

Town Council Meeting Minutes 4/10/2012

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, APRIL 10, 2012
STANDISH MUNICIPAL CENTER
7:00 P.M.**

CALL TO ORDER

The meeting was called to order by Chair Olson at 7:10 p.m. 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 of the March 13, 2012 meeting were amended to correct two typographical errors on page 7 as follows and then the minutes were adopted as amended:

Gordon Billington explained that we ~~received~~received one bid and a decision was made to allow the Fire Department to use it ~~building~~ for training and then destroy the building. He said that the building was purchased strictly to provide access for the connector road.

PETITIONS AND COMMUNICATIONS

Chair Olson explained that we have received a number of communications relating to an agenda item and they will be presented when the item comes up.

Gordon Billington explained that we also received a petition regarding the sidewalk between Sebago Lake Village and Johnson Field. He read the petition which was signed by each of the 13 property owners on that stretch of road voicing their opposition to the sidewalk being constructed on the south side of Chadbourne Road. A copy of the petition is filed with these minutes

Chair Olson noted that the Sebago Lake Village Design Committee has discussed this matter.

REPORT OF THE TOWN MANAGER

Gordon Billington spoke on the following:

- Two of the Boat Launch ramps are being repaired; shortly all of the ramps will be installed.
- Some MDOT construction projects in Standish will be included in their upcoming work plan. One is a proposed redesign of the White's Bridge / Route 35 intersection. It has been funded, we have not seen any engineering drawings, however they have asked to be notified of utilities or historic structures in the area. He said that he anticipated that it would be a spring project. He said that he thought at that time they will replace the temporary light with a permanent traffic light.
- There is survey work being done between the Sebago Lake Village and Route 237, then up Route 237. We had requested for that stretch of road to be considered for a rebuild due to its deteriorated condition. He said that we had agreed to patch the road if it was put on MDOT's list of priorities. He said the MDOT is doing preliminary survey and engineering work to make the project shovel ready in the event funding becomes available.
- MDOT also has identified a section of Boundary Road near the ledges that they consider to be unsafe. MDOT will put some chevrons in, widen the road, and pave the shoulders to try to make the curve softer. He said that is it uncommon that MDOT would fund a local road project like this.
- National Public Works Day will be held on May 19. Cabela's will hold an all day event honoring local Public Works Departments. The Standish Public Works will be represented at this event.
- On April 24, there will be a public hearing in conjunction with the Council Workshop regarding the design of the sidewalks that will be constructed with funding from a federal grant. The hearing is a requirement of the grant process. The original plan had to be scaled back due to the amount of the federal grant amount that was received.

MSAD 6 – Budget Presentation: Frank Sherburne the Superintendent and Bill Brockman the business manager presented the 2012-2013 school budget to the town. They provided an overview of the process, costs per student, cost centers, anticipated funding requirements, debt service and ways that they are reducing costs. They noted that the complete budget is available on the web at www.bonnyeagle.org.

Councilor Spencer asked why we are having an increase and the Hollis assessment is going down.

Bill Brockman said that the distribution of assessments is based on valuations. The valuations are determined by a formula that is provided by the state. When the valuation is up the share is up – when valuation is down the share goes down. He noted that Hollis' valuation was overstated last year.

Chair Olson questioned the numbers relating to the reduction in the work force.

Frank Sherburne explained that two of the positions are retirements, the rest are layoffs.

Councilor Stack questioned what was the original amount of the number reduced by \$1,366,755 on page 22, what was the original number their budget.

Frank Sherburne said that the amount requested \$2,426,311, the amount approved was \$1,059,556, the reduction was the \$1,366,755.

Councilor Blanck questioned that they were still carrying a closed school that was supposed to be sold.

Frank Sherburne said that there are currently two buildings that are vacant. They have been in the process of disposition, they are working with a group that is interested in taking over the building, they have not been able to close the deal at this time.

Councilor Stack said that it was his understanding that the District will be changed to a Standards Based Education.

Frank Sherburne said that they are moving to a performance based system.

Councilor Stack asked what did they forecast for the increase in costs for this system.

Frank Sherburne said that the most significant costs will be in professional development. There should be no increase in instructional costs. He said that they are working towards a proficiently diploma.

Councilor Pomerleau explained that we cut \$998,000 from our Capital Improvements Program to keep our mil rate down. To see this number come in – it just knocks him to the floor. He said that he didn't know how we could take this number to the voters straight-faced.

Frank Sherburne said that they really put their pencils to this and they tried to carve the best that they could.

Councilor Pomerleau said that we made cuts to keep the mil rate down; he said that we didn't want to – we want to fix our roads and keep our infrastructure up, times are tough and then when we see this, everything that we've worked for goes off to the side.

Councilor Stack said that it was his understanding that the increase in valuation is costing the Town of Standish about .25 on the mil rate. He said that we are looking at about a .55 increase on our mil rate and that's difficult to take. He said that it's tough times here.

PUBLIC HEARINGS

23-12 Application Submitted by James Paquette and Diane York dba Memory Lane Music Hall Located at 35 Blake Road for Renewal of a Pool Room License [Olson]

Chair Olson noted that the inspectors had signed off on the application.

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

VOTE: 6 Yeas

24-12 Application Submitted by Michael Baptista and Elaine Baptista Burnham dba Acres of Wildlife Campground Located at 60 Acres of Wildlife Road for Renewal of a Malt, Spirituous and Vinous Campground License [Olson]

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

VOTE: 6 Yeas

25-12 Application Submitted by James Para dba Standish House of Pizza Located at 35 Ossipee Trail West for Renewal of a Malt Restaurant License (Class IV) [Olson]

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

Chair Olson explained that the Sebago Lake Village Deign Committee met on April 4. Their meetings are now being televised. She noted that the Committee is on target with their timeline.

Chair Olson said that the Economic Development Committee scheduled for April 16 has been cancelled since the 16th is a holiday.

Councilor Sargent said that there is one Budget Committee application that is on the agenda tonight.

Councilor Spencer said that Finance Committee met and reviewed items that are on the agenda this evening.

Councilor Blanck said that the Ordinance Committee met on March 20 to review an ordinance regarding sludge.

Councilor Stack said that the Route 113 Corridor Committee will hold its annual clean-up day on May 5. They will meet at the Inlet Restaurant at 8 a.m.

Councilor Pomerleau expanded on Councilor Stack's statement explaining that towns along the corridor all hold the clean-up day on the same date. He encouraged interested citizens to join them on the 5th to help with the clean-up.

Councilor Stack said that the state bonds will be taken up by the legislature after they finish the budget. It is hoped that there will be a bond for improvements to the Mountain Division Rail Line. He went on to say that, he's involved with the Standish American Legion Post and they operate Bingo night at the Windham Veterans Center on Monday nights at 6:30 p.m.

Councilor Pomerleau explained that the Public Safety Committee has purchased new flags to hang in all three villages. He noted that they purchased the recoil type of flag that requires less maintenance. He said that the Committee continues address speeding issues in Steep Falls.

Councilor Pomerleau noted that the Capital Improvements Committee met to review bids that are on the agenda this evening.

CONSENT CALENDAR

The following orders were explained and voted on collectively.

26-12 Appointment of Ballot/Election Clerks Nominated by the Political Parties [Sargent]

27-12 Approval of Ballot/Election Clerks and Election Warden for the June 12, 2012 Elections [Sargent]

28-12 Announce Additional Hours for Voter Registration and the Issuance of Absentee Ballots Prior to the June 12, 2012 Elections [Olson]

VOTE ON CONSENT ITEMS: 6 Yeas

UNFINISHED BUSINESS

18-12 Disband Standish Beach Committee [Olson]

Moved by Blanck seconded by Spencer to take this item off the table.

Councilor Stack said that the reason that this was set aside last month was due to the lack of us having the MOU signed by the Water District. He said to his knowledge there was not a signed MOU.

Councilor Sargent said that the Water District is meeting on April 23 and it is anticipated that they will discuss it at that time.

Councilor Stack said that he could not predict how the Board of Trustees will vote; until we have the signed MOU we should not

disband the Beach Committee.

Chair Olson called for the vote on taking this item off the table: 0 Yeas – 6 Nays, Blanck, Olson, Pomerleau, Sargent, Spencer and Stack Motion failed – item remained on the table.

21-12 Adopt New Fund Balance Policy [Olson]

The Clerk explained that this item had been tabled and that there was a substitute order for them this evening.

Moved by Spencer seconded by Stack and voted to take this item off the table: 6 Yeas

Moved by Sargent seconded by Spencer and voted to dispense the Clerks reading of the policy. (Unanimous)

Scott Gesualdi the Town's Finance Director explained that the this policy puts the town in line with GASB 54. He noted that the Finance Committee met and made a few changes to the policy, the amount of percentage for the unassigned fund balance has been established at 18.75% and that the policy shall be periodically reviewed by the Finance Committee, Town Manager and Finance Director.

VOTE ON SUBSTITUTE ORDER: 6 Yeas

NEW BUSINESS

Chair Olson offered the suggestion that due to the length of time that may be spent discussing order 29-12 that orders 36-12 and 37-12 be taken out of order.

Moved by Pomerleau seconded by Sargent and voted to take items 36-12 and 37-12 out of order. (Unanimous)

36-12 Resolution Proclaiming May 19, 2012 as Armed Forces Day [Town Council]

Bruce Roubo representing the American Legion explained that this is a celebration for families that have members in the military. He noted that the military families would be presented with a Blue Star Banner honoring the military service member. He said that post will also be honoring all veterans on that day.

VOTE: 6 Yeas

37-12 Authorize Standish American Legion Memorial Post 128 to Hold Charity Toll on Moody Road [Stack]

Councilor Stack explained that this is an annual event that is one of their biggest fundraisers. He said that ever dollar that they raise goes to veterans.

VOTE: 6 Yeas

29-12 Amendment to Standish Town Code, Chapter 181, Part 1 Zoning, §181-7.1 Standish Corner District (Introduction) [Stack]

Councilor Stack explained that he was approached by the owner of a piece of land at Standish Corner, there was a meeting held here with the manager, another Councilor, the Higgins' and Councilor Stack. He said that they thought that the best way to approach the situation up there was to allow drive-through's for businesses in that area. He said that particular site has two curb cuts on Route 25, because of the zoning that was put in place and the two adjacent pieces of property are in different zones makes, it a complicated issue. He said that it appeared to him the best thing to do would be to allow a drive-through for that property and properties throughout the district. He said that it gets tiring going through the corner and seeing nothing happening with that piece of property.

Chair Olson said that since there are so many people that are here this evening for this issue, speakers will be limited to five-minutes of time. Chair Olson noted that there were three items of correspondence on this matter, which she had read into the record. An email from former Town Councilor Cindy Hopkins, a fax from Jess Phelps of Historic New England and a letter from Nancy Smith of GrowSmart Maine. These documents are on file with these minutes.

Isabel Higgins, 215 Bonny Eagle Road, as an owner of the property in question they would like to ask you to amend the new zoning code to allow retail businesses with drive-through's in the town center zone. She explained that they have been trying to sell their property since her father-in-law died in 2004. She said that never in their worst nightmares did they imagine that they would still be at it three developers, two realtor estate agents and eight long years later. She said that recently they dropped the asking price by nearly 50% and changed realtors in an efforts to generate new interest. She said that they were successful, however the developer dropped out after learning that drive-through businesses were not allowed in that zone. She said that they were equally

surprised to learn of this restriction that retail businesses and retail businesses with drive-through's are two separate categories. She said had they been aware of this they would have voiced a strong objection during the code approval process since only businesses that utilize drive-through's have shown interest in the property. She said that their realtor has suggested without a change in the zoning this property will not sell. She said that back in the adoption process they stated publicly that the new code was too complex that they were told that when all is said and done the value of your property will be enhanced. She said imagine their chagrin when their property has been rendered unsellable. She said that some argue that they should look into contract zoning, but that introduces a third and potentially deal breaking level of expense. She went on to say that it would add to the purchase price cost and the cost of improvements required by the MDOT. She said that in today's buyers market, competition from other nearby towns, development costs need to be minimized not maximized. She said that Standish should not become another North Windham, but neither should we allow Standish Corner to remain an economic dead zone. The corner is in desperate need of rejuvenation and the current rule against drive-through's stifles rather than encourages economic development. She said that increased revenues and jobs more than out weigh a slight loss in pedestrian friendliness. She noted that any drive-through would need to be located at the rear of the business; entered through the business driveway any pedestrian on sidewalks would experience very few adverse affects. At worst, they might need to wait for an additional car or two to enter the driveway. She said that for almost ninety years the corner had the ultimate drive-through in the form of a service station. She said that drive-through accommodated 300-400 cars per day without problems or accidents. She said that currently there is a drive-through at the property next door. She asked them to approve this small change to the code.

Kenn Brooks, 469 River Road, has served on many town committees. He questioned when are we going to wakeup and make it so businesses can do something.

Burns Cameron, 35 Bonny Eagle Road, he said as a past Chair of the Standish Historic Commission said that the committee did try to help the Higgins' to get that property settled. He said that he doesn't like the idea of a drive-through in at that location. He said that a lot of people spent a lot of time on the committee. He said that this is a slap in their face.

Garrett VanAtta, 33 Hearthside Road, he said that he has served on many of the village design committees. He said that this started with the Comprehensive Plan, the Village Design Committee, the Village Implementation Committee, this amendment states that the new ordinance was just adopted last June. He said that those processes included public input; the committee included a cross-section of members to include business owners from inside/outside the village, the Recreation Committee, and School Committee. He said that they had kitchen table discussions with property owners including this property. He said that he was not here to talk about that particular parcel or the institution that wants to go in there. He said that he was concerned that they spent thousands of hours in developing the Standish Corner District Proposal. He said that they had public workshops, keypad polling, they talked about what businesses would fit in the town center. He explained that the town main section allows drive-through restaurants; the town center district allows restaurants with outside dining. He said that numerous hours were spent on that topic alone and on their particular properties. He noted that consultants were paid, MRLD, Gorrill-Palmer and GrowSmart, and hundreds and hundreds of hours and a lot of money was paid out to develop this plan. He said that current code was only implemented six-months ago, we're the first town in the state to have a form-based code. He explained that this topic was discussed repeatedly not only in public workshops but committee meetings as well. He said that his concern is this is not about this one property; this amendment will change the entire town center district to allow for drive-through restaurants. He questioned what would be next, would Randall Orchards come and say that they have an offer Wal-Mart, let's put in a Wal-Mart. Let's take the Town Farm property and put in a Home Depot. Everyone knows when there's a Home Depot, Lowes goes in across the street, let's knock down the Marrett House and put in a Lowes. Next thing you know we'll look just like North Windham. He said that the intent of the Village Design Committee was to not end up like that. The town center district of Standish Corner was put in to make it a pedestrian friendly section of town and eliminate most vehicular traffic in and out of those businesses as we could with storefronts that are close to the street. He said that his concern is that three to five years of a lot of people's time has been a waste of time.

He said that if a Councilor brings forth an amendment for every opportunity that comes up, it will change the whole district plan that they put together.

Carol Billington, Vice-chair of the Planning Board, said that she supported Mr. VanAtta's Comments 100%. She pointed out the enormity of the amendment, she said that it seems like a small phrase, but it would really undermine the general master plan. She pointed out that we are in a recession, it started in 2006/07 and Standish Corner is languishing now primarily due to the recession. She said that real estate isn't moving anywhere and that can't be blamed on the code. She noted that the Route 25/35 intersection is considered by MDOT to be an 'F' rated intersection. She said that we call it failed, but it's an 'F' due to so many traffic problems. She said that if you rezone to allow for drive-through's, many businesses want drive-through's because they think the world is supported by the vehicle and we are trying to make it be something different. If you can imagine that the four parcels around the corner all had businesses with drive-through's on a failed intersection we would not have accomplished the most fundamental thing that we tried to accomplish and that was to make it safe. She said that in this Village Committee and Sebago Lake Village Committee people don't walk the smallest distance because of the vehicular traffic and the lack of sidewalks. She said that they got the sidewalks in large measure because of the work that was done with the Comp Plan and following in quick succession through all the studies that we've paid for. The state recognized what was. She said that she didn't think that they would have received the grant if we were not continuing to make those intersections safe for pedestrians. She said that she would like to mention that we do have the ability of contract zoning. She said that we do have the ability to rezone a parcel and not have to rezone the entire area. She said that it would add expense to the project, but if this a large business they are very used to dealing with towns that have contract zoning. She said that she rejects the idea that if they really want to be here that they wouldn't spend the extra engineering dollars for a peer review to take a hard look. She said that contract zoning has standards, one of which is the proposed business has to insure benefit to the town not just to one landowner. There is no guarantee that it would go through, but contract zoning will allow the Higgins and the potential buyer a way to look at this.

Steve Nason, 6 Colby Drive, as a long time friend of the Higgins family spoke in support of the of the Higgins families plan for the property noting that when Dick Higgins purchased the property he envisioned providing a service for the town and providing for his family. He said that this property was once the ultimate drive-through, a filling station. He said that the beautiful home is now gone, the family has paid their taxes and served the community well. He said that now the family is stuck with a property that they can't seem to do anything with.

Terrance Christy, 235 Dolloff Road, said that he appreciates the efforts so far, but no law is cast in stone, there are amendments and a review process. Tonight we are having an initial hearing, which if it is killed tonight we will eliminate the process. He as a citizen has a right for this to go through the process. He recommended that they send this to the Ordinance Committee to go through the town's process.

Patty Guenther, East Eleanor Ave, said that it's eyesore to see the town like that. She said that she hears how wonderful that it's going to be, but these people can't do anything with the property due to the stipulations. If people want this beautiful village with sidewalks and not be as business friendly as she thought we should be, she said that maybe the town should purchase the property.

Eleanor Dudek, 24 Bonny Eagle Road, said that she wanted to caution them that you could be setting quite a precedence, if there's a McDonalds there, would she be able to come back say that they can't sell their property. She noted the Dick Higgins didn't purchase the property he had inherited the property and passed it to his son. In addition, some of the big beams from the house got sent up state, but much of the building was stored in the barn and burnt.

Carolyn Biegel, 141 Ossipee Trail, said that she chaired the committee; she said that they all knew that coming up with zoning language would be controversial. She noted that the committee was comprised of a variety of people who all had a stake or interest in the zone. She said that one of the main goals of the committee was to not to reduce anybody's property value. She said that what they learned through the Comprehensive Plan process was that if they want to make businesses thrive in Standish we have to have population density to make that happen. Now, much of the population density takes place away from the village center which is expensive for the town when providing services. Part of the whole economic feasibility of having the density brought to the village centers is that you don't have that continued outlying expense. One of the major purposes of the ordinance was to create businesses being compatible with residential dwellings. She noted that the renovation of the Masonic Building was a prime example, where at that location there is a business on the first and second floors and a residence on the third floor. She said at the time they were looking at this what was allowed by the current ordinance was a maximum of 2,000 square feet retail space.

Everyone thought that was not enough for businesses to come and thrive. The committee through a lot of discussion said that it would be increased to a 5,000 square feet maximum footprint, but you can build up. In addition, there is no 50 foot setback, parking requirements have changed and lot sizes are smaller. She said does that allow everyone to do what they want to with their property, no, but it gives more options. She noted that the code is written so that it's very predictable and you don't lose property value. She said as an analogy she noted that the State of Maine has shoreland zoning requirements that provide that expansion to a property takes place in a certain way. The whole intent is to protect the common asset. She said that's what the committee was after – to protect the common assets in Standish.

Jennifer Blake, 23 Deer Hill North, said that finds it ironic that the Town Councilor that brought this forward, said that it's tiring going through the corner seeing nothing going on with that property just learned today that the barn at the Higgins property was burned down. She said that he doesn't go through the village or see the property.

Cheryl Cameron, 35 Bonny Eagle Road, said that she feels terrible about what the Higgins' have gone through trying to sell the property. She said that there are many other people in town that have economic problems because of the recession. She said that we all need to be patient and look forward to a better future. She went on to say the since she lives in that area she worries about traffic and MDOT status of the intersection.

Ray Staples, Jr., 45 Emery Road, said that he has heard a lot of emotion here tonight, he said that Mr. Christy said it best, this needs to go through the due process.

Richard Rudolph, River Road, said that he was surprised to learn about this proposed change to the ordinance since it only just was voted on in June of last year. He said that it needed to be given a chance. He said that one way out of the problem would be for the town to buy the property and put in a park. He said many have said that this should be turned over to the Ordinance Committee; he said that he had a problem with that. It was his opinion that the person that submitted this amendment is on the Committee and he thought that was a conflict. He said that that Town Council should take a stand on this once and for all. He noted that he served on the Comprehensive Plan Committee and followed the work of the Design Committee; he thought that they needed to give the ordinance on the books a chance. He said that taxpayer dollars were spent, the town was written up as an example on how other towns planning should be done in other towns around the state. He said that there is no emergency here the Higgins can probably sell it to someone else. To make this change based on one person's needs or interest is not the way to go.

Elizabeth Perry, 30 Richville Road, she said that she did not agree with Terry Christy, she wanted to ask them to vote no on this item tonight.

Richard Green, 12 Mountain View Lane, asked that this moves forward so they can come back and discuss this further. He noted that he was in support of the drive-through.

Jim Sturgis, 304 Bonny Eagle Road, said that he was for flexibility and compromise, this should continue forward to put this property to work.

Reggie Butts, the current broker that's handling the property for the Higgins, said that at one time, there was a developer that would build to town specs, one of the tenants in the proposed build would have been a bank. He went on to say that there is not a bank that would go in anywhere without a drive-through. To get a retail store to go in there would be difficult they would not be able to pay the price for the property. He said that the issue that the developer had with the contract zoning was that the town says that there has to be something given to the town that is substantial, but exactly what is the substantial amount. He suggested that the Council comes up with a number for the contract zoning assessment amount.

John Majkut, 40 Libby Pines Road, said he only heard about this complicated issue about a week ago. He said that everyone wants the same thing—what's best for the town. He said that he thought that a drive-through would be a bit of a nightmare for the downtown area. He said that the amendment was brought forward with the best of intentions, but he thought that it was a really bad idea. He asked that the Council vote this down town tonight. He said that he'd love to see the town buy the property.

Melissa Majkut, 40 Libby Pines Road, she said that she was heartbroken when the first Historic District disintegrated, she said that she was very excited when she heard all the good news about the GrowSmart plan. She said that if we start developing the village when we haven't given the Comprehensive Plan a chance to take root we can't go back.

Pam Slattery Thomas, 44 Thomas Road, urged them to vote no on this tonight.

Todd Delaney, 115 Spear Road, that since the old buildings are no longer on the lot, this is no longer a historical place. He said that he would encourage the Council to recommend this go on to discuss it further. His real reason he was sitting in the back of the room was because he wanted to thank the Council for appointing him to the School Board. He said that he will support the school budget as submitted, even though he's here talking about property that can bring in taxes. He said that they have to find resources to lighten the tax load.

Paul Thompson, Cram Road, said that this should move forward so it can be discussed. He said that the formed-based code has an appeal process.

Richard Brown, 119 Bonny Eagle Road, he said that buildings are built today that really look nice and they will meet the codes of the town. He said that they have to look at the jobs that new businesses would create for the youth of our said town. He said that at the bottom line it's that the Higgins are taking the financial hit and he thought that they should move in their favor.

Isabel Higgins that it took them several years to accomplish what their primary purpose was, and that was to save the house. She said that they tried to keep it local, but it didn't work out. They did find someone that could dismantle it, wainscoting and all, package and transport it to the Rockland area to be restored as a house. The house was saved. She said that they need to move forward with what will be good for the town; she said that we need businesses to broaden the tax base. She said that the need to find a way to develop the linchpin property in the village.

Kenn Brooks said that three generations ago when the town needed a place to store fire trucks the Higgins barn was used.

Councilor Pomerleau appreciated everyone turning out tonight. He said that we do have a process and that's to move it to Ordinance Committee. He said that someone said that the sponsor of the amendment is on the Ordinance Committee and there would be bias. He said that's not true because there are three members and often the whole Council will sit in on a Committee meeting. He said due process is why we have an Ordinance Committee. He said that he would like to see this moved to Ordinance Committee.

Councilor Blanck said that he's heard a lot of convincing arguments on both sides, he said that the most swaying one was Mr. Christy's. He said that would like to see it move to Ordinance Committee to get more input.

Councilor Sargent said that we have a process and we should go through it. He said that we have so much civic involvement we should move it to Ordinance Committee.

Councilor Spencer said that she would also support a workshop to discuss this matter.

Moved by Pomerleau seconded by Sargent and Voted to move this item to Ordinance Committee. (Unanimous)

Richard Rudolph repeated what he had earlier stated that he thought that the sponsor of this order should recuse himself from the Ordinance Committee for this issue; otherwise there is a conflict of interest.

Chair Olson said since there is no financial gain, let's let the process run its course.

30-12 Emergency Amendment to Standish Town Code, Chapter 158, Hazardous and Special Wastes; and Chapter 233, Sewers; Multiple Sections Regarding Standish Special Review Board [Blanck]

Moved by Blanck seconded by Pomerleau and voted to dispense with the Clerks reading of the order. (Unanimous)

Councilor Blanck noted that the first order is an emergency amendment and the second order is the standard order. The reason for the emergency order is that it is needed for the spring planting season. At the last Ordinance Committee meeting, we met with Bill Michaud who works with New England Organics who represents a residual material product from a pulp mill that has received Maine DEP program license as opposed to a site-specific license. He explained that site-specific licenses require the DEP and the Standish Sludge Board to review each application. A program license once approved by the DEP gives permission to use a product for general use without going through the site review process. The application for this process is regulated under Chapter 233 of the Standish Town Code, at present; the application of this product would require a site-specific review by the Sludge Review Board.

This order would eliminate the requirement that a product would be reviewed by Sludge Review Board if Maine DEP has granted a program license. The only requirement is that the applicant submits to the Standish CEO evidence of a DEP license for general distribution. This order also changes the approval process for site-specific application to be reviewed by the Planning Board rather than the Sludge Review Board, which at this time doesn't have any members. He noted that the Council was provided with an email from the Portland Water District stating that they have no objection to the use of this product. A copy of the email is on file with these minutes. He explained that Mr. Michaud was at the meeting to answer any questions.

VOTE: 6 Yeas

31-12 Amendment to Standish Town Code, Chapter 158, Hazardous and Special Wastes; and Chapter 233, Sewers; Multiple Sections Regarding Standish Special Review Board (Introduction) [Blanck]

Moved by Pomerleau seconded by Blanck and voted to dispense with the Clerks reading of the order. (Unanimous)

Councilor Blanck explained that this allows for the standard approval process for the ordinance.

Councilor Blanck read an excerpt of the email from Portland Water District which said that the District was in support of the use of residuals in accordance with state regulations.

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

32-12 Town of Standish Town Council Order Authorizing Tax Anticipation Borrowing [Spencer]

Moved by Spencer seconded by Pomerleau and voted to dispense with the Clerks reading of the order. (Unanimous)

Councilor Spencer explained that we need to take a tax anticipation note from April 16 to May 16 to provide for cash flow until the tax payments start coming in.

Councilor Stack said that if we were in a situation where we didn't need a tax anticipation note we would have substantially higher fund balance at this time. That would also entail a substantial increase in taxes.

VOTE: 6 Yeas

33-12 Forward Fiscal Year 2013 Municipal Budget to Budget Committee [Spencer]

Councilor Spencer said that this is the standard order to pass the budget on to the Budget Committee once the Council has completed their deliberations. She noted that the Budget Committee has set-up meetings for April 11 and 17 at 6 p.m.

Town Manager, Gordon Billington, explained that the health insurance carrier has come in lower premium. He said that he has provided updated pages for the budget and noted that an amendment to reduce the budget would be in order.

Moved by Spencer seconded by Pomerleau and voted to reduce the employees benefits for insurance by \$37,758. (Unanimous)

Councilor Stack said that we are including in the revenues \$350,000 to come from surplus.

Chair Olson said that had been done previously.

VOTE ON ORDER AS AMENDED: 6 Yeas

34-12 Clarify Articles of Municipal Referenda [Stack]

Councilor Stack said that previously we were presented with referendum that had the approval and bonding of the item in the same article. This order would separate the approval of the item and have a separate question for the bonding of the items. He said that the reason that he brought this forward was that a couple of years ago one of the items on referendum was turned down, he said that he was told by the manager that the item was approved and the only thing that was turned down was the bonding. He said that he's tried for the last couple of years to bring clarity to these articles and he believed that this order will do that.

Chair Olson said that we did go the town's attorney on this matter and the attorney's recommendation which is on file at the town offices.

Councilor Blanck said that the way the referendum questions are worded is the approval of the expenditure and bonding as one question. He said that he would go with the attorney's opinion.

Councilor Stack that he would agree that he would like to have a statement from somewhere that says if a referendum article is turned down then the article is turned down.

VOTE: 1 Yea – 5 Nays, Blanck, Olson, Pomerleau, Sargent, and Spencer

35-12 Waive No-Parking Restriction on Saco Road for Bonny Eagle Car Show [Olson]

Moved by Spencer seconded by Blanck to dispense with the Clerks reading of the order. (Unanimous)

VOTE: 6 Yeas

38-12 Award Bid and Authorize Contract for Fire Department Turnout Gear Washer / Extractor and Dryer [Pomerleau]

Councilor Pomerleau explained that this is high-tech equipment to launder fire department gear. He noted at this time we are currently take our gear to Gorham to use their equipment. He said that this was the low bid.

Councilor Blanck noted that some towns may use our new equipment for a fee.

VOTE: 6 Yeas

39-12 Award Bid and Authorized Snow Plowing Contract - Route 1 [Pomerleau]

Councilor Pomerleau explained that there was one bidder for the contract, and that company has held the contract for a number of years and they have done a terrific job.

VOTE: 6 Yeas

40-12 Award Bid and Authorized Snow Plowing - Route 2 [Pomerleau]

Councilor Pomerleau explained that there was one bidder for the contract, and that company has held the contract for a number of years and they have done a terrific job.

VOTE: 6 Yeas

41-12 Acceptance of Street Name – Old Quarry Lane [Olson]

VOTE: 6 Yeas

42-12 Approve Maine Department of Transportation Project Requests [Pomerleau]

Councilor Pomerleau said that every year we go through this process; it's our wish list for MaineDOT. He said that back-up materials do show a proposed sidewalk on the south side of the road, neighbors would like it constructed on the north side.

Chair Olson said that with the petition from the neighbors we can instruct the Town Manager to inform MDOT of their request.

Edward Lane, Chadbourne Road, asked the Council to consider amending the MDOT document to have the sidewalk constructed on the north side of Chadbourne Road. He noted that the petition that was submitted was signed by every resident from Johnson Field to the corner.

Chair Olson asked if the amendment could be made.

Gordon Billington said that the document could be amended.

Councilor Sargent questioned the reason for putting the sidewalk on the north side.

Edward Lane said that the residents would prefer that the sidewalk be constructed on the north side. In addition, the Mountain Division Trail proposed connection would be built on the north side.

Jeff Diemumegard, of 19 Chadbourne Road, noted that some neighbors were unable to attend the meeting tonight, however all signed the petition. He cited privacy, safety and fewer costs that would be involved building the sidewalk on the north side. He said that he'd appreciate it if they moved it to the north side.

John Bisesti, owner of 9 and 15 Chadbourne Road, he wanted to let them know if they build the sidewalk on the south side they will be dealing with water lines, culverts, telephone and underground cables.

Robert Stack, 12 School Street, said that there have been a number of accidents at the intersection of Route 114 and School Street. He said that this is a high accident zone as determined by the state. He encouraged them to construct the sidewalk on the north side.

Moved by Stack seconded by Blanck and voted to amend the Transportation Project Requests for 2014 – 2015 to change the proposed sidewalk on the south side of Chadbourne Road to the north side. (Unanimous)

VOTE ON ORDER AS AMENDED: 6 Yeas

43-12 Authorize Maine Department of Transportation to Exceed the Weight Limit on Certain Roads During the Road Construction Project on Route 35 [Olson]

Move by Sargent seconded by Blanck and voted to dispense with the Clerk's reading of the order.

Chair Olson said that this would allow trucks used in the construction project to exceed weigh limits.

Kenn Brooks asked if it included Route 35, he said that if it didn't it should.

VOTE: 6 Yeas

44-12 Call for Annual Municipal Election, Place Referendum Questions on the Ballot, Authorize Warrant and Call for Public Hearing for the June 12, 2012 Annual Municipal Election [Olson]

Moved by Spencer seconded by Sargent and voted to dispense with the Clerk's reading of order.

Councilor Stack wanted assurance if one of these questions was turned down that the appropriation would be turned down.

Gordon Billington said that the Charter requires that you get voter approval to spend over \$75,000. If this is denied by the voters then you cannot expend the funds.

Councilor Stack said then if that happened, if one of these got turned down, then the warrant for the town meeting would be a defective warrant.

The Clerk explained that someone from the floor of the town meeting could make a motion to reduce the amount of an article.

Councilor Stack said that for example if question one is turned down that would make the warrant for the town meeting defective and you would adjust the warrant for the town meeting.

The Clerk said that the amendment to the town meeting warrant would be from the floor. She said that once the warrant is posted no one has the authority to change the warrant. She said that the only way that the warrant can be changed is by the body at the

town meeting. She also noted that we can only reduce the warrant articles.

Councilor Stack said then it would have to be voted down twice.

Gordon Billington said that you would reduce the article by the dollar value of the referendum that was turned down.

Councilor Stack said that it was his understanding that if something was turned down at the Municipal Election it makes the town meeting warrant defective.

Gordon Billington said that we'll get a legal opinion on that and you'll have an opinion before the town meeting warrant is executed.

Councilor Stack said then the voter would have to vote the item down twice.

The Clerk said it was her opinion that if you didn't reduce that dollar value from the town meeting warrant, then you would be raising that money.

VOTE: 5 Yeas – 1 Nay, Stack

45-12 Town Council Appointment to Budget Committee [Sargent]

Councilor Sargent said that we had an individual come in and apply, it's late in the process, however we're lacking in committee members. He said that this person has a banking background; he noted that we have the tapes of all the meetings that she could review. He said that this person is interested and has formerly served on the Recreation Committee. He said that he would like to see this person appointed even though it's late in the process.

Councilor Pomerleau said that he is also on the Appointments Committee and he disagreed that she should be appointed at this time. He said that we're just out of time on this; to bring someone in at this time is not fair to the process. He said that he was hoping that the first meeting would be next week, because the applicant could not review the tapes this weekend. He said that it didn't seem to bother her if she was appointed to the committee at this time or not. He said that he was kind of up in the air; he said that he didn't think we should put people on the committee once the process has started. He said he for one thinks the five members on the committee should handle the process.

Councilor Sargent said that that he'd like to see her appointed, even though it's late in the process.

Chair Olson asked if the applicant would consider taking out nomination papers.

Councilor Sargent thought that she might. He said that she heard the appeal that help was needed, she responded to it. He said that he understands Councilor Pomerleau's concerns, but he'd like to see her appointed. He said that four people have been attending the meetings, a fifth person received the tapes, they haven't been attended the meetings physically either, but they will be part of the process.

Councilor Pomerleau said that that person Chaired the Budget Committee last year. He said that he was supporting this person until he heard that she couldn't get through the tapes. He went on to say that, this is an important committee.

Councilor Stack suggested that we bring this person on board.

Councilor Blanck said a no vote would be very discouraging to get more people on committees.

Councilor Pomerleau agreed that people have been put on boards at the last minute in the past. He said that it wasn't the way it should have gone, because every one of them came in because someone else invited them to take out the papers.

Councilor Stack said that the Budget Committee has nine members, to have a quorum they have to have five members present or they can't conduct business. This sixth person would give them leeway.

Councilor Spencer asked if it was customary that they elect a new chair each year.

Chair Olson said that it can be the same person but they select the Chair each year.

Moved by Sargent seconded by Spencer and voted to add the name of Katherine Post to the order. (Unanimous)

VOTE ON ORDER AS AMENDED: 3 Yeas – 3 Nays, Olson, Pomerleau and Spencer

Order 46-12 Waive Interest Payment on 2012 Taxes was added to the agenda by unanimous consent

Councilor Spencer explained last year a gentlemen came in and paid his taxes. He wrote the wrong amount in words and the bank took the written word rather than the numbers making his taxes under paid. Due to an illness, he moved to a temporary residence and his mail has just caught up with him. They asked that the interest be waived in these circumstances.

VOTE: 6 Yeas

PUBLIC ITEMS

Kenn Brooks spoke about Route 35A.

ANNOUNCEMENTS

Information about nomination papers and the PACE loan program were announced.

EXECUTIVE SESSION

An Executive Session was not needed at this meeting.

ADJOURN

Moved seconded and voted to adjourn. The meeting adjourned at 10:45 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