

Town Council Meeting Minutes 7/9/2013

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JULY 9, 2013
STANDISH MUNICIPAL CENTER
7:00 P.M.**

CALL TO ORDER

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

MINUTES OF PREVIOUS MEETING (S)

Councilors Sargent and Olson cited numerous corrections that needed to be made to the May 14, June 4 and June 15 meeting minutes. The minutes were then approved unanimously taking their comments into consideration.

PETITIONS AND COMMUNICATIONS

Councilor Olson read an email from Peter Bishop regarding his Route 35 property. Mr. Bishop thanked them for their time and efforts especially regarding their recent meeting concerning the town's economic growth.

REPORT OF THE TOWN MANAGER

Chair Blanck announced that Gordy Billington has been recognized by the Greater Portland Council of Governments with the Presidents Award for exceptional leadership in their organization. Chair Blanck said that Mr. Billington was completely surprised and honored by the award.

Councilor Tompson questioned if the roll call would be taken.

Chair Blanck called that the roll call to be taken.

Councilors present: Blanck, Olson, Sargent, Stack and Tompson.

Councilors excused: Pomerleau and Spencer.

Diana Allen a Summer Spectacular Committee member provided a wrap-up presentation highlighting the events of the Standish Summer Spectacular. She announced the names of the sponsors; reviewed the daily events and thanked all that were involved with the Summer Spectacular. She explained that this year's theme was History in the Making. She noted that on the Facebook page someone had posted that our fireworks rocked as compared to the Town of Naples fireworks. This year due to the weather some event's venues needed to be moved which caused the Chandler's Band concert to have low attendance. Diana explained that Historical Society members Glenna Jamison and Pam Slattery-Thomas really became part of the committee this year working really hard, in fact the Taste of Maine event raised \$735 that was earmarked for the Historical Society. She said that Historical Society hosted a pictorial scavenger hunt which offered a \$100 grand prize to the winner. Diana Allen said that Spectacular committee, volunteers from the Standish Congregational Church who hosted a pancake breakfast, Krickey the Clown attended numerous Spectacular venues, the Historical Society, the American Legion, Kiwanis Club, VIPs, other volunteers and sponsors helped make the event successful. She noted that Saturday night Memory Lane Music Hall donated \$5 of the proceeds from the cover charge from a country western band concert to be donated to the Johnson Field Playground fund.

Chair Blanck said that each year this event is bigger and better; he thanked committee members Jeanine Dalton, Diana Allen, Dee Thibault, Bill Tracy and Linda Brooks for their hard work.

Glenna Jamison, the president of the Standish Historical Society expressed her gratitude for their group being selected as the recipient of proceeds from the Taste of Maine event. She said that it would have taken two or three of their regular fund-raising events to reach the level of funding made that evening. She wanted to let the Council know what a great group of dedicated people make up the committee. She went on to thank the sponsors, Town Councilors who attended the events and all that helped make the events possible. She explained that the photo contest was won by Sandra Boutin; since she was the only one that entered the contest she was awarded both the

\$100 and afghan.

Pam Slattery-Thomas thanked Linda Brooks and the four fabulous committee members for choosing the Historical Society as the recipient of the funds from the Taste of Maine. She went on to say that Diana once commented that the purpose of the Committee is to highlight all that is good about Standish. Pam said she has discovered five outstanding examples of that mission in the committee members: Linda, Dee, Diana, Jeanine and Bill. She said that any community would be lucky to have each of them; and Standish is better off that they have picked Standish as their home. She said that she was amongst the guilty who had never attended the festivities prior to this year and will never take it for granted. She went on to say that the members of the committee bring forward the events with efficiency and finesse.

PUBLIC HEARINGS

There were no public hearings at this meeting.

COMMITTEE REPORTS

Appointments Committee – Councilor Sargent noted that the committee did not meet tonight; however, a request from Bruce Smith offering to serve on the Appeals Board has been received. Councilor Sargent said that he would like to waive the Rules of Procedure this evening to add this capable candidates name to the order. In addition, Lester Ordway should replace Steve Nesbitt on the Lakes Region Comprehensive Planning Committee.

Economic Development Committee – Councilor Olson recalled a recent newspaper article that spoke to the Town of Windham's Mind Mixer program that allows citizen online input on town matters. She noted that this program is run on Virtual Town Hall which is web site provider that our town uses, the online Mind Mixer program would be a budgetary item. She went on to say that up until now Standish had not considered a blog on community ideas, there are some volunteers that may be able to assist us in this program, in fact, changing technology will be a topic on the July workshop agenda.

Councilor Olson announced that on July 10 at 8:30 a.m. at the Municipal Center the Sebago Lake Chamber of Commerce and local businesses will meet to discuss ways of making Standish more business friendly. At a previous meeting one of the attendees was so taken by the support, they are moving forward on plans to establish their business here in Standish on Route 25. On Monday, July 15 the Economic Development Committee will meet to discuss the potential of a Tax Increment Financing district.

Route 113 Corridor Committee - Councilor Stack said that the Committee met last month to discuss the Corridor Management Plan. Once the plan is completed they can apply for state funding for various projects along the scenic by-way.

Ad-hoc Beach Committee – Councilor Thompson explained that the Beach Committee met July 2nd due to the holiday. The committee worked on the engineering RFP for the beach properties. Their next meeting is August 1 at 7p.m.

CONSENT CALENDAR

There were no items on the consent calendar.

UNFINISHED BUSINESS

60-13 Execute Revocable License Agreement Regarding Access across Town Owned Property on Oak Hill Road (Referred to Planning Board 6/4/13) [Spencer]

This item remains referred to the Planning Board.

NEW BUSINESS

65-13 Emergency Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as Provided by the Maine Municipal Association [Blanck]

Chair Blanck explained that this is a yearly event that establishes the rates used in the General Assistance Program. This order is an emergency that becomes effective immediately; the next order goes through the town's legislative process.

VOTE: 5 Yeas

66-13 Amendment to the Standish Town Code, Chapter 151, General Assistance Ordinance, Adopt Updated Tables for the Maximum Levels of Assistance as Provided by the Maine Municipal Association (Introduction) [Blanck]

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

Moved seconded and voted to move this ordinance to First Reading at the August 13 meeting of the Council.
(Unanimous)

67-13 Amendment to Standish Town Code, Chapter 115, Cable Television, Franchising § 115-3, CATV System Franchise (Introduction) [Blanck]

Tony Vigue of Cape Road explained that the purpose of this is to bring the ordinance into compliance with the franchise agreement, they are in the process of finalizing the negotiations. He said that Standish is the only town that has a 10-year term; all the other towns now have 15-year maximum term on the franchise agreement. He said that they hope to bring a final draft of the franchise agreement to the Council within the next month.

Councilor Olson commented that the amount of time that Mr. Vigue has spent on this matter is phenomenal. She said that his updates have made the process transparent, his leadership in this matter has made the Town of Standish in a much better position because of his efforts.

Chair Blanck explained that the towns involved in the franchise have Time Warner Cable in their towns, for that Time Warner gives the towns funding for community access TV and equipment.

Councilor Stack questioned if there was the need to do this as an emergency ordinance.

Tony Vigue said that as it turns out it would be helpful.

Moved by Blanck seconded by Stack and voted to add the emergency amendment order 67-13A to the agenda.
(Unanimous)

67-13A Emergency Amendment to Standish Town Code, Chapter 115, Cable Television, Franchising § 115-3, CATV System Franchise [Blanck]

ORDERED that the Town of Standish hereby ordains the following emergency amendments to Chapter 115, Cable Television Franchising Ordinance, effective immediately and stand automatically repealed as of the 91st day following adoption:

§~115-3. CATV system franchise.

C. Duration of franchise. Upon filing by the licensee of the proper acceptance, the bond and the required insurance, a franchise shall take effect as provided therein and shall continue in full force and effect for a maximum term of ~~10~~ 15 years.

Tony Vigue said that some may question why would you want a 15-year agreement for a technology based contract, he said that this is a way to extend the terms of the good provisions of the agreement. The agreement will be effective once it's signed.

VOTE ON 67-13A: 5 Yeas

Moved seconded and voted to move order **67-13** to First Reading at the August 13 meeting of the Council.
(Unanimous)

68-13 Authorize Amendments to Personnel Policy [Blanck]

Chair Blanck explained that this order is needed due to the Affordable Care Act provisions. He said if a person is employed for more than 120 days and works more than 30 hours per week the town would be required to provide health care insurance.

Pam Slattery-Thomas questioned if prorated insurance benefits would be available to employees.

Chair Blanck said that temporary or seasonal employees are not offered insurance. He went on to say that we're not changing our policy we're doing this amendment to protect ourselves. If someone was to work more than 30 hours in a 120 day period per year and we did not provide insurance we could be subject to a \$2,000 fine.

Dan Kasprzyk questioned how many would have been affected by this policy change.

Chair Blanck said that the only case that may be involved is a public works temporary snowplow driver.

69-13 Town Council and Town Councilor Chair Appointments [Blanck]

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

Councilor Stack asked if these were on the website.

The Clerk questioned if he meant the sub committees, she said that they were.

Moved by Sargent seconded Olson to add that the name Lester Ordway that will replace the name of Steve Nesbitt; and the Bruce Smith will be added to serve as an Appeals Board member through June 2016.

Councilor Stack questioned if it was appropriate for Bruce Smith's name to be on this order.

The Clerk said that there are other Council appointments on the order.

Moved by Sargent seconded Thompson and voted to add the name Lester Ordway to replace then name Steve Nesbitt on the Lakes Region Comprehensive Plan Design Committee; and the Bruce Smith will be added to serve as an Appeals Board member through June 2016. (Unanimous)

Dan Kasprzyk questioned if a two or three year term was allowed.

The Clerk explained that the Appeals Board is a three-year term in this case. What he is remembering is that the Council has the authority to appoint to vacant elected seats until the next municipal election.

VOTE ON ORDER AS AMENDED: 5 Yeas

70-13 Award Bid and Authorize Contract for Construction for Services to Construct an Expansion to the Public Works Garage [Pomerleau]

Roger Mosley the Director of Public Works explained that expansion plan was bid last year, but the referendum failed. The referendum went back to the voters this year and passed. He said that they looked at the bids that had received last year; they contacted the low bidder to see if they were still interested in the work. He said that there have been a couple of weeks of negotiations that have been just finalized. Before you tonight you have the revised proposal, Benchmark will honor the same amount as a year ago. He said the bid amount is \$239,390, the referendum package was \$230,000, what we've done is negotiate the proposed alternates on the second page. The town will perform the site work which includes removing the asphalt and digging the foundation hole. This will bring the costs down to \$228,890. The recommendation would be to award the bid to Benchmark at a cost not to exceed \$230,000.

Dan Kasprzyk questioned that the bids being used from last year, it was his opinion that costs vary from year to year and that the Charter requires a bid process; and he notes that there was a discrepancy of \$50,000 in last year's referendum.

Roger Mosley said that early in the year, at a Capital Improvements Committee meeting, the topic of using past bids was discussed. The town manager at that point contacted legal counsel who said that they were still valid bids. From there we talked to the low bidder and who is honoring the numbers of last year. He said that he was unsure what he was talking about in regards to the \$50,000.

Dan Kasprzyk said that in the first referendum there was a \$50,000 difference between now and then. He said that he heard at a Council meeting it was an accounting error.

Roger Mosley said that last year's referendum listed it at \$170,000 in error it did not account for \$40,000 that was

in reserve. This year's referendum called for \$230,000, \$40,000 is the reserve, \$190,000 is the bonded amount. Last year we actually had \$210,000 for the package. The bid came in at \$240,000 so we knew that we had to remove some items. The town doing the site work and removing some other items got it down to the \$210,000. Not wanting to remove items such as the air conditioning, generator and other items came out of capital, bringing it to the \$230,000.

Dan Kasprzyk asked if they spoke to any of the other bidders to see if they would adjust their bid.

Roger Mosley said that the low bidder was the winning bidder; he wanted to be considered so they didn't go beyond that.

Chair Blanck said that often change orders are done once the bidder is selected.

Dan Kasprzyk said that he appreciated the explanation, but still believes that it should have been re-bid.

Moved by Olson seconded by Sargent and voted to amend the order to include Benchmark as the successful bidder at a cost not to exceed \$230,000. (Unanimous)

VOTE ON ORDER AS AMENDED: 5 Years

71-13 Award Bid and Authorize Contract for Thermal Imaging Cameras and Accept Federal Grant Funds [Pomerleau]

Fire Chief, Brent Libby explained we budgeted for \$12,000 for the purchase of one camera pending the submission of a FEMA grant. We were awarded the grant and conducted the bid process, there were four bidders, Fire Tech and Safety carries the type of camera that we already have in our fleet. The federal government will allot \$9,000 per camera making the federal share \$42,750 and our share \$8,155 which will come out of the capital money of \$12,000.

Chair Blanck noted that we will be getting five cameras and retiring three. He said Brent showed them what the camera can do and it's pretty amazing.

VOTE: 5 years

72-13 Waive Bid Process for Purchase of Public Works Truck [Pomerleau]

Roger Mosley explained that in the Chevrolet 2014 model year they are pulling the extended cab pickup off the assembly line. They are being revamped and will come out as 2015's. Staying with the extended cab works for the department, with that in mind they had to find one that was already built. They found one at Pape Chevrolet, but also contacted Quirt and Bill Dodge. He said that tonight you have three proposals; the one from Pape is almost exactly what they wanted. The Bill Dodge bids both cost more and don't quite meet the specs. Quirk Chevrolet in a 400 mile radius could only find the vehicle at Pape to meet the bid specs.

Councilor Olson said that in her mind due to outstanding the diligence of the process, while the bid process was adjusted, the spirit of the town's bid process was upheld.

Councilor Sargent said that in the budget we allocated \$40,000 for the truck, so this is a considerable savings. Many thanks to Roger for a good job.

Roger Mosley said that there are still things such as strobes and back-up alarm and other items that are needed.

Moved by Stack seconded by Olson and voted to amend the order by adding the name Pape Chevrolet at a cost not to exceed \$33,246.50. (Unanimous)

VOTED ON ORDER AS AMENDED: 5 Years

73-13 Authorize Sale of Tax Acquired Property to Previous Owners and Authorize Finance Director to Issue Quit Claim Deeds on Previously Tax Acquired Properties [Spencer]

Moved by Stack seconded by Tompson and voted to amend the third paragraph as follows:

WHEREAS, the owners ~~will pay~~ have paid all taxes (past and current, including just value for current year not assessed), lien fees and accumulated interest, and (Unanimous)

VOTE ON ORDER AS AMENDED: 5 Yeas

74-13 Council Order to Acknowledge Vote of June 15, 2013 Annual Town Meeting [Blanck]

Chair Blanck said that this is a housekeeping matter.

VOTE: 5 Yeas

PUBLIC ITEMS

There were no public comments.

ANNOUNCEMENTS

Upcoming meetings were announced.

Councilor Stack asked school board member Dan Kasprzyk to look into what the school was going to do with the funds that the legislature is ~~tuning~~ turning back to the schools that was originally a portion of the teacher's pensions that were laid on the towns to pay. He thought that some of this funding windfall should be passed back to the towns.

Dan Kasprzyk said that he only was aware of he has heard on the news. He asked that Councilor Stack email him the information and he would pass it in to the board.

Chair Blanck asked for future update on this matter.

Dan Kasprzyk thanked Roger Mosley for his updates regarding the bids.

EXECUTIVE SESSION

Moved by Blanck seconded by and voted to move in to an Executive Session for the discussion of a real estate matter as provided under 1 M.R.S.A §405 (6) (C).

Moved seconded and voted to allow Acting Town Manager, Roger Mosley; Scott Hanson; and Finance Director, Scott Gesualdi to attend the Executive Session. (Unanimous)

Chair Blanck announced that no Council action will take place after the Executive Session.

ADJOURN

Moved seconded and voted to arise from the Executive Session. The Council arose from the Executive Session at 9:35 p.m. by unanimous consent and the meeting adjourned.

Submitted by: _____
Clerk/secretary