

# Standish Town Hall

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## Town Council Meeting Minutes 1/28/2014

**MINUTES  
SPECIAL TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, JANUARY 28, 2014  
STANDISH MUNICIPAL CENTER  
7:00 P.M.**

### **CALL TO ORDER**

The meeting was called to order by Chair Blanck 10:05 p.m. and the Pledge of Allegiance was recited.

### **ROLL CALL**

Councilors present: Blanck, ~~Pomerleau~~ Olson, Sargent, Stack and Thompson.

Councilors excused: Pomerleau and Spencer.

### **NEW BUSINESS**

#### **4-14 Reconsider Order 2-14 Which Approved the Warrant for Special Town Meeting to be Held on February 11, 2014 [Blanck]**

Chair Blanck said as mentioned in the workshop the warrant for the Special Town Meeting included a credit enhancement agreement, it was decided that the TIF would not include a credit enhancement agreement so the Special Town Meeting is not needed.

Daniel Kasprzyk of Steep Falls thanked the Council for holding the workshop which was extremely informative. He noted that he came tonight with a list questions compiled from others, noting that many of the questions were answered at the hearing.

Councilor Olson said that persons can call the Council or Town Office directly rather than filtering their questions through him.

Daniel Kasprzyk said that he tells people that.

Councilor Sargent said that after they spoke last week he suggested that he call Gordy about this. Council Sargent said that he followed up with Gordy and you never called him.

Daniel Kasprzyk said that he talked with Michael Blanck the sponsor of the order and got the information that he needed.

Councilor Sargent reiterated that the public can ask questions directly, they don't have to go through Dan.

Dan Kasprzyk explained that he receives called from many people who say that they are afraid to talk to the Council. He said that he wasn't going to say anything but you brought it up. He said that some folks have said that they're afraid of retribution.

Chair Blanck requested that they stay on topic.

Daniel Kasprzyk said that he counted about 85 people at the workshop, he noted that it must have been pretty important for 85 people to attend. He went on to say that he would speak to the process and transparency regarding the TIF District in Standish. He said that at this time he was neither for nor against the TIF District. He said that orders 2-14 and 3-14 were approved on January 14. These orders approved the warrant and called for the public hearing. He said that he asked at that meeting if there would be any additional hearings and he was told that there would be none. He said that when he voiced disapproval of only one hearing regarding this complex matter.

He also stated that people should have time to absorb the information prior to voting. At that time the Council agreed to have the workshop that was held earlier this evening. He said that on Friday January 24 he heard from a concerned citizen that the Council had scheduled a special meeting tonight to reconsider order 2-14. He said that he was surprised that the Town Manager and Town Council would even consider such a change as this to eliminating the residents right to vote on a 30-year town commitment is unconscionable to him. He said that the Charter establishes a Budget Committee, Capital Planning Committee, a Planning Board. He said that the Town Charter recognizes a requirement of a referendum vote for capital expenditures of over \$75,000. He went on to say that the establishment of a TIF district as proposed by the Council costs of approximately \$16,942,000. He said that the plan is outlined in the application. He said in reviewing the application and from information gathered at the workshop, here are his observations: The TIF District will decrease funding to our schools due to the tax sheltering.

Chair Blanck said that this order is whether we will reconsider the vote taken at the last meeting. He went on to explain that we don't need the Special Town Meeting since we're not including the credit enhancement agreement. He said that we're not here to talk about the TIF tonight, at the February 11 meeting there will be opportunity to speak about the TIF.

Daniel Kasprzyk said that the vote that you're discussion specifically talks about a vote on February 11.

Chair Blanck said that the only reason that there was a need of a Special Town Meeting was because of the credit enhancement agreement which is not part of our application, so the Special Town Meeting is not necessary.

Daniel Kasprzyk said so the order that you're reconsidering does not have a Town Meeting to create a municipal TIF?

Chair Blanck explained that a new order will be introduced to create the TIF.

Daniel Kasprzyk said explain where that is written in the in the Town Meeting. He said that he was having difficulty understanding.

Gordon Billington explained that the last sentence of the warrant described the credit enhancement agreement. He said that the warrant was published in error. He said that under state law the Town Council approves the TIF if it doesn't include credit enhancement agreements.

Daniel Kasprzyk said that you're saying that we're voting to reconsider having the Town Meeting.

Chair Blanck said that were not including a credit enhancement agreement so we don't need to have a Special Town Meeting, it will be considered at the February 11 Town Council Meeting.

Daniel Kasprzyk said so he's clear, on February 11 there will be a Public Hearing, then there will be a Town Council meeting.

Chair Blanck said that there will be a Public Hearing which will be open discussion and the Council will vote on it.

Daniel Kasprzyk said that the Town Council will vote on it not the citizens as originally written.

Council Blanck said that it was originally written as a Town Meeting because it had a credit enhancement agreement. The credit enhancement agreement says that some or all of the taxes collect in the TIF District can be given to a developer. That will not be used in our case it will just be used for infrastructure and things like that so there is no need for the credit enhancement. So there is no need for a Special Town Meeting the business can be handled at a Town Council Meeting.

Daniel Kasprzyk said just so he's got this right, because he'll be asked this question again, you're going to have a vote to reconsider not having a Town Meeting. A Town Meeting that has been posted in the Portland Press Herald and other papers where the citizens were going to be allowed to vote. Part of that discussion would have been the credit enhancement agreement, also included would have been the approval of a municipal TIF, he questioned if he was correct on that. Currently, if this meeting was not going to occur and he came here on February 11 would there be a vote to create a municipal TIF for the citizens to vote on?

Chair Blanck said that the citizens will not vote on it, but they will have every opportunity for input, the Council will vote on it. As far as the publication in the media for the Town Meeting there is adequate time to publish that there

will not be a meeting. He explained that a draft of the ad has been reviewed by the Town Council.

Daniel Kasprzyk said that he just wanted to be perfectly clear, he saw in the Portland Press Herald a post for a Special Town Meeting February 11, he's also seen a warrant for a TIF District, but there's going to be a new process. Currently, what he's seen until today, is he correct?

Chair Blanck said that he was correct, but that's what we're voting on tonight, to rescind the previous order.

Daniel Kasprzyk said and do it with a Council order and the voters will not have a vote on creating a municipal TIF District as it is currently written in the paper today.

Chair Blanck explained that another notice will be put in the paper announcing that the Town Meeting is not required. He continued and said that when the TIF order comes before the Council it's like any other Council order that we vote on there will be public input.

Dan Kasprzyk said that he wanted to make something clear, the warrant the he's read that's posted on the town website, states that it designates the TIF District and adopts the development program. He said that was article 2 and he as a resident of the town was expecting to vote on. He said what he's being told right now is that you're going to reconsider the order to have the Special Town Meeting because you are not going to have the credit enhancement agreement. So you feel that we, are no longer as residents of the Town of Standish, are required to vote and that the vote can be performed by the Town Council.

Chair Blanck said that was correct and our town attorney's has told us this the proper procedure for us to follow.

Gordon Billington said that we have a town charter, not a board of selectmen with Town Meeting form of government for legislation. He said your legislative body is the elected Town Council. He said that the Council has the authority to enter into these agreements and legislate. If we did not have a Council the proper forum would be the Town Meeting approval. In our town, the Town Meeting is for budget approval only.

Dan Kasprzyk said based on that everything he's said is correct. He said that he's read sections of the Town Charter and talked with the state regarding the establishment of a TIF. He said that the State states that you have to have a legislative body approve the TIF. He said does he believe that you're following the law and the Charter, absolutely, does he believe you are doing a great service to the town in respect to letting them be aware of information and meetings in a more timely manner, he said that he's questioning that. He said that he was disappointed even discussing trying to have a Town Council Vote on this. He said that the legislation was clear in the State of Maine that it could be a Town Meeting or a Town Council, he said that you're choosing to potentially do this.

Gordon Billington said that he was in error the Town Council is the legislative body of town.

Daniel Kasprzyk thanked them for the opportunity to speak.

Pam Slattery-Thomas said that she thinks that she understands that it's because you're taking out the incentive, so that makes it so the town doesn't have to vote on it. She asked why you want to take it out.

Chair Blanck said what we're voting on is whether we're having a Town Meeting. The credit enhancement agreement is not required. Since it's not in there the Town Meeting is not required.

Gordon Billington said that it's been out all along, the warrant was published in error. The application before them tonight does not include the credit enhancement agreement, it was an internal mistake. She requested that the Town Councilor's emails be listed on the website.

Councilor Olson said that it is preferred that the communications come through the town due to the Right-to-Know laws. If you want something emailed to them it can be sent to the town hall then forwarded to them.

Chair Blanck said that they are forwarded information all the time.

Pam Slattery-Thomas said that it's one more outlet for communication.

David Call said that they have a thankless job and he appreciated all the work that they do. He said that he also agrees that this is an important issue. He asked Mr. Billington if the Town Council has to vote on this or can it be voted on by the voters?

Gordon Billington said that it would be non-binding because the voters don't have the authority to approve it.

Councilor Stack said that there is an undercurrent as to why we would change from a Town Meeting to a Council vote on this, that we're not going to be sending the school less money and we're going to cut school appropriations. He said it has nothing to do with whether or not the school has sufficient funds to run the school. It has nothing to do with that.

Chair Blanck called the question.

**VOTE ON ORDER TO RECONSIDER: ~~7~~ 5 Yeas**

**2-14 Approve Warrant for Special Town Meeting to be Held on February 11, 2014 Regarding Municipal Development and Tax Increment Financing District #1**

Ordered that the attached warrant for a Special Town Meeting to be held on February 11, 2014 at the Standish Municipal Center at 7:00 pm is hereby approved.

A member of the audience asked is there any reason to come on February 11 since the Council endorses this.

Gordon Billington said that it's important to have the public comment.

The audience member said that the public comments don't mean anything if the Town Council wants it

Chair Blanck said that in the past he has voted against an order that he supported based on public input. He said that the Town Council does listen.

Chair Olson cited the changes that were made to the Fire Works Ordinance based on public input. She said that your voice is important.

Chair Blanck said that he anticipates that the Council will vote in favor of the TIF, but he couldn't guarantee it. He said that public comment plays a large role in how they vote.

Councilor Olson confirmed that a no vote would turn down the warrant.

Chair Blanck said that if it is a no vote we will not have a Special Town Meeting.

**VOTE: 5 Nays – Blanck, Olson, Sargent, Stack, and Tompson**

**PUBLIC ITEMS**

There were no public items at this meeting.

**ANNOUNCEMENTS**

Several upcoming meetings were announced.

Councilor Stack said that tomorrow night the Ordinance Committee will meet to discuss the Sebago Lake Village Ordinances, all are welcome to attend.

The Clerk announced that the state has recently provided towns with information regarding the new House of Representative and State Senate districts. The Clerk showed a map of the areas and gave a general over view of the new areas.

**EXECUTIVE SESSION**

An Executive Session was not needed at this meeting.

**ADJOURN**

Moved by Sargent seconded by Tompson and voted to adjourn. The meeting adjourned at 10:40 p.m. by unanimous consent.

Submitted by: \_\_\_\_\_  
Clerk/Secretary

**PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A VIDEO RECORDING OF THE MEETING IS AVAILABLE AT THE TOWN CLERK'S OFFICE  
DURING REGULAR BUSINESS HOURS**