Hearing for the FY 2014 Municipal Budget [Spencer]

VOTE: 6 Yeas

14-13 Town of Standish Town Council Orders Authorizing Tax Anticipation Borrowing

[Spencer]

Moved Olson seconded Blanck and voted to dispense with the Clerk's reading of the order.
(Unanimous)

Finance Director, Scott Gesualdi said that occasionally the town needs to borrow money to meet financial responsibilities. He said he would not use it until it was necessary.

Councilor Stack is needed because operating funds may become low, it will tide us over until tax money starts coming in.

VOTE: 6 Yeas

16-13 Authorize Contract for Site Work Related to Standish Beach Project [Tompson]

Councilor Stack noted that this is for vernal pool investigation which needs to be accomplished in April.

VOTE: 6 Yeas

17-13 Approve the Use of Capital Funds for Repairs to Job and Chicopee Roads [Pomerleau]

Councilor Pomerleau explained that a couple of major road projects cost came in less expensively than expected providing funding for the repair of these two roads.

Dan Kasprzyk was concerned that the bond money was being used and not being returned to reduce the cost of the bond.

Finance Director, Scott Gesualdi explained that the bond cannot be repaid early. He went on to say that through the referendum process it is mandated that money bonded for roads is only spent on road repair.

Dan Kasprzyk suggested that more road work should be done when we get our quotes.

Councilor Olson said that with fluctuation with the price of asphalt no one can guess the price of petroleum based products in the future. She said that it's always the best estimate.

Chair Spencer showed the road repair schedule and explained that when there are surplus funds are spent on the next priority road.

Councilor Pomerleau wanted people to understand that bond money is always spent in an appropriate manner as stated in the referendum question.

Councilor Blanck said when the Capital Improvements Committee meets and reviews the 10-Year Plan and roads list, Roger Mosley is always asked if we can get another year or two out of a road. He said that we don't have surpluses that many times, and this is a case where we can accelerate a road or two.

VOTE: 6 Yes

PUBLIC ITEMS

Pam Slattery-Thomas thanked Councilor Sargent for his work on the other town's budget contributions to their Historical Societies. She noted that the Town of Hiram gave their Historical Society a building.

Dan Kasprzyk said that he stood corrected and apologized if he had offended Councilor Pomerleau. He then questioned Gordy Billington if he had received his most recent email.

Gordy Billington noted that his response to the building use procedures are in the email.

Councilor Sargent said that he welcomed citizen comments; he wished that more residents attended the meetings.

ANNOUNCEMENTS

Several upcoming meetings were announced.

EXECUTIVE SESSION

Move by Sargent seconded by Pomerleau and voted to move into Executive Sessions for the discussions on the following matters and no further business will be transacted:

Real estate matters pursuant to 1 M.R.S.A. §405(6) (C) and Personnel matters pursuant to 1 M.R.S.A. §405(6) (A)

Moved seconded and voted to arise from the executive sessions. The Council arose from the executive sessions at 10:30 p.m. by unanimous consent and the meeting adjourned.

Submitted by: _____
Clerk/Secretary